

responsible bidder if in accordance with the bid specifications: PROVIDED, That any project regardless of dollar amount may be put to public bid.

Where the estimated cost to any community college of any building, improvements, or repairs, or other work, is less than five thousand dollars, the publication requirements of RCW 39.04.020 and 39.04.090 shall be inapplicable.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 22, 1979.

Passed the House April 9, 1979.

Approved by the Governor April 17, 1979.

Filed in Office of Secretary of State April 17, 1979.

## CHAPTER 13

[Substitute Senate Bill No. 2306]

### FRANCHISE INVESTMENT PROTECTION—ENFORCEMENT— INVESTIGATIVE, SUBPOENA POWER—CEASE AND DESIST ORDERS

AN ACT Relating to franchises; amending section 21, chapter 252, Laws of 1971 ex. sess. as amended by section 13, chapter 116, Laws of 1972 ex. sess. and RCW 19.100.210; and adding new sections to chapter 252, Laws of 1971 ex. sess. and to chapter 19.100 RCW.

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

Section 1. Section 21, chapter 252, Laws of 1971 ex. sess. as amended by section 13, chapter 116, Laws of 1972 ex. sess. and RCW 19.100.210 are each amended to read as follows:

(1) The attorney general may bring an action in the name of the state against any person to restrain and prevent the doing of any act herein prohibited or declared to be unlawful (~~and~~). Upon a proper showing, a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The prevailing party may in the discretion of the court recover the costs of such action including a reasonable attorneys' fee.

(2) Every person who shall violate the terms of any injunction issued as in this chapter provided shall forfeit and pay a civil penalty of not more than twenty-five thousand dollars.

Every person who violates RCW 19.100.020, 19.100.080, 19.100.150 and 19.100.170 as now or hereafter amended shall forfeit a civil penalty of not more than two thousand dollars for each violation.

For the purpose of this section the superior court issuing an injunction shall retain jurisdiction and the cause shall be continued and in such cases

the attorney general acting in the name of the state may petition for the recovery of civil penalties.

In the enforcement of this chapter, the attorney general may accept an assurance of discontinuance with the provisions of this chapter from any person deemed by the attorney general in violation hereof. Any such assurance shall be in writing, shall state that the person giving such assurance does not admit to any violation of this chapter or to any facts alleged by the attorney general, and shall be filed with and subject to the approval of the superior court of the county in which the alleged violator resides or has his principal place of business, or in Thurston county. Proof of failure to comply with the assurance of discontinuance shall be prima facie evidence of a violation of this chapter.

(3) Any person who wilfully violates any provision of this chapter or who wilfully violates any rule adopted or order issued under this chapter shall upon conviction be fined not more than five thousand dollars or imprisoned for not more than ten years or both, but no person may be imprisoned for the violation of any rule or order if he proves that he had no knowledge of the rule or order. No indictment or information may be returned under this chapter more than five years after the alleged violation.

(4) Nothing in this chapter limits the power of the state to punish any person for any conduct which constitutes a crime by statute or at common law.

NEW SECTION. Sec. 2. There is added to chapter 252, Laws of 1971 ex. sess. and to chapter 19.100 RCW a new section to read as follows:

The director, in the director's discretion, may: (1) Annually, or more frequently, make such public or private investigations within or without this state as the director deems necessary to determine whether any registration should be granted, denied, revoked, or suspended, or whether any person has violated or is about to violate a provision of this chapter or any rule adopted or order issued under this chapter, or to aid in the enforcement of this chapter or in the prescribing of rules and forms under this chapter; and (2) publish information concerning a violation of this chapter or a rule adopted or order issued under this chapter.

NEW SECTION. Sec. 3. There is added to chapter 252, Laws of 1971 ex. sess. and to chapter 19.100 RCW a new section to read as follows:

For the purpose of any investigation or proceeding under this chapter, the director or any officer designated by the director may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the director deems relevant or material to the inquiry.

In case of wilful failure on the part of a person to comply with a subpoena lawfully issued by the director, or on the refusal of a witness to testify to matters regarding which the witness may be lawfully interrogated, the

superior court of any county, on application of the director and after satisfactory evidence of wilful disobedience, may compel obedience by proceedings for contempt, as in the case of disobedience of a subpoena issued from the court or a refusal to testify therein.

NEW SECTION. Sec. 4. There is added to chapter 252, Laws of 1971 ex. sess. and to chapter 19.100 RCW a new section to read as follows:

If it appears to the director that a person has engaged or is about to engage in an act or practice constituting a violation of a provision of this chapter or a rule adopted or order issued under this chapter, the director may, in the director's discretion, issue an order directing the person to cease and desist from continuing the act or practice. Reasonable notice of and opportunity for a hearing shall be given. The director may issue a temporary order pending the hearing, which shall remain in effect until ten days after the hearing is held and which shall become final if the person to whom notice is addressed does not request a hearing within fifteen days after the receipt of the notice.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 21, 1979.  
Passed the House April 9, 1979.  
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CHAPTER 14

[House Bill No. 113]

VOCATIONAL REHABILITATION SERVICE PURCHASES—COMPETITIVE BID EXEMPTION

AN ACT Relating to purchases for vocational rehabilitation clients; and amending section 43.19.1906, chapter 8, Laws of 1965 as last amended by section 5, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.1906; and declaring an emergency.

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

Section 1. Section 43.19.1906, chapter 8, Laws of 1965 as last amended by section 5, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.1906 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939, as now or hereafter amended. This requirement shall also apply to purchases and contracts for