

ing public institutions and shall take effect immediately.

Passed the House February 18, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 150.

[S. H. B. 155.]

HORTICULTURE.

AN ACT relating to horticulture; amending sections 1, 2, 3, 10, 11, 15, 25, 26 and 27, chapter 166, Laws of 1915, as amended (sections 2839, 2840, 2841, 2848, 2849, 2853, 2863, 2864 and 2865, Remington's Revised Statutes; sections 2707, 2708, 2709, 2716, 2717, 2721, 2731, 2732, 2733, Pierce's Code); section 13, chapter 141, Laws of 1921 (section 2872, Remington's Revised Statutes; section 2737a, Pierce's Code); section 14, chapter 20, Laws of 1941 (section 2849-2e, Remington's Revised Statutes, Supplement 1941), and section 3, chapter 189, Laws of 1941 (section 2867c, Remington's Revised Statutes, Supplement 1941), and repealing section 28, chapter 166, Laws of 1915 (section 2866, Remington's Revised Statutes; section 2734, Pierce's Code).

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

Amendments. SECTION 1. That section 1, chapter 166, Laws of 1915, as amended by section 1, chapter 141, Laws of 1921, section 1, chapter 311, Laws of 1927 and section 1, chapter 148, Laws of 1937 (section 2839, Remington's Revised Statutes; section 2707, Pierce's Code), be amended to read as follows:

Definitions. Section 1. That the term "Director" whenever used in this act shall be held and construed to mean the Director of Agriculture of the State of Washington, and the term "assistant director" and "assistant" shall be held and construed to mean the assistant Director of Agriculture for the Division of Horticulture; and the term "horticultural inspector" and the

term "inspector" wherever used in this act shall be held and construed to mean an inspector of the Department of Agriculture, assigned to the division of horticulture; the term "nursery stock" wherever used in this act shall be held and construed to mean and include fruit trees, fruit tree stock, nut trees, grape vines, fruit bushes, rose bushes, rose stock, forest and ornamental trees and shrubs (both deciduous and evergreen), bulbs, florists' stock, and cuttings, scions and seedlings of fruit or ornamental trees or shrubs and all other fruit bearing plants and parts thereof and plant products for propagation or planting (vegetable plants excluded); the term "infect" and its derivatives "infecting," "infected" and "infection," wherever used in this act, shall be held and construed to mean and include being affected by or infested with the diseases or insect pests to which horticultural plants and products are subject and which are required to be guarded against, controlled, cured, removed, and eradicated as in this act provided; the term "disinfect" and its derivatives shall be held and construed to mean and include cure, removal or eradication of such diseases or pests by cutting and destroying the infected parts, or the application of fungicides or insecticides specified in this act, or such other effective solutions or emulsions as may be discovered by science and specified and described in the bulletins issued by the Director of Agriculture; and the term "person" wherever used in this act shall be held and construed to mean and include individuals, partnerships, associations, joint stock companies and corporations; and the term "agent" wherever used in this act shall be held and construed to mean and include any person acting as agent, salesman, solicitor or representative of any nurseryman or dealer in nursery stock, who is selling from catalogue or from samples only and who makes

Definitions.

no deliveries at the time of solicitation and is representing a person licensed under this act.

Amendments.

SEC. 2. That section 2, chapter 166, Laws of 1915, as amended by section 1, chapter 195, Laws of 1919, by section 2, chapter 141, Laws of 1921 and by section 2, chapter 311, Laws of 1927 (section 2840, Remington's Revised Statutes; section 2708, Pierce's Code), be amended to read as follows:

Duties of Director of Agriculture.

Section 2. The Director of Agriculture shall have the power and it shall be his duty:

Control horticulture.

(a) To exercise a general supervisory and directory control over the horticultural interests of the state.

Disseminate information.

(b) To arrange for and hold meetings for the discussion and dissemination of information as to horticultural subjects and for the demonstration of methods of preventing diseases of and pests injurious to horticultural plants, fruits and vegetables, and of curing and removing the same.

Publish and distribute reports.

(c) To publish and distribute circulars and reports upon horticultural subjects, the pests affecting and the diseases of fruit trees, vines or bushes; ornamental trees or shrubbery, horticultural plants, fruits, vegetables and nursery stock, and the means and methods of controlling, curing, removing, eradicating, and disinfecting for such diseases and pests.

License nurserymen.

(d) To issue licenses to nurserymen and dealers in nursery stock and their agents, salesmen and solicitors and revoke the same for violation of or failure to comply with this act, and to keep in his office a record of all licenses issued, showing the character of the license, name and address of the holder, the date of issue and the date of expiration or revocation.

Furnish estimates annually to county boards.

(e) To furnish to the Board of County Commissioners of each county, annually, on or before September 1, an estimate of the expenses for the ensuing year of inspecting and disinfecting orchards, vineyards, berry farms, vegetable farms and nurseries,

fruit trees, vines or bushes, ornamental trees or shrubbery, horticultural plants, fruit, fruit products, vegetables, and packing houses, warehouses, dry-houses, storerooms, depots, docks and other places where fruits, vegetables or nursery stock are grown, packed, stored, shipped or held for shipment or delivery or offered for sale within said county.

(f) To appoint inspectors to enforce and carry out the provisions of this act, which inspectors may be of two classes, inspectors-at-large and local inspectors: *Provided*, That not more than twenty inspectors-at-large shall be appointed.

Appoint
inspectors.

Number
limited.

(g) The Director may also in his discretion appoint any officer or member of any local fruit protective association to act as inspector, vested with power only to enter premises and inspect orchards and report to the inspector-at-large. Such inspectors shall receive no compensation for services and shall not be required to take the regular examination required of inspector-at-large and local inspectors.

May appoint
local
inspectors.

Serve
without pay.

(h) To make, adopt, issue and publish from time to time, and enforce general rules and regulations governing the grading, packing, and the size and dimensions of commercial containers of fruits, vegetables and nursery stock.

Make rules.

(i) To formulate, promulgate and enforce regulations fixing commercial grades of fruits, vegetables and nursery stock and providing for the inspection of the same for either market or seed purposes, and furnishing of certificates of inspection.

Enforce
grading
rules.

(j) To declare, promulgate and enforce quarantine measures for the protection of any agricultural crop, forest trees, forest products or other products not otherwise protected by law against the ravages of destructive or injurious insects or diseases. To adopt, promulgate and enforce rules and regulations for the inspection, grading and certification of growing crops of agricultural or vegetable

Declare
quarantines.

seed grown in this state and to inspect, grade and certify the same at the request of the grower and to fix and collect fees for such inspection, grading and certification and to pay the fees so collected into the state treasury.

Regulate taking of native plants.

(k) To issue regulations covering the collecting of native plants or parts thereof; to prohibit collecting of such plants where the manner of collecting is destructive or may result in the extermination of that species or variety, in general, or in certain localities.

Powers of assistant director and inspectors.

The Director of Agriculture, and under his direction and control, the Assistant Director and the horticultural inspectors, shall have the power and it shall be their duty:

Enforcement.

(a) To enforce the provisions of this act and all laws relating to horticultural interests.

Inspection for infection.

(b) To inspect orchards, vineyards, berry farms, vegetable farms, nurseries, fruit trees, vines, or bushes, ornamental trees, or shrubbery, horticultural plants, fruits, vegetables, nursery stock and horticultural supplies, and packing houses, dry-houses, warehouses, storerooms, depots, docks, cars, vessels, and other places where fruits, vegetables, or nursery stock are packed, stored, shipped, or held for shipment or delivery or offered for sale, and other property liable to be infected with any disease or pest injurious to horticulture, and to require the disinfection of all such property and premises found to be infected and for that purpose shall have free access to such property and premises at all times.

May require disinfection.

Inspection at request of owner.

(c) To inspect and examine orchards, vineyards, nurseries, berry farms, vegetable farms, fruits, vegetables, nursery stock and all other horticultural plants and products, at the request of the owner thereof for the purpose of discovering the existence of any disease or pest, and to report to the applicant the result of such investigation and prescribe proper remedies.

Report result.

(d) To disinfect orchards, vineyards, berry farms, nurseries, fruit trees, vines and bushes, ornamental trees and shrubbery, horticultural plants, fruits, vegetables and nursery stock and packing houses, dry-houses, warehouses, store-rooms, depots, docks, cars, vessels and other places where nursery stock, fruits, or vegetables are packed, stored or shipped or held for shipment or delivery, or offered for sale, in case the owner or person having the same in charge shall neglect or refuse so to do, after notice; and in case any infected fruit trees, vines or bushes, ornamental trees or shrubbery, horticultural plants, fruits, vegetables or nursery stock, cannot be successfully disinfected to condemn and destroy the same or cause the same to be destroyed.

Disinfect orchards, etc.

May condemn and destroy.

(e) To require all partially infected fruit, vegetable and nursery stock shipments to be sorted and repacked and, in case the owner or person having charge of the same shall neglect or refuse so to do after notice, to condemn and destroy the same, together with all dead nursery stock: *Provided*, That no inspector shall destroy more than ten per cent of any variety of nursery stock in any lot or shipment of fifty or more trees, vines or shrubs without five days' notice to the shipper, during which time the owner or shipper shall have the right to apply to the chief officer of the Division of Horticulture.

Require sorting and repacking.

Limitation.

(f) To issue certificates of inspection to licensed nurserymen and dealers in nursery stock, on stock inspected and approved.

Issue inspection certificates.

(g) To inspect or audit the books of any person during the business hours of any day who grows, sells or deals in nursery stock for the purpose of determining the kind of nursery license he should be required to obtain to be legally licensed.

Audit books of dealers.

SEC. 3. That section 3, chapter 166, Laws of 1915, as amended by section 3, chapter 141, Laws of 1921, section 1, chapter 37, Laws of 1923 and section 1, chapter 27, Laws of 1931 (section 2841, Remington's

Amendments.

Revised Statutes; section 2709, Pierce's Code), be amended to read as follows.

Inspectors-at-large; pay and expenses.

Section 3. Inspectors-at-large may be assigned to duty in one or more counties and transferred from one county to another in the discretion of the Director, and their salaries, compensation and actual and necessary traveling expenses shall be paid by warrants drawn upon the State Treasurer by the State Auditor, upon vouchers signed and verified under oath by such inspectors and counter-signed by the Director or the Assistant Director and/or upon warrants drawn upon a trust fund derived from the certification of fruits and vegetables in the district in which said certification is performed in an amount not to exceed fifty per cent (50%) of the salary as paid by warrants drawn upon the State Treasurer by the Auditor upon vouchers signed and verified under oath by such inspectors and countersigned by the Director or Assistant Director: *Provided, however,* That such inspectors-at-large shall pass an examination by the Director of Agriculture as will prove to his satisfaction that their knowledge and experience qualify them to successfully carry on the work in the district to which they are assigned. In addition to inspectors-at-large whenever a petition is presented to the Board of County Commissioners of any county signed by twenty-five (25) or more persons, each of whom is a resident free-holder and owner of an orchard, berry farm, cultivated cranberry marsh or nursery, within said county stating that certain or all orchards, berry farms, fruit farms, cultivated cranberry marshes, or nurseries or trees or plants of any variety or kind, within the county are infected, and that they desire the help of a local horticultural inspector in combating the infection, said Board of County Commissioners shall by resolution request the appointment and assignment to duty in such county by the Director of Agriculture of such number of local inspectors and for such length of

Must pass examination.

Commissioners may ask for local inspectors.

By resolution.

time as such petition shall specify: *Provided, however,* That such local inspectors shall pass such an examination by the Director of Agriculture as will prove to his satisfaction that their knowledge and experience qualifies them to successfully perform horticultural inspection work. The salaries as fixed by the County Commissioners and actual and necessary traveling expenses, within the county, of all local inspectors shall be paid out of the current expense fund of their respective counties upon vouchers signed and verified under oath by such inspectors and approved by the Director or the Assistant Director and ordered paid by the County Commissioners and the County Auditor shall issue warrants therefor upon the said county fund. If any county for any reason fails to appoint a county horticultural inspector as herein provided or if for any reason the county horticultural inspector is not available, then the nearest inspector available may perform such services, and his compensation and the necessary expenses incurred in the performance of his duty shall be charged against the county where the service is performed, as if he had been appointed by the County Commissioners of said county. All local inspectors shall be under the direction and control of the Director of Agriculture and the Assistant Director. In case any inspector is dismissed from the service or transferred to another place, or to other duties, any qualified inspector or officer of the agricultural department may continue or complete any work or perform any duty initiated by such dismissed or transferred officer.

Examination
of local
inspectors.

Counties to
pay local
inspectors.

Nearest
inspector
may perform
duties.

County shall
compensate.

Director
to control.

SEC. 4. That section 10, chapter 166, Laws of 1915, as amended by section 2½, chapter 195, Laws of 1919, section 1, chapter 108, Laws Extraordinary Session 1925 and section 1, chapter 150, Laws of 1929 (section 2848 of Remington's Revised Statutes; section 2716, Pierce's Code), be amended to read as follows:

Amendments.

Inspector
may condemn
infected
premises.

Serve written
notice.

Specify
time limit.

Officer may
act and
charge to
premises.

Service in
person
whenever
possible.

Service by
mail.

Notice by
posting.

Section 10. In case the officer making the inspection provided for in the preceding section shall find that the premises or property inspected is infected, he shall condemn the same and serve upon the owner or upon the person having possession or charge of said premises or of said property a notice in writing that the same is condemned and ordering the disinfection of any and all thereof which is capable of disinfection and the destruction of such property as is incapable of disinfection, which notice shall describe the premises or property ordered to be disinfected or destroyed with reasonable certainty and shall specify the time within which the same shall be so disinfected or destroyed; and shall give notice that unless the premises or property ordered disinfected or destroyed is disinfected or destroyed as directed, in the manner and within the time specified in said notice, the same will be done by the officer giving the notice and the expense thereof charged against the premises and the owner of said premises or property. In case said premises or property is in the possession or charge of any person upon whom service can be made, the officer making the inspection shall serve a copy of such notice upon such person, and, in case the premises or property is in possession or charge of any other person than the owner thereof, or service cannot be had upon any person in possession or charge thereof, the officer shall serve said notice upon the owner of said premises or property by mailing or telegraphing him a copy thereof, if his home or postoffice address is known to the officer or can with reasonable diligence be ascertained. In case personal service of said notice cannot be had upon any person in possession or charge of said premises or property and the name and address of the owner of such premises or property are not known and cannot with reasonable diligence be ascertained, said notice shall be served by posting the same in a conspicuous place upon the premises

where the property to be disinfected or destroyed is situated, as the case may be. In case the name and postoffice address of the owner are not known and cannot with reasonable diligence be ascertained and in the absence of fraud and gross neglect, service of such notice upon the person in possession or charge of said premises or property shall be construed to be substituted personal service upon the owner, and, in case service of such notice upon a person in possession or charge of such premises or property cannot be had and the name and postoffice address of the owner are not known and cannot with reasonable diligence be ascertained and in the absence of fraud and gross neglect, such posting of the notice upon the premises shall be construed to be constructive personal service upon the owner of such premises or property. Upon the giving of such notice as hereinabove provided it shall become and be the duty of the owner and person having possession or charge of the premises or property described in the notice to, within the time specified in said notice, disinfect said premises or disinfect or destroy said property, as the case may be: *Provided*, That in the case of nursery stock, fruit or vegetables about to be shipped or any shipment thereof, or which is offered for sale, or held for the purpose of delivery upon any shipment or sale thereof, if the officer making the inspection shall find that only a part thereof is so affected that it cannot be successfully disinfected, he shall state in such notice that the owner or person in charge thereof has the privilege of separating the same into two or more of the following classes, to-wit, such as does not need disinfection, such as can be successfully disinfected, and such as cannot be successfully disinfected, and in such case it shall be the duty of the owner and person in charge of such property to, within the time specified in said notice, disinfect such nursery stock, fruit or vegetables as can be successfully disinfected

Service where owner not known.

Posting constructive personal service.

Duty of owner or person served.

Partially condemned shipments may be segregated.

Notice shall state.

Classes.

and destroy such as cannot be successfully disinfected: *And provided further*, That in the case of fruit or vegetables that cannot be successfully disinfected the inspector may grant the owner or person in charge thereof the privilege of using the condemned fruit or vegetables for stock feed or of manufacturing the same into by-products or of shipping the same to a by-product factory and issue a permit in writing so to do, and in such case it shall be unlawful for the person receiving such permit to sell or dispose of such infected fruit without having first manufactured the same into a by-product or shipped the same to a by-product factory, or to divert any such shipment when made, and it shall be unlawful for the consignee of any fruit or vegetables shipped to a by-product factory, to sell or dispose of the same without first manufacturing it into a by-product. It shall be unlawful for any person to ship, deliver, sell, barter, give away or otherwise dispose of or part with the possession of or for any common carrier to transport, any nursery stock, fruit or vegetable which has been found infected and condemned until all of the requirements of said notice and order have been complied with, and permission given in writing so to do by an inspector. It shall be the duty of any common carrier to furnish the nearest horticultural office or horticultural inspector with the name of the consignor of the apples, the place indicated for loading and the date ordered for loading, as soon as possible and at or prior to the time of the issuance of the bill of lading on such car: *Provided, however*, That all apples shipped in bulk or as culls shall be accompanied by a written permit to ship to a by-product factory or by an inspector's written statement that same is free from infection.

Condemned fruit and vegetables may be put to certain uses.

Written permit.

Sale or shipment unlawful without written permission.

Carrier to notify of apple shipments.

Permit for cull apple shipments.

Amendments.

SEC. 5. That section 11, chapter 166, Laws of 1915, as amended by section 4, chapter 311, Laws of 1927, section 2, chapter 27, Laws of 1931 and section 4, chapter 168, Laws of 1935 (section 2849, Reming-

ton's Revised Statutes; section 2717, Pierce's Code), be amended to read as follows:

Section 11. In case the owner or person in charge of any premises or property required to be disinfected or destroyed as in the previous section provided, shall fail or neglect to comply with the notice within the time specified therein, the officer giving the notice shall have the right to enter upon the premises to be destroyed or disinfected or where the personal property required to be disinfected or destroyed is situated and perform the acts required in such notice, or cause the same to be performed at the cost and expense of the owner of such premises or property as the case may be. In the event that the infected property has not been destroyed or properly and adequately sprayed by the owner or lessee within the time fixed in the notice provided for in the preceding sections, and the said officer has not so destroyed or sprayed said property, such property may be declared a public nuisance as provided by law and treated as such. The officer shall keep an accurate account of such cost and expense and the same shall be a lien upon the premises or personal property so disinfected, which lien may be enforced by the methods hereinafter provided. The liens of this section provided for shall in the case of personal property have precedence over all other liens.

Officer may perform acts if owner fails.

May be declared nuisance.

Expense becomes lien.

SEC. 6. That section 14, chapter 20, Laws of 1941 (section 2849-2e, Remington's Revised Statutes Supp. 1941), be amended to read as follows:

Amendments.

Section 14. It shall be illegal for any property owner or lessee to permit the piling or dumping, or for any person or persons to pile or dump any infested product on properties or to pile or dump infested containers where the dumping of the infested products or infested containers might consti-

Dumping infested products or containers unlawful.

tute a menace or source of infestation to growers of horticultural products.

Amendments.

SEC. 7. That section 25, chapter 166, Laws of 1915, as amended by section 12, chapter 311, Laws of 1927 (section 2863, Remington's Revised Statutes; section 2731, Pierce's Code), be amended to read as follows:

Notice of intention to ship.

Section 25. It shall be the duty of every person growing or dealing in nursery stock to notify the Director of Agriculture of his, their or its intention to ship any nursery stock from one point in this state to another or from any point without the state to a point within the state for sale or delivery or for planting or propagation. Such notice shall be made in writing and in duplicate and signed by the person giving the notice and shall show the name and address of both the consignor and consignee, and the name of the person or transportation company from whom the consignee is to receive such goods, and whether such nursery stock has been inspected and approved at the initial point of shipment within this state by a horticultural inspector. Said notice shall be mailed not later than the date of shipment and the duplicate thereof shall be mailed to the horticultural inspector stationed nearest to the point of consignment and all such shipments of nursery stock shall be plainly marked with the contents on the outside of the package.

Contents of notice.

Time of mailing notice.

Shipments plainly marked.

Amendments.

SEC. 8. That section 26, chapter 166, Laws of 1915 (section 2864, Remington's Revised Statutes; section 2732, Pierce's Code), be amended to read as follows:

Inspection of incoming shipments.

Section 26. In event of the shipment into this state from any point without this state of any nursery stock by a person, firm or corporation not licensed to do business in this state as in this act provided, it shall be the duty of the purchaser or person receiving such nursery stock to have the same in-

spected by a horticultural inspector in the same manner as is required upon the delivery of nursery stock sold and delivered by a licensed nurseryman or dealer in nursery stock within this state.

SEC. 9. That section 27, chapter 166, Laws of 1915, as amended by section 9, chapter 141, Laws of 1921 and section 13, chapter 311, Laws of 1927 (section 2865, Remington's Revised Statutes; section 2733, Pierce's Code), be amended to read as follows: Amendments.

Section 27. Upon the arrival at its point of destination of any nursery stock shipped into this state from another state or country or shipped from one point within this state to another, it shall be the duty of the person hauling or trucking, freight agent, express agent or the agent of the persons or transportation company having such shipment in charge for delivery, unless the same is accompanied by a certificate of inspection and approval by a horticultural inspector of this state showing that the same was inspected and approved at the initial point of shipment within this state, to notify the horticultural inspector stationed nearest to the point where said shipment is received, of the receipt of such shipment giving the name of the consignor and consignee and stating that such shipment is ready for inspection and delivery, except that cut flowers, potted plants and greenhouse products which show a general inspection shall be exempt. Said notification may be by telephone or telegraph, or by written notice delivered personally to said inspector or to some person of suitable age and discretion at his residence or office, or by mail addressed to said inspector at his place of residence or at his office; and it shall be unlawful for any such agent or person having such shipment in charge to deliver the same to the consignee or to any other person until the same shall have been inspected by a horticultural inspector: *Provided, however,* That such agent shall not be required to hold such shipment more than forty-eight Carrier shall notify inspector.

Unless certificated.

How notice may be given.

Delivery without inspection unlawful.

Time limit.

(48) hours after notifying the inspector as aforesaid, except in case the notice is given by mail, in which event such shipment shall be held for such period beyond said forty-eight (48) hours as is ordinarily required for the delivery of mail to the address of said inspector: *And provided further*, That no inspection at the point of delivery shall be necessary if the shipment is accompanied by a certificate of a horticultural inspector of this state showing inspection and approval at the initial point of shipment within this state as aforesaid and upon the delivery of such shipment to the consignee, the agent or person making the delivery shall deliver such certificate of inspection to the consignee and retain the duplicate to show his authority for making delivery without inspection. Any nurseryman or dealer in nursery stock within this state may demand the services of an inspector at his place of business or point of shipment during the shipping season by paying such fees as agreed upon by the Director of Agriculture.

Proviso.

Fruit and vegetable shipments entering state.

Duty to notify inspector.

Contents of notice.

Receipt for delivery.

Upon the arrival at its point of destination of any shipment of fruit or vegetables shipped into this state from another state or country, it shall be the duty of the freight agent, express agent or agent or persons or transportation company having such shipment in charge for delivery, to notify the horticultural inspector stationed nearest to the point where said shipment is received, of the receipt of such shipment giving the names of the consignor and consignee, and upon the delivery of such shipment to the consignee or his order, the agent or person making such delivery shall demand and receive from the person to whom such shipment is delivered a receipt therefor showing the name and address of the consignee or his order and the place to which said shipment is to be removed, and shall thereupon mail said receipt to the horticultural inspector stationed nearest to the point where said shipment is received.

SEC. 10. That section 13, chapter 141, Laws of 1921, as amended by section 8, chapter 37, Laws of 1923, section 1, chapter 67, Laws of Extraordinary Session, 1925, and section 5, chapter 27, Laws of 1931 (section 2872, Remington's Revised Statutes, section 2737a, Pierce's Code), be amended to read as follows:

Section 13. The Director of Agriculture, Assistant Director, and inspector-at-large are authorized and empowered to appoint horticultural inspectors upon application of a financially interested party for certificate inspection service or other inspection on certain specified fruits, vegetables, nursery stock or other horticultural products, and such horticultural inspectors are authorized and empowered, to inspect, or inspect, investigate and certify to shippers and other interested parties, the quality, grade and condition of the fruit, vegetables, nursery stock or other horticultural products specified in the application and the cars in which they are loaded. Such inspection and investigation to be made under such rules and regulations as the Director of Agriculture may from time to time prescribe, upon the payment of such reasonable fees to be fixed by the Director as will, as near as may be, cover the cost for the services rendered. Such fees are to be collected by the inspectors-at-large who have charge of such inspection and expended by them to assist in defraying the expenses of the horticultural inspection. Such inspectors-at-large shall be bonded in the sum of three thousand dollars (\$3,000) each running to the State of Washington with a surety approved by the Director conditioned for the faithful handling of these funds for the purpose specified in this act. Said inspector-at-large shall render on or before the tenth day of each month a detailed account to the Director of Agriculture showing the receipts and disbursements for the preceding month. On the thirtieth of June of each year the inspectors-at-large shall ren-

Amendments.

Appointment of inspectors authorized.

Duties of inspectors.

Director to make rules and fix fees.

Collection of fees.

Expenditures.

Bond required.

Report monthly to director.

Report yearly to county commissioners.

Return of surplus contributions.

Contributions by districts.

Failure to pay cause of action.

Prosecutor to sue.

Certificate *prima facie* evidence.

Amendments.

Marking cull potatoes.

der a complete account of the past year's business to the Board of County Commissioners of each county in which such inspection has been made or certificates have been issued in their district, and should there be in excess of the amounts set forth in the following schedule remaining on hand in any horticultural inspection district after all expenses of such inspection or certificate of inspection service have been met, to date, in that district, such amount shall be returned to the contributors to the fund in proportion to the amount of payment made into the fund by each contributor: Districts 1, 2, 3, 6 and 7, each, five thousand dollars (\$5,000); Districts 8, 10 and 11, each, six thousand five hundred dollars (\$6,500), and Districts 4, 5 and 9, each, ten thousand dollars (\$10,000). In case the applicant for such inspection or certificate service shall fail, neglect or refuse, to pay such fee within thirty (30) days after the inspection has been made, it shall be the duty of the Prosecuting Attorney of the county in which the inspection was made to bring action for debt in the name of the inspector-at-large in charge of the inspection on his request. Such certificate so issued shall be received in all the courts of the State of Washington as *prima facie* evidence of the truth of the statement therein contained.

SEC. 11. That section 3, chapter 189, Laws of 1941 (section 2867c, Remington's Revised Statutes, Supp.), be amended to read as follows:

Section 3. It shall be unlawful for any person, firm, association or corporation to offer for sale or have in possession for sale any potatoes not coming within the grades of U. S. No. 2 or better, unless clearly marked with the word "CULL" in large letters not less than two (2) inches in height on the container, or if sold in bulk, by a sign denoting that the potatoes are culls, the letters on such sign to be not less than two (2) inches in height and the sign to be visible to the trade at all times.

SEC. 12. That section 28 of chapter 166, Laws of 1915 (section 2866, Remington's Revised Statutes; section 2734, Pierce's Code), be repealed. Repeals.

Passed the House February 23, 1943.

Passed the Senate March 6, 1943.

Approved by the Governor March 18, 1943.

CHAPTER 151.

[H. B. 189.]

LICENSING OF MOTOR VEHICLE OPERATORS.

AN ACT relating to motor vehicles, the regulation and licensing of operators thereof, and amending section 57, chapter 188, Laws of 1937 (section 6312-57, Remington's Revised Statutes, section 2696-689, Pierce's Code).

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

SECTION 1. That section 57, chapter 188, Laws of 1937 (section 6312-57, Remington's Revised Statutes, section 2696-689, Pierce's Code) be amended to read as follows: Amendments.

Section 57. Vehicle operator's license examination shall be conducted in the manner prescribed by the Director of Licenses upon the following matters: Director to prescribe examination.

1. A physical examination which shall consist of: Physical examination.

(a) Physical infirmities which would impair the ability of the applicant to operate a motor vehicle;

(b) General vision.—This examination shall be conducted with the use of the Snellan Vision Chart or other vision determining device of the same standard. Such test shall be conducted with the naked eye, each separately and with both eyes. In the event that vision is deficient and does not meet the requirements of this chapter but vision has been corrected with the use of glasses, similar examination