

CHAPTER 74

[Senate Bill No. 89]

LOST OR DESTROYED STATE WARRANTS, ETC.--
CONDITIONS ON ISSUE OF DUPLICATE

AN ACT Relating to the state treasurer; making a change in the law relating to lost instruments; and amending section 43.08.066, chapter 8, Laws of 1965 as last amended by section 1, chapter 54, Laws of 1971 ex. sess. and RCW 43.08.066.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 43.08.066, chapter 8, Laws of 1965 as last amended by section 1, chapter 54, Laws of 1971 ex. sess. and RCW 43.08.066 are each amended to read as follows:

Before a duplicate instrument is issued, the state treasurer or other issuing officer shall require the person making application for its issue:

(1) To file in his office a written affidavit specifically alleging on oath that he is the proper owner, payee, or legal representative of such owner or payee of the original instrument, giving the date of issue, the number, amount, and for what services or claim or purpose the original instrument or series of instruments of which it is a part was issued, and that the same has been lost or destroyed, and has not been paid, or has not been received by him;

(2) To give a bond, in twice the face amount of the original instrument, with one or more sufficient sureties, conditioned to save harmless the state, its paying agent or any trustee under the terms of the instrument from the payment of the original instrument, and the payment of all costs and charges on account thereof: PROVIDED, That the proper owner, payee, or legal representative thereof and sureties shall not be liable where the payment of the original warrant resulted from forgery or fraud by others, not aided or abetted by such proper owner, payee or legal representative thereof or sureties, or occurred as a result of their negligence; PROVIDED FURTHER, That this subsection shall not apply to instruments received by virtue of or under the public assistance laws or employment security laws: PROVIDED FURTHER, That in the event that an original and its duplicate instrument issued without bond under this proviso are both presented for payment as a result of forgery or fraud, the department of social and health services or the department of employment security, as the case may be, shall be the state agency responsible for endeavoring to recover any losses suffered by the state.

Passed the Senate February 15, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 21, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 75

[Engrossed Substitute Senate Bill No. 100]

FRAUD IN OBTAINING TELEPHONE OR TELEGRAPH SERVICE--
PENALTIES-- SEARCH AND SEIZURE

AN ACT Relating to crimes and punishment; amending section 1, chapter 114, Laws of 1955 and RCW 9.45.240; amending section 2, page 101, Laws of 1854 as last amended by section 1, chapter 83, Laws of 1969 and RCW 10.79.015; defining crimes and providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 1, chapter 114, Laws of 1955 and RCW 9.45.240 are each amended to read as follows:

Every person who, with intent to evade the provisions of any order of the Washington public service commission or of any tariff, rule or regulation lawfully filed with said commission by any telephone or telegraph company, or with intent to defraud, obtains telephone or telegraph service from any telephone or telegraph company through the use of a false or fictitious name or telephone number or the unauthorized use of the name or telephone number of another, or through any other trick, deceit or fraudulent device, shall be guilty of a misdemeanor; PROVIDED, HOWEVER, That if the value of the telephone or telegraph service which any person obtains in violation of this section during a period of ninety days exceeds seventy-five dollars in the aggregate, then such person shall be guilty of a gross misdemeanor; PROVIDED FURTHER, That as to any act which constitutes a violation of both this 1972 act and RCW 9.26A.050 the provisions of RCW 9.26A.050 shall be exclusive.

Sec. 2. Section 2, page 101, Laws of 1854 as last amended by section 1, chapter 83, Laws of 1969 and RCW 10.79.015 are each amended to read as follows:

Any such magistrate, when satisfied that there is reasonable cause, may also, upon like complaint made on oath, issue search warrant in the following cases, to wit:

(1) To search for and seize any counterfeit or spurious coin, or forged instruments, or tools, machines or materials, prepared or provided for making either of them.

(2) To search for and seize any gaming apparatus used or kept, and to be used in any unlawful gaming house, or in any building,