

which shall in no event exceed)) one percent of the motor vehicle fuel tax revenues collected pursuant to chapter 82.36 RCW ((for the 1973-75 biennium)), less proper deductions for refunds and costs of collection as provided in RCW 46.68-.090. The treasurer shall refund and place such amounts in the outdoor recreation account of the general fund to be administered by the interagency committee for outdoor recreation, and such amounts shall be distributed to departments of state government, to counties, and to municipalities on a basis determined by the amount of present or proposed ATV trails or areas on which they permit ATV use. Such distribution shall be reviewed and may be revised by the committee at least once each biennium. These moneys shall be expended by each agency only for all-terrain vehicle trail and area related expenses.

NEW SECTION. Sec. 2. Amounts transferred to the outdoor recreation account pursuant to chapter 46.09 RCW may be used for the necessary administrative and coordinative expenditures of the interagency committee for outdoor recreation in carrying out the provisions of RCW 46.09.110 and 46.09.170.

NEW SECTION. Sec. 3. Section 21, chapter 47, Laws of 1971 ex. sess., section 14, chapter 153, Laws of 1972 ex. sess., section 2, chapter 144, Laws of 1974 ex. sess. and RCW 46.09.160 are each hereby repealed.

NEW SECTION. Sec. 4. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1975.

Passed the House March 25, 1975.

Passed the Senate May 2, 1975.

Approved by the Governor May 12, 1975.

Filed in Office of Secretary of State May 12, 1975.

CHAPTER 35

[Substitute House Bill No. 246]

MEDICAL MALPRACTICE ACTIONS— PLAINTIFF'S BURDEN OF PROOF

AN ACT Relating to civil procedure; and adding a new section to chapter 4.24 RCW.

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

NEW SECTION. Section 1. There is added to chapter 4.24 RCW a new section to read as follows:

In any civil action for damages based on professional negligence against a hospital which is licensed by the state of Washington or against the personnel of any such hospital, or against a member of the healing arts including, but not limited to, a physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, a chiropractor licensed under chapter 18.25 RCW, a dentist licensed under chapter 18.32 RCW, a podiatrist licensed under chapter 18.22 RCW, or a nurse licensed under chapters 18.78 or 18.88 RCW, the plaintiff in order to prevail shall be required to prove by a preponderance of the evidence that the defendant or defendants failed to exercise that degree of skill, care and learning possessed by other persons in the same profession and that as a proximate result of such failure the plaintiff suffered damages, but in no event

shall the provisions of this section apply to an action based on the failure to obtain the informed consent of a patient.

Passed the House March 31, 1975.

Passed the Senate May 2, 1975.

Approved by the Governor May 12, 1975.

Filed in Office of Secretary of State May 12, 1975.

CHAPTER 36

[House Bill No. 311]

CORPORATIONS—ANNUAL LICENSE FEES— FAILURE TO PAY—REINSTATEMENT

AN ACT Relating to corporations; and amending section 4, chapter 92, Laws of 1969 ex. sess. as amended by section 1, chapter 142, Laws of 1971 ex. sess. and RCW 23A.40.075.

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

Section 1. Section 4, chapter 92, Laws of 1969 ex. sess. as amended by section 1, chapter 142, Laws of 1971 ex. sess. and RCW 23A.40.075 are each amended to read as follows:

The annual license fee required by RCW 23A.40.060, as now or hereafter amended, and RCW 23A.40.140 is a tax on the privilege of doing business as a corporation in the state of Washington(~~(, but is not a tax on the privilege of existing as a corporation)~~). No corporation shall do business in this state without first having paid its annual license fee, except as provided in RCW 23A.36.010 and 23A.36.020.

Failure of the corporation to pay its annual license fees shall not derogate from the rights of its creditors, or prevent the corporation from being sued and from defending lawsuits, nor shall it release the corporation from any of the duties or liabilities of a corporation under law.

Every domestic corporation which shall fail for three consecutive years to acquire an annual license for the privilege of doing business in this state shall cease to exist as a corporation on the third anniversary of the date it was last licensed to do business in this state (~~(or in the case of a corporation which has never been licensed, on the third anniversary of the date of filing its articles of incorporation)~~). When a corporation has ceased to exist by operation of this section, remedies available to or against it shall survive in the manner provided in RCW 23A.28.250 and the directors of the corporation shall hold the title to the property of the corporation as trustees for the benefit of its creditors and shareholders.

A domestic corporation which has not ceased to exist by operation of law may restore its privilege to do business by paying the current annual license fee and a restoration fee which shall include a sum equivalent to the amount of annual license fees the corporation would have paid had it continuously maintained its privilege to do business plus an additional fee equivalent to one percent per month or fraction thereof computed upon each annual license fee from the time it would have been paid had the corporation maintained its privilege to do business to the date when the corporation restored its privilege to do business: **PROVIDED**, That the minimum additional license fee due under this section shall be two dollars and fifty cents. A corporation which has ceased to exist may reinstate