

In section 2, page 3, beginning on line 28, I have vetoed the item ending on line 30 providing for inclusion in the Urgan Arterial Board appropriation of \$5 million from proceeds of sale of series II bonds.

The authorization for issuance of series II bonds was contingent on the enactment of Substitute Senate Bill No. 2159 relating to the variable gasoline tax. Since I have vetoed that bill, it would be inappropriate for this item to remain in the appropriation.

3. Port Townsend-Keystone ferry.

In section 3, page 4, beginning on line 29, I have vetoed the proviso ending on line 33 directing the Toll Bridge Authority to provide year-round ferry service on the Port Townsend-Keystone route. While maintenance of year-round service on this route may be desirable, the difficult circumstances of the motor vehicle fund at this time would make it prudent to allow the Toll Bridge Authority to exercise its discretion in this respect after thorough review of the demand on this route and exigent needs elsewhere.

With the exception of the foregoing items which I have vetoed for the reasons stated, the remainder of the bill is approved."

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CHAPTER 280  
[House Bill No. 774]  
MESSAGE BUSINESS

AN ACT Relating to the operation of massage businesses; adding a new chapter to Title 18 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to Title 18 RCW a new section to read as follows:

In this chapter, unless the context otherwise requires, the following meanings shall apply:

- (1) "Board" means the state massage examining board;
- (2) "Massage" means the treatment of the superficial parts of the body, with or without the aid of soaps, oils, or lotions, by rubbing, touching, stroking, tapping, and kneading, provided no attempt be made to adjust or manipulate the articulations of the spine;
- (3) "Massage operator" means a person engaged in the practice of massage;
- (4) "Director" means the director of the department of motor vehicles.
- (5) Massage business means the operation of a business where massages are given.

NEW SECTION. Sec. 2. There is added to Title 18 RCW a new section to read as follows:

The state massage examining board is hereby created. The board shall consist of three members who shall be appointed by the governor for a term of three years each. Each member shall be a resident of this state and shall have not less than three years experience in the practice of massage immediately preceding their appointment and shall be actively engaged in the practice of massage during their incumbency. Within thirty days after the effective date of this 1975 act, three members shall be appointed by the governor to serve one, two, and three years

respectively. In the event that a member cannot complete his term of office, another appointment shall be made by the governor in accordance with the procedures stated in this section to fill the remainder of the term. No member may serve more than two successive terms and shall qualify and receive a license pursuant to section 7 of this 1975 act within ninety days of their appointment.

Subject to the approval of the director, the board shall have the power to promulgate rules and regulations not inconsistent with the law and which may be necessary for the performance of its duties. It shall be the duty of the board to pass upon the qualifications of applicants for licenses, prepare the necessary examination questions and practical demonstrations, conduct examinations from time to time in such places as the director designates, and to determine the applicants who successfully passed the examination, and in turn notify the director of such determinations.

Each member of the board shall receive as compensation twenty-five dollars for each day's attendance at meetings of the board. Members shall be reimbursed for necessary traveling expenses incurred in the actual performance of their duties, as provided for state officials and employees generally in chapter 43.03 RCW.

NEW SECTION. Sec. 3. There is added to Title 18 RCW a new section to read as follows:

No person shall engage in, or hold themselves out as engaged in the practice of massage without a massage operator's license issued by the director.

NEW SECTION. Sec. 4. There is added to Title 18 RCW a new section to read as follows:

It shall be unlawful to advertise the practice of massage by a person not licensed by the director.

NEW SECTION. Sec. 5. There is added to Title 18 RCW a new section to read as follows:

This chapter does not apply to:

(1) An individual giving massage in their home to members of their immediate family;

(2) Persons licensed in this state to practice medicine, surgery, drugless therapy, cosmetology, barbering, physical therapy, osteopathy, osteopathy and surgery, chiropractic, podiatry, nursing, or persons working under prescription, supervision, or direction of any such person;

(3) Massage practiced at the athletic department of any institution maintained by the public funds of the state, or any of its political subdivisions;

(4) Massage practiced at the athletic department of any school or college accredited by the Northwest association of secondary and higher schools.

NEW SECTION. Sec. 6. There is added to Title 18 RCW a new section to read as follows:

All licenses issued under the provisions of this chapter, unless otherwise provided shall expire on the annual anniversary date of the individual's date of birth.

Failure to pay the annual license renewal fee by the dates specified above shall render the license invalid, but such license may be reinstated upon written application therefor to the director, and payment to the state of a penalty of ten dollars together with all delinquent annual license renewal fees.

The director shall prorate the licensing fee for massage operator based on one-twelfth of the annual license fee for each full calendar month between the issue date and the next anniversary of the applicant's birth date, a date used as the expiration date of such license.

Every applicant for a license shall pay an examination fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, which fee shall accompany their application.

Applicants granted a license under this chapter shall pay to the director a license fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, prior to the issuance of their license, and an annual renewal fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

**NEW SECTION.** Sec. 7. There is added to Title 18 RCW a new section to read as follows:

The director shall approve issuance of a massage operator license to any applicant who is eighteen years of age or over and who has furnished satisfactory proof of their good character and health and who also has passed a written or oral examination and/or practical demonstration, prepared and conducted by the board establishing their competency and ability to engage in the practice of massage. The examinations shall require the applicant to demonstrate a basic knowledge of anatomy, physiology, hygiene, first aid, and such other subjects as the examining board may determine: **PROVIDED**, That the board shall give an appropriate alternate form of examination for persons who cannot read or speak English to determine equivalent competency.

*\*NEW SECTION Sec. 8. Massage operators engaged in the massage business for less than one year prior to the effective date of this 1975 act shall have six months from the effective date of this 1975 act to qualify for a massage operator's license, and shall be entitled to continue in said business during that period of time upon a showing of satisfactory proof of good health to the director.*

*Any person who has, for one year or more immediately prior to the effective date of this 1975 act, been a resident of this state and been actively engaged in the practice of massage as a massage operator shall, upon application and payment of required fees, be licensed to practice massage and shall be exempt from the requirements of examination, provided that within ninety days of the effective date of this 1975 act, he or she shall make application with the director on forms to be provided for that purpose: **PROVIDED HOWEVER**, That this section shall not apply where the applicant has been previously convicted of a crime involving moral turpitude in connection with his or her practice as a massage operator. The board shall give appropriate notice to persons presently doing business in this state as massage operators of the new requirements of the law.*

**\*Sec. 8. was vetoed, see message at end of chapter.**

**NEW SECTION.** Sec. 9. There is added to Title 18 RCW a new section to read as follows:

The director may deny issuance or renewal of any license authorized under this chapter, or suspend or revoke any such license, if the licensee:

(1) Has violated any provision of this chapter, or any rule or regulation of the director adopted pursuant to this chapter;

(2) Has made any false statement or representation to the director in order to induce or prevent action by the director;

(3) Has been convicted of a crime of lewdness or moral turpitude or a crime involving possession, use, or distribution of controlled substances, or has forfeited a bond to appear in court for any of the foregoing offenses.

NEW SECTION. Sec. 10. There is added to Title 18 RCW a new section to read as follows:

Any person who violates any of the provisions of this 1975 act, or the rules and regulations adopted pursuant thereto, shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 11. The provisions of this chapter relating to the licensing of any person shall not be exclusive, and any political subdivision of the state of Washington within whose jurisdiction the practice of massage is performed may require additional registrations or licenses, regulating the practice of massage or massage operators, and charge any fee for the same or similar purpose.

NEW SECTION. Sec. 12. It shall be unlawful to advertise the practice of massage by a business not licensed by the director.

NEW SECTION. Sec. 13. No person shall conduct a massage business without a massage business license issued by the director and, where required, by the political subdivision within whose jurisdiction the massage business is located. No massage business shall hire a massage operator who is not licensed by the director, provided that this requirement shall not become effective until six months after the effective date of this 1975 act.

NEW SECTION. Sec. 14. This chapter does not apply to:

(1) Massage practiced at the athletic department of any institution maintained by the public funds of the state, or any of its political subdivisions;

(2) Massage practiced at the athletic department of any primary or secondary school, or institution of higher education; and

(3) Massage practiced at the athletic department of any nonprofit organization licensed under RCW 66.24.400 and RCW 66.24.450.

NEW SECTION. Sec. 15. Massage business license shall expire annually. Failure to pay the annual license renewal fee shall render the license invalid, but such license may be reinstated upon written application thereof to the director, and payment to the state of a penalty of ten dollars together with all delinquent annual license renewal fees.

NEW SECTION. Sec. 16. The director shall approve issuance of a massage business license to any applicant who supplies the following information:

(1) The name, home address, telephone number, and social security number and birth certificate of the applicant and of all persons named under subsections (3) and (4) of this section; and

(2) The business name, business address and telephone number of the establishment or proposed establishment and a description of the premises on which said business will be conducted; and

(3) The names of all persons owning an interest in such business or proposed business, including any corporate stockholders, and whether such business will be conducted as a sole proprietorship, partnership, or corporation; if a partnership, giving the names of all persons sharing in the profits of said business, and if a corporation giving the names of its officers and directors and the title of each; and

(4) The names of all persons who will act as proprietor, manager, or person in charge of such business or proposed business; and

(5) Evidence that the facilities of the applicant's massage business comply with the standards established by the director.

NEW SECTION. Sec. 17. The fee for application for, and renewal of a massage business license shall be determined by the director as provided in RCW 43-.24.085 as now or hereafter amended: PROVIDED, That only one fee shall be required where an applicant applies for both a license to practice massage and for a business license.

NEW SECTION. Sec. 18. The director may deny issuance or renewal of any license authorized under this chapter, or suspend or revoke any such license, if the licensee:

(1) Has violated any provision of this chapter, or any rule or regulation of the director adopted pursuant to this chapter;

(2) Has made any false statement or representation to the director in order to induce or prevent action by the director;

(3) Has displayed improper, unprofessional, or dishonorable conduct in the operation of his massage business;

(4) Has been convicted of a crime, in connection with the licensee's practice as a massage operator, of lewdness or moral turpitude or possession, use or distribution of a schedule 1 controlled substance, except marijuana, as defined in RCW 69.50.204, or has forfeited a bond to appear in court for any of the foregoing offenses;

(5) Has failed or refused to qualify for or obtain any business license required by the local political subdivision within whose jurisdiction the massage business is located.

NEW SECTION. Sec. 19. The director or any of his authorized representatives may at any time visit and inspect the premises of each massage business establishment in order to ascertain whether it is conducted in compliance with the law, including the provisions of this chapter and the rules and regulations of the director. The operator of such massage business shall furnish such reports and information as may be required.

NEW SECTION. Sec. 20. State and local law enforcement personnel shall have the authority to inspect the premises at any time including business hours.

NEW SECTION. Sec. 21. The director is authorized to promulgate rules and regulations in accordance with 34.04 RCW to carry out the provisions of this act relating to the regulation of massage businesses in this state.

NEW SECTION. Sec. 22. The provisions of this chapter relating to the registration and licensing of any massage business shall not be exclusive and any political subdivision of the state of Washington within whose jurisdiction the massage business is located may require any registrations or licenses, or charge

any fee for the same or similar purpose; and nothing herein shall limit or abridge the authority of any political subdivision to levy and collect a general and non-discriminatory license fee levied upon all businesses, or to levy a tax based upon gross business conducted by any firm within said political subdivision.

**NEW SECTION.** Sec. 23. If any provision of this 1975 act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this 1975 act and the applicability thereof to other persons and circumstances shall not be affected thereby.

**NEW SECTION.** Sec. 24. Sections 1 through 22 of this act shall constitute a new chapter in Title 18 RCW.

Passed the House June 8, 1975.

Passed the Senate June 8, 1975.

Approved by the Governor July 2, 1975 with the exception of section 8 which is vetoed.

Filed in Office of Secretary of State July 2, 1975.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one section House Bill No. 774 entitled:

"AN ACT Relating to the operation of massage businesses."

This bill provides for the regulation and licensing, at the state level, of massage businesses and operators.

Section 8 contains a "grandfather clause" allowing any person engaged in the massage business for one year or more to qualify for the massage operator's license without taking the examination prescribed elsewhere in the bill.

I have long stated my objection to grandfather clauses in business licensing acts for the reason that I do not believe it is either in the best interest of the public or the particular business involved to license all persons previously engaged in a business for a set period of time regardless of the competency of such person. In addition, I cannot ignore the reports by law enforcement agencies detailing the proliferation in certain areas of our state of purported massage parlors which actually engage in a number of illicit and criminal activities. Approval of the grandfather clause in this bill would effectively grant licenses to persons engaged in such activities at those establishments.

With the exception of section 8 which I have vetoed for the reasons stated, the remainder of House Bill No. 774 is approved."

## CHAPTER 281

[Substitute House Bill No. 818]

### TOWING OR REMOVING OF MOTOR VEHICLES FROM PRIVATE PROPERTY

AN ACT Relating to towing or removing of motor vehicles from private property; amending section 1, chapter 208, Laws of 1969 ex. sess. and RCW 46.52.119; adding new sections to chapter 46.52 RCW; and declaring an emergency.

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

**NEW SECTION.** Section 1. Any person having possession or control of real property who finds an abandoned vehicle or abandoned vehicle hulk as defined in RCW 46.52.102 standing upon that property is authorized to have such vehicle or hulk removed by a person properly registered pursuant to RCW 46.52.108. Such