

Sec. 1. Section 51.48.020, chapter 23, Laws of 1961 as last amended by section 22, chapter 323, Laws of 1977 ex. sess. and RCW 51.48.020 are each amended to read as follows:

(1) Any employer, who misrepresents to the department the amount of his or her payroll upon which the premium under this title is based, shall be liable to the state in ten times the amount of the difference in premiums paid and the amount the employer should have paid and for the reasonable expenses of auditing his or her books and collecting such sums. Such liability may be enforced in the name of the department. ~~((Such))~~ If such misrepresentations are made knowingly, an employer shall also be guilty of a ((class E)) felony ((if such misrepresentations are made knowingly, if the amount of the difference in premiums is five hundred dollars or more and shall be guilty of a gross misdemeanor if such amount is less than five hundred dollars)), or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW.

(2) Any person claiming benefits under this title, who knowingly gives false information required in any claim or application under this title shall be guilty of a ~~((class E))~~ felony ((when such claim or application involves an amount of five hundred dollars or more. When such claim or application involves an amount less than five hundred dollars, the person giving such information shall be guilty of a gross misdemeanor)), or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW.

Passed the Senate March 17, 1987.

Passed the House April 17, 1987.

Approved by the Governor April 29, 1987.

Filed in Office of Secretary of State April 29, 1987.

CHAPTER 222

[Substitute House Bill No. 259]

WATER RECREATION FACILITIES REGULATED

AN ACT Relating to water recreation; amending RCW 70.90.110, 70.90.120, 70.90.160, 70.90.170, 70.90.180, and 70.90.190; adding new sections to chapter 70.90 RCW; repealing RCW 70.90.010, 70.90.020, 70.90.030, 70.90.040, 70.90.100, 70.90.220, and 70.90.900; and prescribing penalties.

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

NEW SECTION. Sec. 1. A new section is added to chapter 70.90 RCW to read as follows:

The legislature finds that water recreation facilities are an important source of recreation for the citizens of this state. To promote the public health, safety, and welfare, the legislature finds it necessary to continue to regulate these facilities.

Sec. 2. Section 2, chapter 236, Laws of 1986 and RCW 70.90.110 are each amended to read as follows:

Unless the context clearly requires otherwise the definitions in this section apply throughout this chapter.

(1) "Water recreation facility" means any artificial basin or other structure containing water used or intended to be used for recreation, bathing, relaxation, or swimming, where body contact with the water occurs or is intended to occur and includes auxiliary buildings and appurtenances. The term includes, but is not limited to:

- (a) Conventional swimming pools, wading pools, and spray pools;
- (b) Recreational water contact facilities as defined in this chapter;
- (c) Spa pools and tubs using hot water, cold water, mineral water, air induction, or hydrojets; and
- (d) Any area designated for swimming in natural waters with artificial boundaries within the waters.

~~((2))~~ (2) "Recreational water contact facility" means an artificial water ~~((contact))~~ associated facility with design and operational features that provide patron recreational activity which is different from that associated with a conventional swimming pool and purposefully involves immersion of the body partially or totally in the water, ~~((including))~~ and that includes but is not limited to, water slides, wave pools, and water ~~((amusement))~~ lagoons ~~((which bring water in contact with patrons))~~.

~~((2))~~ (3) "Local health officer" means the health officer of the city, county, or city-county department or district or a representative authorized by the local health officer.

~~((3))~~ (4) "Secretary" means the secretary of social and health services.

~~((4))~~ (5) "Person" means an individual, firm, partnership, co-partnership, corporation, company, association, club, government entity, or organization of any kind.

~~((5))~~ (6) "Department" means the department of social and health services.

~~((6))~~ (7) "Board" means the state board of health.

NEW SECTION. Sec. 3. A new section is added to chapter 70.90 RCW to read as follows:

This chapter applies to all water recreation facilities regardless of whether ownership is public or private and regardless of whether the intended use is commercial or private, except that this chapter shall not apply to:

- (1) Any water recreation facility for the sole use of residents and invited guests at a single family dwelling;
- (2) Therapeutic water facilities operated exclusively for physical therapy; and
- (3) Steam baths and saunas.

NEW SECTION. Sec. 4. A new section is added to chapter 70.90 RCW to read as follows:

Every seller of spas, pools and tubs under RCW 70.90.110(1) (a) and (c) shall furnish to the purchaser a complete set of operating instructions which shall include detailed instructions on the safe use of the spa, pool, or tub and for the proper treatment of water to reduce health risks to the purchaser. Included in the instructions shall be information about the health effects of hot water and a specific caution and explanation of the health effects of hot water on pregnant women.

Sec. 5. Section 3, chapter 236, Laws of 1986 and RCW 70.90.120 are each amended to read as follows:

(1) The board shall adopt rules under the administrative procedure act, chapter 34.04 RCW, ~~((setting))~~ governing safety, sanitation, and water quality ~~((standards))~~ for ~~((recreational water contact facilities))~~ water recreation facilities. The rules shall include but not be limited to requirements for design; operation; injury and illness ~~((reports))~~ reporting; biological and chemical contamination standards; water quality monitoring; inspection; permit application and issuance ~~((; fees sufficient to cover the costs incurred by the department for the administration and enforcement of this chapter))~~; and enforcement procedures. However, a water recreation facility intended for the exclusive use of residents of any apartment house complex or of a group of rental housing units of less than fifteen living units, or of a mobile home park, or of a condominium complex or any group or association of less than fifteen home owners shall not be subject to preconstruction design review, routine inspection, or permit or fee requirements; and water treatment of hydroelectric reservoirs or natural streams, creeks, lakes, or irrigation canals shall not be required.

(2) In adopting rules under subsection (1) of this section regarding the operation or design of a recreational water contact facility, the board shall review and consider any recommendations made by the recreational water contact facility advisory committee.

NEW SECTION. Sec. 6. A new section is added to chapter 70.90 RCW to read as follows:

Nothing in this chapter shall prohibit any local board of health from establishing and enforcing any provisions governing safety, sanitation, and water quality for any water recreation facility, regardless of ownership or use, in addition to those rules established by the state board of health under this chapter.

Sec. 7. Section 7, chapter 236, Laws of 1986 and RCW 70.90.160 are each amended to read as follows:

A permit is required for any modification to or construction of any recreational water contact facility after June 11, 1986, and for any other water recreation facility after the effective date of this section. Water recreation facilities existing on the effective date of this section which do not comply with the design and construction requirements established by the

state board of health under this chapter may continue to operate without modification to or replacement of the existing physical plant, provided the water quality, sanitation, and life saving equipment are in compliance with the requirements established under this chapter. However, if any modifications are made to the physical plant of an existing water recreation facility the modifications shall comply with the requirements established under this chapter. The plans and specifications for the modification or construction shall be submitted to the applicable local authority or the department as applicable, but a person shall not be required to submit plans at both the state and local levels or apply for both a state and local permit. The plans shall be reviewed and may be approved or rejected or modifications or conditions imposed consistent with this chapter as the public health or safety may require, and a permit shall be issued or denied within thirty days of submittal.

Sec. 8. Section 8, chapter 236, Laws of 1986 and RCW 70.90.170 are each amended to read as follows:

An operating permit from the department or local health officer, as applicable, is required for each ~~((recreational))~~ water ~~((contact))~~ recreation facility operated in this state. The permit shall be renewed annually. The permit shall be conspicuously displayed at the ~~((recreational water contact))~~ water recreation facility.

Sec. 9. Section 9, chapter 236, Laws of 1986 and RCW 70.90.180 are each amended to read as follows:

Nothing in this chapter or the rules adopted under this chapter creates or forms the basis for any liability: (1) On the part of the state and local health jurisdictions, or their officers, employees, or agents, for any injury or damage resulting from the failure of the owner or operator of ~~((recreational))~~ water ~~((contact))~~ recreation facilities to comply with this chapter or the rules adopted under this chapter; or (2) by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter or the rules adopted under this chapter on the part of the state and local health jurisdictions, or by their officers, employees, or agents.

All actions of local health officers and the secretary shall be deemed an exercise of the state's police power.

Sec. 10. Section 10, chapter 236, Laws of 1986 and RCW 70.90.190 are each amended to read as follows:

Any person operating a ~~((recreational water contact facility))~~ water recreation facility shall report to the local health officer or the department any serious injury, communicable disease, or death occurring at or caused by the ~~((recreational))~~ water ~~((contact))~~ recreation facility.

NEW SECTION. Sec. 11. A new section is added to chapter 70.90 RCW to read as follows:

The violation of any provisions of this chapter and any rules adopted under this chapter shall be a misdemeanor punishable by a fine of not more than five hundred dollars.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 57, Laws of 1957, section 115, chapter 141, Laws of 1979 and RCW 70.90.010;

(2) Section 2, chapter 57, Laws of 1957, section 116, chapter 141, Laws of 1979 and RCW 70.90.020;

(3) Section 3, chapter 57, Laws of 1957, section 117, chapter 141, Laws of 1979 and RCW 70.90.030;

(4) Section 4, chapter 57, Laws of 1957, section 118, chapter 141, Laws of 1979 and RCW 70.90.040;

(5) Section 1, chapter 236, Laws of 1986 and RCW 70.90.100;

(6) Section 13, chapter 236, Laws of 1986 and RCW 70.90.220; and

(7) Section 5, chapter 57, Laws of 1957 and RCW 70.90.900.

NEW SECTION. Sec. 13. 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 House April 15, 1987.

Passed the Senate April 7, 1987.

Approved by the Governor April 29, 1987.

Filed in Office of Secretary of State April 29, 1987.

CHAPTER 223

[Engrossed Substitute House Bill No. 258]
PUBLIC HEALTH FEES REVISED

AN ACT Relating to public health fees; amending RCW 35A.70.070, 69.06.010, 69.06-.020, and 69.06.040; adding a new section to chapter 69.06 RCW; adding new sections to chapter 70.58 RCW; and repealing RCW 43.20A.630.

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

NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services.

(2) "Vital records" means records of birth, death, fetal death, marriage, dissolution, annulment, and legal separation, as maintained under the supervision of the state registrar of vital statistics.

NEW SECTION. Sec. 2. (1) The state registrar may prepare typewritten, photographic, electronic, or other reproductions of records of birth, death, fetal death, marriage, or decrees of divorce, annulment, or legal separation registered under law or that portion of the record of any birth which