

## CHAPTER 331

[Substitute House Bill No. 450]  
CEMETERY BOARD—MAJOR REVISIONS

AN ACT Relating to the cemetery board; amending RCW 68.04.110, 68.05.030, 68.05-.040, 68.05.080, 68.05.090, 68.05.070, 68.05.100, 68.05.255, 68.46.140, 68.05.257, 68.48.050, 68.05.230, 68.05.220, 68.46.180, 68.46.095, 68.05.130, 68.05.140, 68.05.170, 68.05.250, 68.46-.190, 68.46.200, 68.46.210, 68.46.230, 68.46.240, 68.46.250, 68.46.260, 68.24.090, 68.40.010, 68.40.040, 68.40.060, 68.40.090, 68.44.010, 68.44.020, 68.44.110, 68.44.120, 68.44.130, 68.44-.140, 68.44.150, 68.46.040, 68.46.060, 68.46.070, 68.46.100, 68.08.020, 68.08.090, 68.08.101, 68.08.105, 68.08.106, 68.08.110, 68.08.185, 68.08.220, 68.08.245, 68.08.300, 68.08.350, 68.08-.510, 68.08.530, 68.08.560, 68.08.600, 68.08.610, 68.08.650, 68.08.660, 68.16.113, 68.18.010, 68.18.120, 18.39.215, 35A.40.050, 35A.42.010, 35A.56.010, 35A.68.010, and 46.20.113; adding new sections to chapter 68.05 RCW; adding a new section to chapter 68.20 RCW; adding new sections to chapter 68.40 RCW; adding new sections to chapter 68.44 RCW; adding new sections to chapter 68.46 RCW; creating new sections; recodifying RCW 68.05.070, 68.05.130, 68.05.140, 68.05.220, 68.05.230, 68.05.250, 68.05.255, 68.05.257, 68.05.260, 68.05.270, 68.05.380, 68.08.010, 68.08.020, 68.08.030, 68.08.040, 68.08.050, 68.08.060, 68.08.070, 68.08-.080, 68.08.090, 68.08.100, 68.08.101, 68.08.102, 68.08.103, 68.08.104, 68.08.105, 68.08.106, 68.08.107, 68.08.108, 68.08.110, 68.08.120, 68.08.130, 68.08.135, 68.08.140, 68.08.145, 68.08-.150, 68.08.160, 68.08.165, 68.08.170, 68.08.180, 68.08.185, 68.08.190, 68.08.200, 68.08.210, 68.08.220, 68.08.232, 68.08.240, 68.08.245, 68.08.300, 68.08.305, 68.08.320, 68.08.350, 68.08-.355, 68.08.360, 68.08.500, 68.08.510, 68.08.520, 68.08.530, 68.08.540, 68.08.550, 68.08.560, 68.08.600, 68.08.610, 68.08.650, 68.08.660, 68.12.010, 68.12.020, 68.12.030, 68.12.040, 68.12-.045, 68.12.050, 68.12.060, 68.12.065, 68.12.070, 68.12.080, 68.16.010, 68.16.020, 68.16.030, 68.16.040, 68.16.050, 68.16.060, 68.16.070, 68.16.080, 68.16.090, 68.16.100, 68.16.110, 68.16-.111, 68.16.112, 68.16.113, 68.16.120, 68.16.130, 68.16.140, 68.16.150, 68.16.160, 68.16.170, 68.16.180, 68.16.190, 68.16.200, 68.16.210, 68.16.220, 68.16.230, 68.16.240, 68.16.250, 68.16-.900, 68.18.010, 68.18.020, 68.18.030, 68.18.040, 68.18.050, 68.18.060, 68.18.070, 68.18.080, 68.18.090, 68.18.100, 68.18.110, 68.18.120, 68.20.100, 68.20.105, 68.46.095, 68.46.140, 68.46-.180, 68.46.200, 68.46.210, 68.46.220, 68.46.230, 68.46.240, 68.46.250, 68.46.260, 68.46.290, 68.48.010, 68.48.020, 68.48.030, 68.48.040, 68.48.050, 68.48.060, 68.48.080, and 68.48.090; repealing RCW 43.131.187, 43.131.188, 68.05.110, 68.05.200, 68.40.020, 68.40.030, 68.40-.050, 68.40.070, 68.40.080, 68.46.120, and 68.48.070; prescribing penalties; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 11, chapter 247, Laws of 1943 as amended by section 3, chapter 47, Laws of 1977 and RCW 68.04.110 are each amended to read as follows:

"Cremation" means the reduction of the body of a deceased person to cremated remains in a crematory in such a manner that the largest dimension of any remaining particle does not exceed five millimeters: PROVIDED, That if a person entitled to possession of such remains under the provisions of RCW ((68.08.245)) 68.50.270 is going to place the cremated remains in a cemetery, mausoleum, columbarium, or building devoted exclusively to religious purposes, the five millimeter dimension requirement shall not apply.

NEW SECTION. Sec. 2. A new section is added to chapter 68.05 RCW, to be codified as RCW 68.05.024, to read as follows:

"Department" used in this chapter means the department of licensing.

NEW SECTION. Sec. 3. A new section is added to chapter 68.05 RCW, to be codified as RCW 68.05.028, to read as follows:

"Director" used in this chapter means the director of licensing.

Sec. 4. Section 28, chapter 290, Laws of 1953 and RCW 68.05.030 are each amended to read as follows:

The terms "endowment care" or "endowed care" used in this chapter shall include ((both general and)) special care, care, or maintenance and all funds held for or represented as maintenance funds.

Sec. 5. Section 31, chapter 290, Laws of 1953 as amended by section 1, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.040 are each amended to read as follows:

A cemetery board is created to consist of six members to be appointed by the governor. ~~((The first five members shall be appointed within thirty days after June 11, 1953. The terms of the five members first appointed shall expire: One, January 15, 1954; one, January 15, 1955; one, January 15, 1956; and two, January 15, 1957. Thereafter))~~ Appointments shall be for ((a) four-year terms. ((The sixth member shall be appointed within thirty days of the effective date of this 1977 amendatory act, and shall serve a four-year term:)) Each member shall hold office until the expiration of the term for which the member is appointed or until a successor has been appointed and qualified.

Sec. 6. Section 35, chapter 290, Laws of 1953 and RCW 68.05.080 are each amended to read as follows:

The board shall meet at least twice a year in order to conduct its business and may meet at such other times as it may designate. The chair, the director, or a majority of board members may call a meeting. The board may meet at any place within this state.

Sec. 7. Section 39, chapter 290, Laws of 1953 as amended by section 6, chapter 21, Laws of 1979 and RCW 68.05.090 are each amended to read as follows:

The board shall enforce and administer the provisions of chapters 68.04 through ~~((68.46))~~ 68.50 RCW, subject to provisions of RCW 68.05.280 ~~((and shall have standing to seek enforcement of said provisions in the superior court of the state of Washington for the county in which the principal office of the cemetery authority is located))~~. The board may adopt and amend bylaws establishing its organization and method of operation. In addition to enforcement of this chapter the board shall enforce chapters 68.20, 68.24, 68.28, 68.32, 68.36, 68.40, 68.44, 68.46, and 68.50 RCW. The board may refer such evidence as may be available concerning violations of ~~((chapters 68.04 through 68.46 RCW or of any rule or order promulgated by the board))~~ chapters 68.20, 68.24, 68.28, 68.32, 68.36, 68.40, 68.44, 68.46, and 68.50 RCW to the attorney general or the proper prosecuting attorney, who may in his or her discretion, with or without such a reference,

in addition to any other action the board might commence, bring an action in the name of the board against any person to restrain and prevent the doing of any act or practice prohibited or declared unlawful in ~~((chapters 68-04 through 68.46 RCW))~~ chapters 68.20, 68.24, 68.28, 68.32, 68.36, 68.40, 68.44, 68.46, or 68.50 RCW and shall have standing to seek enforcement of said provisions in the superior court of the state of Washington for the county in which the principal office of the cemetery authority is located.

Sec. 8. Section 34, chapter 290, Laws of 1953 and RCW 68.05.070 are each amended to read as follows:

The board shall elect annually a chairman and vice chairman and such other officers as it shall determine from among its members. ~~((Subject to the provisions of law the board may))~~ The director, in consultation with the board, may employ~~((; fix the salaries of))~~ and prescribe the duties of~~((; one administrative assistant and such clerical, technical and other employees as are necessary in the carrying out of its duties))~~ the executive secretary. The executive secretary shall have a minimum of five years' experience in cemetery management unless this requirement is waived by the board.

Sec. 9. Section 36, chapter 290, Laws of 1953 as amended by section 8, chapter 402, Laws of 1985 and RCW 68.05.100 are each amended to read as follows:

The board may establish necessary rules and regulations for the ~~((ad-  
ministration and))~~ enforcement of this title and the laws subject to its jurisdiction and prescribe the form of statements and reports provided for in this title~~((; PROVIDED, HOWEVER, The board shall have no jurisdiction with regard to the provisions of chapter 68.48 RCW))~~. Rules regulating the cremation of human remains and establishing fees and permit requirements shall be adopted in consultation with the state board of funeral directors and embalmers.

NEW SECTION. Sec. 10. A new section is added to chapter 68.05 RCW, to be codified as RCW 68.05.105, to read as follows:

The board has the following authority:

- (1) To adopt, amend, and rescind such rules as are deemed necessary to carry out this title;
- (2) To investigate all complaints or reports of unprofessional conduct as defined in this chapter and to hold hearings;
- (3) To issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this title;
- (4) To take or cause depositions to be taken and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this title;
- (5) To compel attendance of witnesses at hearings;
- (6) In the course of investigating a complaint, to conduct practice reviews;

(7) To take emergency action pending proceedings by the board;

(8) To use the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings. However, the board shall make the final decision;

(9) To use consultants or individual members of the board to assist in the direction of investigations and issuance of statements of charges. However, those board members shall not subsequently participate in the hearing of the case;

(10) To enter into contracts for professional services determined to be necessary for adequate enforcement of this title;

(11) To contract with persons or organizations to provide services necessary for the monitoring and supervision of licensees, or authorities who are for any authorized purpose subject to monitoring by the board;

(12) To adopt standards of professional conduct or practice;

(13) To grant or deny authorities or license applications, and in the event of a finding of unprofessional conduct by an applicant, authority, or license holder, to impose any sanction against a license applicant, authority, or license holder provided by this title;

(14) To enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing. The assurance shall consist of a statement of the law in question and an agreement to not violate the stated provision. The applicant, holder of an authority to operate, or license holder shall not be required to admit to any violation of the law, nor shall the assurance be construed as such an admission. Violation of an assurance under this subsection is grounds for disciplinary action;

(15) To revoke the license or authority;

(16) To suspend the license or authority for a fixed or indefinite term;

(17) To restrict or limit the license or authority;

(18) To censure or reprimand;

(19) To cause compliance with conditions of probation for a designated period of time;

(20) To fine for each violation of this title, not to exceed one thousand dollars per violation. Funds received shall be placed in the cemetery account;

(21) To order corrective action.

Any of the actions under this section may be totally or partly stayed by the board. In determining what action is appropriate, the board must first consider what sanctions are necessary to protect or compensate the public. All costs associated with compliance with orders issued under this section are the obligation of the license or authority holder or applicant.

Sec. 11. Section 5, chapter 99, Laws of 1969 ex. sess. as last amended by section 11, chapter 21, Laws of 1979 and RCW 68.05.255 are each amended to read as follows:

Prior to the sale or transfer of ownership or control of any cemetery authority or the creation of a new cemetery, any person, corporation or other legal entity desiring to acquire such ownership or control or desiring to create a new cemetery shall apply in writing to the board for a new certificate of authority to operate a cemetery and shall comply with all provisions of Title 68 RCW relating to applications for, and the basis for granting, an original certificate of authority. The board shall, in addition, enter any order deemed necessary for the protection of all endowment care funds and/or prearrangement trust fund during such transfer. As a condition of applying for a new certificate of authority, the entity desiring to acquire such ownership or control must agree to be bound by all then existing prearrangement contracts and the board shall enter that agreement as a condition of the transfer. Persons and business entities selling and persons and business entities purchasing ownership or control of a cemetery authority shall each ~~((file))~~ verify and attest to an endowment care fund report and/or a prearrangement trust fund report showing the status of such funds ((immediately before and immediately after such transfer)) on the date of the sale on a written report form prescribed by the board. Such reports shall be considered part of the application for authority to operate. Failure to comply with this section shall be a gross misdemeanor and any sale or transfer in violation of this section shall be void.

Sec. 12. Section 28, chapter 21, Laws of 1979 and RCW 68.46.140 are each amended to read as follows:

To enter into prearrangement contracts as defined in RCW 68.46.010, a cemetery authority shall have a valid prearrangement sales license. To apply for a prearrangement sales license, a cemetery authority shall:

(1) File with the board its request showing:

(a) Its name, location, and organization date;

(b) The kinds of cemetery business or merchandise it proposes to transact;

(c) A statement of its current financial condition, management, and affairs on a form satisfactory to or furnished by the board; and

(d) Such other documents, stipulations, or information as the board may reasonably require to evidence compliance with the provisions of this chapter; and

(2) Deposit with the ~~((board))~~ department the fees required by this chapter to be paid for filing the accompanying documents, and for the prearrangement sales license, if granted.

Sec. 13. Section 4, chapter 402, Laws of 1985 and RCW 68.05.257 are each amended to read as follows:

A permit or endorsement issued by the cemetery board or under chapter 18.39 RCW is required in order to operate a crematory or conduct a cremation. ~~((Conducting a cremation without a permit or endorsement is a misdemeanor. Each such cremation is a separate violation.))~~ Crematories

owned or operated by or located on property licensed as a funeral establishment shall be regulated by the board of funeral directors and embalmers. Crematories not affiliated with a funeral establishment shall be regulated by the cemetery board.

Sec. 14. Section 56, chapter 247, Laws of 1943 and RCW 68.48.050 are each amended to read as follows:

No crematory shall hereafter be constructed or established unless the crematory is of fireproof construction and there is in connection therewith a fireproof columbarium, a fireproof mausoleum, a fireproof room for temporary care of cremated remains or a burial park amply equipped at all times for the interment of remains of bodies cremated at the crematory. No crematorium may be operated without a valid permit or endorsement issued in accordance with RCW 68.05.257 or chapter 18.39 RCW. Nothing herein contained shall prevent existing crematories from being repaired, altered, or reconstructed. Nothing in this ((act)) title shall prohibit the cremation of human remains in existing crematories, nor the temporary storage of cremated remains.

NEW SECTION. Sec. 15. A new section is added to chapter 68.05 RCW, to be codified as RCW 68.05.195, to read as follows:

Any person other than persons defined in RCW 68.08.160 who buries or otherwise disposes of cremated remains by land, by air, or by sea shall have a permit or endorsement issued in accordance with RCW 68.05.100 and shall be subject to that section.

Sec. 16. Section 51, chapter 290, Laws of 1953 as last amended by section 1, chapter 5, Laws of 1983 1st ex. sess. and RCW 68.05.230 are each amended to read as follows:

Every cemetery authority shall pay for each cemetery operated by it, an annual regulatory charge to be fixed by the ((board)) director of not more than ((four)) three dollars per interment, entombment, and inurnment made during the preceding full calendar year, which charges shall be deposited in the cemetery account. Upon payment of said charges and compliance with the provisions of Title 68 RCW and the lawful orders, rules, and regulations of the board, the board will issue a certificate of authority.

Sec. 17. Section 50, chapter 290, Laws of 1953 as amended by section 3, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.220 are each amended to read as follows:

The regulatory charges for cemetery certificates at all periods of the year are the same as provided in this chapter. All regulatory charges are payable at the time of the filing of the application and in advance of the issuance of the certificates. All certificates shall be issued for the year and shall expire at midnight, the ((thirtieth)) thirty-first day of January of each year, or at whatever time during any year that ownership or control of any cemetery authority is transferred or sold. Cemetery certificates shall not be

transferable. Failure to pay the regulatory charge fixed by the ~~((board))~~ director prior to the first day of February for any year automatically shall suspend the certificate of authority. Such certificate may be restored upon payment to the ~~((board))~~ department of the prescribed charges.

Sec. 18. Section 29, chapter 21, Laws of 1979 and RCW 68.46.180 are each amended to read as follows:

All prearrangement sales licenses issued under this chapter shall be ~~((valid for one year unless extended by the board or its authorized representative for a maximum of thirty days, or such larger extension as the board shall allow for good cause shown))~~ issued for the year and shall expire at midnight, the thirty-first day of January of each year, or at whatever time during any year that ownership or control of any cemetery authority is transferred or sold.

The ~~((board))~~ director, in accordance with RCW 43.24.086, shall set and the department shall collect in advance the fees required for licensing.

~~((All fees so collected shall be remitted by the board to the state treasurer and the funds shall be credited to the cemetery board fund))~~ Failure to pay the regulatory charge fixed by the director before the first day of February for any year shall automatically suspend the license. Such license may be restored upon payment to the department of the prescribed charges.

Sec. 19. Section 37, chapter 21, Laws of 1979 and RCW 68.46.095 are each amended to read as follows:

(1) Each authorized cemetery authority shall within ninety days after the close of its accounting year file with the board upon the board's request a true and accurate statement of its financial condition, transactions, and affairs for the preceding year. The statement shall be on such forms and shall contain such information as required by this chapter and by the board.

(2) The board shall suspend or revoke the prearrangement sales license of any cemetery authority which fails to ~~((file such a statement when due or after any extension of time which the board has, for good cause, granted))~~ comply with the request.

NEW SECTION. Sec. 20. A new section is added to chapter 68.05 RCW, to be codified as RCW 68.05.245, to read as follows:

All crematory permits or endorsements issued under this chapter shall be issued for the year and shall expire at midnight, the thirty-first day of January of each year, or at whatever time during any year that ownership or control of any cemetery authority which operates such crematory is transferred or sold.

The director shall set and the department shall collect in advance the fees required for licensing.

Failure to pay the regulatory charge fixed by the director before the first day of February for any year shall automatically suspend the permit or

endorsement. Such permit or endorsement may be restored upon payment to the department of the prescribed charges.

Sec. 21. Section 42, chapter 290, Laws of 1953 as last amended by section 7, chapter 21, Laws of 1979 and RCW 68.05.130 are each amended to read as follows:

(1) The board shall examine the endowment care and prearrangement trust fund or funds of a cemetery authority:

~~((1))~~ (a) Whenever it deems necessary, but at least once every three years after the original examination except where the cemetery authority is either required by the board to, or voluntarily files an annual financial report for the fund certified by a certified public accountant or a licensed public accountant in accordance with generally accepted auditing standards;

(b) One year following the issuance of a new certificate of authority;

~~((2))~~ (c) Whenever the cemetery authority in charge of endowment care or prearrangement trust fund or funds fails after reasonable notice from the board to file the reports required by this chapter; or

~~((3))~~ (d) Whenever it is requested by verified petition signed by twenty-five lot owners alleging that the endowment care funds are not in compliance with this title, or whenever it is requested by verified petition signed by twenty-five purchasers or beneficiaries of prearrangement merchandise or services alleging that the prearrangement trust funds are not in compliance with this title, in either of which cases, the examination shall be at the expense of the petitioners.

~~((4))~~ (2) The expense of the endowment care and prearrangement trust fund examination as provided in ~~((subdivisions (1) and (2)))~~ subsection (1) (a) and (b) of this section shall be paid by the cemetery authority. Such examination shall be privately conducted in the principal office of the cemetery authority.

(3) The requirements that examinations be conducted once every three years and that they be conducted in the principal office of the cemetery authority do not apply to any endowment care or prearrangement fund that is less than twenty-five thousand dollars. The board shall, at its discretion, decide when and where the examinations shall take place.

Sec. 22. Section 43, chapter 290, Laws of 1953 as amended by section 13, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.140 are each amended to read as follows:

If any cemetery authority refuses to pay any examination expenses ~~((in advance))~~ within thirty days of completion of the examination or refuses to pay certain examination expenses in advance as required by the department for cause, the board ~~((shall refuse it a certificate of authority and))~~ shall revoke any existing certificate of authority. Examination expenses incurred in conjunction with a transfer of ownership of a cemetery shall be paid by the selling entity. All examination expense moneys collected by the



~~((board)) department shall be paid ((into the state treasury to the credit of the cemetery fund))~~ to the department.

Sec. 23. Section 46, chapter 290, Laws of 1953 as amended by section 1, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.170 are each amended to read as follows:

(1) Whenever the board finds, after notice and hearing, that any endowment care funds have been invested in violation of this title, it shall by written order mailed to the person or body in charge of the fund require the reinvestment of the funds in conformity with this title within the period specified by it which shall be not more than six months. Such period may be extended by the board in its discretion.

(2) The board may bring actions for the preservation and protection of endowment care funds in the superior court of the county in which the cemetery is located and the court shall appoint substitute trustees and make any other order which may be necessary for the preservation, protection and recovery of endowment care funds, whenever a cemetery authority or the trustees of its fund have:

(a) transferred or attempted to transfer any property to, or made any loan from, the endowment care funds for the benefit of the cemetery authority or any director, officer, agent or employee of the cemetery authority or trustee of any endowment care funds; or,

(b) failed to reinvest endowment care funds in accordance with a board order issued under subsection one of this section; or,

(c) invested endowment care funds in violation of this title; or,

(d) taken action or failed to take action to preserve and protect the endowment care funds, evidencing a lack of concern therefor; or,

(e) become financially irresponsible or transferred control of the cemetery authority to any person who, or business entity which, is financially irresponsible; or,

(f) is in danger of becoming insolvent or has gone into bankruptcy or receivership; or,

(g) taken any action in violation of Title 68 RCW or failed to take action required by Title 68 RCW or has failed to comply with lawful rules, regulations and orders of the board.

(3) Whenever the board or its representative has reason to believe that endowment care funds or prearrangement trust funds are in danger of being lost or dissipated during the time required for notice and hearing, it may immediately ~~((apply to the superior court of the county in which the cemetery is located for any order which appears necessary))~~ impound or seize documents, financial instruments, or other trust fund assets, or take other actions deemed necessary under the circumstances for the preservation and protection of endowment care funds or prearrangement trust funds, including, but not limited to, immediate substitutions of trustees.

Sec. 24. Section 49, chapter 290, Laws of 1953 and RCW 68.05.250 are each amended to read as follows:

Upon violation of any of the provisions of this title, the board may revoke or suspend the certificate of authority and may revoke, suspend, or terminate the prearrangement sales license of any cemetery authority.

Sec. 25. Section 30, chapter 21, Laws of 1979 and RCW 68.46.190 are each amended to read as follows:

The board (~~(or its authorized representative may refuse to renew or may revoke or suspend a cemetery authority's prearrangement sales license, if the))~~ may revoke, suspend, or terminate a certificate of authority or prearrangement sales license if a cemetery authority:

(1) Fails to comply with any provision of this chapter or any proper order or regulation of the board;

(2) Is found by the board to be in such condition that further execution of prearrangement contracts would be hazardous to purchasers or beneficiaries and the people of this state;

(3) Refuses to be examined, or refuses to submit to examination or to produce its accounts, records, and files for examination by the board when required;

(4) Is found by the board after investigation or receipt of reliable information to be managed by persons who are incompetent or untrustworthy or so lacking in managerial experience as to make the proposed or continued operation hazardous to purchasers, beneficiaries, or the public; or

(5) Is found by the board to use false, misleading, or deceptive advertisements or sales methods.

Sec. 26. Section 31, chapter 21, Laws of 1979 and RCW 68.46.200 are each amended to read as follows:

The board or its authorized representative shall give a cemetery authority notice of its intention to suspend, revoke, or refuse to renew a certificate of authority or a prearrangement sales license, and shall grant the cemetery authority a hearing, in the manner required for contested cases under chapter 34.04 RCW, before the order of suspension, revocation, or refusal may become effective.

No cemetery authority whose prearrangement sales license has been suspended, revoked, or refused shall (~~(subsequently))~~ be authorized to enter into prearrangement contracts (~~((unless the grounds for such suspension, revocation, or refusal in the opinion of the board no longer exist and the cemetery authority is otherwise fully qualified))~~). Any prearrangement sale by an unlicensed cemetery authority shall be voidable by the purchaser who shall be entitled to a full refund.

Sec. 27. Section 39, chapter 21, Laws of 1979 as amended by section 6, chapter 53, Laws of 1984 and RCW 68.46.210 are each amended to read as follows:

Unless specified otherwise in this title, any person who violates or aids or abets any person in the violation of any of the provisions of this ((chapter)) title shall be guilty of a class C felony punishable under chapter 9A.20 RCW. A violation shall constitute an unfair practice under chapter 19.86 RCW and shall be grounds for revocation of the certificate of authority under this chapter ((68.05-RCW)) or revocation of the prearrangement sales license under this chapter. Retail installment transactions under this chapter shall be governed by chapter 63.14 RCW. The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other remedy available at law.

Sec. 28. Section 33, chapter 21, Laws of 1979 and RCW 68.46.230 are each amended to read as follows:

Whenever the board or its authorized representative determines that a cemetery authority is in violation of this ((chapter)) title or that the continuation of acts or practices of the cemetery authority is likely to cause insolvency or substantial dissipation of assets or earnings of the cemetery authority's endowment care or prearrangement trust fund or to otherwise seriously prejudice the interests of the purchasers or beneficiaries of prearrangement contracts, the board, or its authorized representative, may issue a temporary order requiring the cemetery authority to cease and desist from the violation or practice. The order shall become effective upon service on the cemetery authority and shall remain effective unless set aside, limited, or suspended by a court in proceedings under RCW ((68.46.240)) 68.05.350 or until the board dismisses the charges specified in the notice under RCW ((68.46.220)) 68.05.320 or until the effective date of a cease and desist order issued against the cemetery authority under RCW ((68.46.220)) 68.05.320.

Sec. 29. Section 34, chapter 21, Laws of 1979 and RCW 68.46.240 are each amended to read as follows:

Within ten days after a cemetery authority has been served with a temporary cease and desist order, the cemetery authority may apply to the superior court in the county of its principal place of business for an injunction setting aside, limiting, or suspending the order pending completion of the administrative proceedings under RCW ((68.46.220)) 68.05.320.

Sec. 30. Section 35, chapter 21, Laws of 1979 and RCW 68.46.250 are each amended to read as follows:

Any administrative hearing under RCW ((68.46.220)) 68.05.320 may be held at such place as is designated by the board and shall be conducted in accordance with chapter 34.04 RCW.

Within sixty days after the hearing the board shall render a decision which shall include findings of fact upon which the decision is based and shall issue and serve upon each party to the proceeding an order or orders consistent with RCW ((68.46.220)) 68.05.320.

Review of the decision shall be as provided in chapter 34.04 RCW.

Sec. 31. Section 36, chapter 21, Laws of 1979 and RCW 68.46.260 are each amended to read as follows:

The board may apply to the superior court of the county of the principal place of business of the cemetery authority affected for enforcement of any effective and outstanding order issued under RCW (~~(68.46.220)~~) 68.05.320 or (~~(68.46.230)~~) 68.05.340, and the court shall have jurisdiction to order compliance with the order.

NEW SECTION. Sec. 32. A new section is added to chapter 68.05 RCW, to be codified as RCW 68.05.390, to read as follows:

Conducting a cremation without a permit or endorsement is a misdemeanor. Each such cremation is a violation.

NEW SECTION. Sec. 33. A new section is added to chapter 68.20 RCW, to be codified as RCW 68.20.140, to read as follows:

This chapter does not apply to any cemetery controlled and operated by a coroner, county, city, town, or cemetery district.

Sec. 34. Section 76, chapter 247, Laws of 1943 and RCW 68.24.090 are each amended to read as follows:

Property dedicated to cemetery purposes shall be held and used exclusively for cemetery purposes, unless and until the dedication is removed from all or any part of it by an order and decree of the superior court of the county in which the property is situated, in a proceeding brought by the cemetery authority for that purpose and upon notice of hearing and proof satisfactory to the court:

(1) That no interments were made in or that all interments have been removed from that portion of the property from which dedication is sought to be removed.

(2) That the portion of the property from which dedication is sought to be removed is not being used for interment of human remains.

(3) That notice of the proposed removal of dedication has been given the cemetery board in writing at least sixty days before filing the proceedings in superior court.

Sec. 35. Section 118, chapter 247, Laws of 1943 as last amended by section 1, chapter 53, Laws of 1984 and RCW 68.40.010 are each amended to read as follows:

((An endowment care cemetery is one which deposits in its)) After the effective date of this section, a cemetery authority not exempt under this chapter shall deposit in an endowment care fund not less than the following amounts for plots sold: Ten percent of the gross sales price, with a minimum of ten dollars for each adult grave; ten percent of the gross sales price, with a minimum of five dollars for each niche; and ten percent of the gross sales price, with a minimum of thirty dollars for each crypt.

In the event that a cemetery authority sells a lot, crypt, or niche at a price that is less than its current list price, or gives away, bequeaths, or otherwise gives title to a lot, crypt, or niche, such lot, crypt, or niche shall be endowed at the rate at which it would normally be endowed: A minimum of ten percent of normal sales price or ten dollars per lot, whichever is greater; ten percent of normal sales price or five dollars per niche, whichever is greater; and ten percent of normal sales price or thirty dollars per crypt, whichever is greater.

The deposits shall be made not later than the twentieth day of the month following the final payment on the sale price. If a contract for crypts, niches, or graves is sold, pledged, or otherwise encumbered as security for a loan by the cemetery authority, the cemetery authority shall pay into the endowment care fund ten percent of the gross sales price with a minimum of ten dollars for each adult grave, five dollars for each niche, and thirty dollars for each crypt within twenty days of receipt of payment of the proceeds from such sale or loan.

Any ~~((endowment care))~~ cemetery hereafter established shall ~~((also))~~ have deposited in ~~((its))~~ an endowment care fund the ~~((additional))~~ sum of twenty-five thousand dollars before disposing of any plot or making any sale thereof ~~((: PROVIDED, That the requirement of an additional deposit of twenty-five thousand dollars shall not apply to any cemetery in existence on January 1, 1961, having an area not exceeding ten acres))~~.

NEW SECTION. Sec. 36. A new section is added to chapter 68.40 RCW, to be codified as RCW 68.40.025, to read as follows:

Cemeteries with nonendowed sections opened before the effective date of this section shall only be required to endow sections opened after the effective date of this section. On the face of any contract, receipt, or deed used for sales of nonendowed lots shall be prominently displayed the words "Nonendowment section." All nonendowed sections shall be identified as such by posting of a legible sign containing the following phrase: "Nonendowment section."

Sec. 37. Section 122, chapter 247, Laws of 1943 as amended by section 7, chapter 290, Laws of 1953 and RCW 68.40.040 are each amended to read as follows:

~~((An endowment care cemetery))~~ A cemetery authority not exempt under this chapter shall file in its principal office ((a written report which shall be available to any plot owner, and which shall state the amount of the principal of the endowment care fund and the total amount invested in lawful investments, and the amount of cash on hand, which shall show the true financial condition of the trust)) for review by plot owners the previous seven fiscal years' endowment care reports as filed with the cemetery board in accordance with RCW 68.44.150.

Sec. 38. Section 129, chapter 247, Laws of 1943 as amended by section 8, chapter 290, Laws of 1953 and RCW 68.40.060 are each amended to read as follows:

The cemetery authority of an endowment care cemetery may accept any property bequeathed, granted, or given to it in trust and may apply the ~~((principal, or proceeds, or))~~ income from such property bequeathed, granted, or given to in trust to any or all of the following purposes:

- (1) Improvement or embellishment of all or any part of the cemetery or any lot in it;
- (2) Erection, renewal, repair, or preservation of any monument, fence, building, or other structure in the cemetery;
- (3) Planting or cultivation of trees, shrubs, or plants in or around any part of the cemetery;
- (4) Special care or ornamenting of any part of any plot, section, or building in the cemetery; and
- (5) Any purpose or use consistent with the purpose for which the cemetery was established or is maintained.

Sec. 39. Section 125, chapter 247, Laws of 1943 and RCW 68.40.090 are each amended to read as follows:

Any person, partnership, corporation, association, or his or its agents or representatives who shall violate any of the provisions of ~~((RCW 68.40.010 through 68.40.050, 68.40.070, and 68.40.080;))~~ this chapter or make any false statement appearing on ~~((said))~~ any sign, contract, agreement, receipt, statement, literature or other publication shall be guilty of a misdemeanor.

NEW SECTION. Sec. 40. A new section is added to chapter 68.40 RCW, to be codified as RCW 68.40.095, to read as follows:

This chapter does not apply to any cemetery controlled and operated by a coroner, county, city, town, or cemetery district.

Sec. 41. Section 105, chapter 247, Laws of 1943 as amended by section 11, chapter 290, Laws of 1953 and RCW 68.44.010 are each amended to read as follows:

Any cemetery authority ~~((may place its cemetery under endowment care, and))~~ not exempt under chapter 68.40 RCW shall establish, maintain, and operate an ~~((irreducible))~~ inviolable endowment care fund. Endowment care ~~((and)),~~ special care, and other cemetery authorities' endowment care funds may be commingled for investment and the income therefrom shall be divided between the funds in the proportion that each contributed to the sum invested. The funds ~~((may))~~ shall be held in the name of the ~~((cemetery authority or its directors or in the name of the))~~ trustees appointed by the cemetery authority with the words "endowment care fund" being a part of the name.

Sec. 42. Section 12, chapter 290, Laws of 1953 and RCW 68.44.020 are each amended to read as follows:

Endowment care funds shall not be used for any purpose other than to provide, through income only, for the endowment care stipulated in the instrument by which the fund was established, and shall be kept separate and distinct from all ~~((other funds))~~ assets of the cemetery authority. The principal shall forever remain ~~((irreducible and))~~ inviolable and may not be reduced in any way not found within RCW 11.100.020.

Sec. 43. Section 111, chapter 247, Laws of 1943 as amended by section 20, chapter 290, Laws of 1953 and RCW 68.44.110 are each amended to read as follows:

Unless an association of lot owners has been created for the purpose of appointing trustees, the cemetery authority ~~((may))~~ shall appoint a board of not less than three members as trustees for its endowment care fund, who shall hold office subject to the direction of the cemetery authority.

NEW SECTION. Sec. 44. A new section is added to chapter 68.44 RCW, to be codified as RCW 68.44.115, to read as follows:

To be considered qualified as a trustee, each trustee of an endowment care fund appointed in accordance with this chapter shall file with the board a statement of acceptance of fiduciary responsibility, on a form approved by the board, before assuming the duties of trustee. The trustee shall remain in the trustee's fiduciary capacity until such time as the trustee advises the cemetery board in writing of the trustee's resignation of trusteeship.

Sec. 45. Section 112, chapter 247, Laws of 1943 as amended by section 21, chapter 290, Laws of 1953 and RCW 68.44.120 are each amended to read as follows:

The directors of a cemetery authority may be the trustees of its endowment care fund. When the fund is in the care of the directors as a board of trustees the secretary of the cemetery authority shall act as its secretary and keep a true record of all of its proceedings. ~~((The investments of the endowment care fund may be held in the name of the cemetery authority.))~~

Sec. 46. Section 113, chapter 247, Laws of 1943 and RCW 68.44.130 are each amended to read as follows:

In lieu of the appointment of a board of trustees of its ~~((perpetual))~~ endowment care fund, any cemetery authority may appoint as sole trustee of its ~~((perpetual))~~ endowment care fund any bank or trust company qualified to engage in the trust business, and said bank or trust company shall be authorized to receive and accept said fund, including any accumulated ~~((perpetual))~~ endowment care fund in existence at the time of its appointment.

Sec. 47. Section 114, chapter 247, Laws of 1943 as amended by section 20, chapter 21, Laws of 1979 and RCW 68.44.140 are each amended to read as follows:

Compensation to the board of trustees or trustee for services as trustee and other compensation for administration of trust funds shall not exceed in

the aggregate the customary fees charged by banks and trust companies for like services. Such fees may not be paid from the fund principal.

Sec. 48. Section 115, chapter 247, Laws of 1943 as amended by section 21, chapter 21, Laws of 1979 and RCW 68.44.150 are each amended to read as follows:

The cemetery authority or the ((persons)) trustees in whose names the funds are held shall, annually, and within ninety days after the end of the calendar or fiscal year of the cemetery authority, make and keep on file for seven years a true and correct written report, verified on oath by an officer of the cemetery authority or by the oath of one or more of the trustees, showing the actual financial condition of the funds.

NEW SECTION. Sec. 49. A new section is added to chapter 68.44 RCW, to be codified as RCW 68.44.180, to read as follows:

This chapter does not apply to any cemetery controlled and operated by a coroner, county, city, town, or cemetery district.

Sec. 50. Section 4, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.46.040 are each amended to read as follows:

All prearrangement trust funds shall be deposited in a qualified public depository as defined by RCW 68.46.010 or in instruments insured by any agency of the federal government, if these securities are held in public depository. Such savings accounts shall be designated as the "prearrangement trust fund" ((of)) by name and the particular cemetery authority for the benefit of the beneficiaries named in any prearrangement contract.

Sec. 51. Section 6, chapter 68, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 53, Laws of 1984 and RCW 68.46.060 are each amended to read as follows:

Any purchaser or beneficiary or beneficiaries may, upon written demand of any cemetery authority, demand that any prearrangement contract with such cemetery authority be terminated. In such event, the cemetery authority shall within thirty days refund to such purchaser or beneficiary or beneficiaries fifty percent of the moneys received less the ((cost)) contractual price of any merchandise delivered or services performed before the termination plus interest earned. In any case, where, under a prearrangement contract there is more than one beneficiary, no written demand as provided in this section shall be honored by any cemetery authority unless the written demand provided for in this section shall bear the signatures of all of such beneficiaries.

Sec. 52. Section 7, chapter 68, Laws of 1973 1st ex. sess. as amended by section 26, chapter 21, Laws of 1979 and RCW 68.46.070 are each amended to read as follows:

Prearrangement contracts shall terminate upon demand of the purchaser of the contract if the cemetery authority shall go out of business,



become insolvent or bankrupt, make an assignment for the benefit of creditors, or for any other reason be unable to fulfill the obligations under the contract ~~((, in which event, and))~~. Upon demand by the purchaser or beneficiary or beneficiaries of any prearrangement contract, the ~~((depository of the prearrangement funds shall refund to purchasers of prearrangement contracts all funds deposited in accordance with said contracts))~~ cemetery authority shall refund one hundred percent of the original contract, less delivered services and merchandise, including funds held in deposit and interest earned thereon, unless otherwise ordered by a court of competent jurisdiction.

Sec. 53. Section 10, chapter 68, Laws of 1973 1st ex. sess. as amended by section 5, chapter 53, Laws of 1984 and RCW 68.46.100 are each amended to read as follows:

Every prearrangement contract shall contain language which informs the purchaser of the prearrangement trust fund and the amount to be deposited in the prearrangement trust fund, which shall not be less than fifty percent of the cash purchase price of the merchandise and services in the contract and shall not include charges for endowment care when included in the purchase price.

Every prearrangement contract shall contain language prominently featured on the face of the contract disclosing to the purchaser what items will be delivered before need, either stored or installed, and thus not subject to funding or refund.

Every prearrangement contract for the sale of unconstructed crypts or niches or undeveloped graves and every conveyance instrument shall contain language which informs the purchaser that if the purchaser dies before the unconstructed crypt or niche or undeveloped grave is constructed or developed the cemetery authority must provide, without additional cost or charge, a constructed crypt or niche or developed grave of equal or better quality than the unconstructed crypt or niche or undeveloped grave would have been if it were constructed or developed.

NEW SECTION. Sec. 54. A new section is added to chapter 68.46 RCW, to be codified as RCW 68.46.125, to read as follows:

This chapter does not apply to any cemetery controlled and operated by a coroner, county, city, town, or cemetery district.

Sec. 55. Section 4, chapter 90, Laws of 1917 and RCW 68.08.020 are each amended to read as follows:

It shall be the duty of every person who knows of the existence and location of a dead body coming under the jurisdiction of the coroner as set forth in RCW ~~((68.08.010))~~ 68.50.010, to notify the coroner thereof in the most expeditious manner possible, unless such person shall have good reason to believe that such notice has already been given. Any person knowing of the existence of such dead body and not having good reason to believe that

the coroner has notice thereof and who shall fail to give notice to the coroner as aforesaid, shall be guilty of a misdemeanor.

Sec. 56. Section 4, chapter 123, Laws of 1891 and RCW 68.08.090 are each amended to read as follows:

Any person violating any provision of RCW ((68.08.060)) 68.50.060 through ((68.08.080)) 68.50.080 shall upon conviction thereof be fined in any sum not exceeding five hundred dollars.

Sec. 57. Section 11, chapter 188, Laws of 1953 as amended by section 1, chapter 79, Laws of 1977 and RCW 68.08.101 are each amended to read as follows:

Autopsy or post mortem may be performed in any case where authorization has been given by a member of one of the following classes of persons in the following order of priority:

- (1) The surviving spouse;
- (2) Any child of the decedent who is eighteen years of age or older;
- (3) One of the parents of the decedent;
- (4) Any adult brother or sister of the decedent;
- (5) A person who was guardian of the decedent at the time of death;
- (6) Any other person or agency authorized or under an obligation to dispose of the remains of the decedent. The chief official of any such agency shall designate one or more persons to execute authorizations pursuant to the provisions of this section.

If the person seeking authority to perform an autopsy or post mortem makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may be given by any person in the next class, in the order of descending priority. However, no person under this section shall have the power to authorize an autopsy or post mortem if a person of higher priority under this section has refused such authorization: PROVIDED, That this section shall not affect autopsies performed pursuant to RCW ((68.08.100)) 68.50.010 or ((68.08.103)) 68.50.103.

Sec. 58. Section 9, chapter 188, Laws of 1953 as last amended by section 1, chapter 300, Laws of 1985 and RCW 68.08.105 are each amended to read as follows:

Reports and records of autopsies or post mortems shall be confidential, except that the following persons may examine and obtain copies of any such report or record: The personal representative of the decedent as defined in RCW 11.02.005, any family member, the attending physician, the prosecuting attorney or law enforcement agencies having jurisdiction, public health officials, or to the department of labor and industries in cases in which it has an interest under RCW ((68.08.103)) 68.50.103.

The coroner, the medical examiner, or the attending physician shall, upon request, meet with the family of the decedent to discuss the findings of

the autopsy or post mortem. For the purposes of this section, the term "family" means the surviving spouse, or any child, parent, grandparent, grandchild, brother, or sister of the decedent, or any person who was guardian of the decedent at the time of death.

Sec. 59. Section 10, chapter 188, Laws of 1953 as amended by section 1, chapter 28, Laws of 1975-'76 2nd ex. sess. and RCW 68.08.106 are each amended to read as follows:

In any case in which an autopsy or post mortem is performed, the coroner or medical examiner, upon his own authority or upon the request of the prosecuting attorney or other law enforcement agency having jurisdiction, may make or cause to be made an analysis of the stomach contents, blood, or organs, or tissues of a deceased person and secure professional opinions thereon and retain or dispose of any specimens or organs of the deceased which in his discretion are desirable or needful for anatomic, bacteriological, chemical, or toxicological examination or upon lawful request are needed or desired for evidence to be presented in court. When the autopsy or post mortem requires examination in the region of the pituitary gland, that gland may be removed and utilized for any desirable or needful purpose: PROVIDED, That a reasonable effort to obtain consent as required under RCW ((68.08.510)) 68.50.350 shall be made if that organ is to be so utilized. Costs shall be borne by the county.

Sec. 60. Section 238, chapter 249, Laws of 1909 and RCW 68.08.110 are each amended to read as follows:

Except in cases of dissection provided for in RCW ((68.08.100)) 68.50.100, and where a dead body shall rightfully be carried through or removed from the state for the purpose of burial elsewhere, every dead body of a human being lying within this state, and the remains of any dissected body, after dissection, shall be decently buried, or cremated within a reasonable time after death.

Sec. 61. Section 3, chapter 402, Laws of 1985 and RCW 68.08.185 are each amended to read as follows:

(1) A person authorized to dispose of human remains shall not cremate or cause to be cremated more than one body at a time unless written permission, after full and adequate disclosure regarding the manner of cremation, has been received from the person or persons under RCW ((68.08.160)) 68.50.160 having the authority to order cremation. This restriction shall not apply when equipment, techniques, or devices are employed that keep human remains separate and distinct before, during, and after the cremation process.

(2) Violation of this section is a gross misdemeanor.

Sec. 62. Section 35, chapter 247, Laws of 1943 and RCW 68.08.220 are each amended to read as follows:

RCW ((68-08-200)) 68.50.200 and ((68-08-210)) 68.50.210 do not apply to or prohibit the removal of any remains from one plot to another in the same cemetery or the removal of remains by a cemetery authority from a plot for which the purchase price is past due and unpaid, to some other suitable place; nor do they apply to the disinterment of remains upon order of court or coroner.

Sec. 63. Section 4, chapter 47, Laws of 1977 and RCW 68.08.245 are each amended to read as follows:

The person or persons determined under RCW ((68-08-160)) 68.50.160 as having authority to order cremation shall be entitled to possession of the cremated remains without further intervention by the state or its political subdivisions.

Sec. 64. Section 1, chapter 60, Laws of 1975-'76 2nd ex. sess. and RCW 68.08.300 are each amended to read as follows:

In any case where a patient is in need of corneal tissue for a transplantation, the county coroner, or county medical examiner or designee, may provide corneal tissue, from decedents under his/her jurisdiction, upon the request of an eye bank approved and authorized to make such requests by the secretary of the department of social and health services, subject to the following conditions:

- (1) Ready identification of the decedent is impossible, or
- (2) A reasonable effort to obtain such consent as is required under RCW ((68-08-510)) 68.50.350 is made, within the time period during which corneal tissue is a viable transplant, and no objection by the next of kin is known, and
- (3) Removal of the cornea for transplantation will not interfere with the subsequent course of an investigation or autopsy or alter the post mortem facial appearance of the decedent.

Sec. 65. Section 15, chapter 16, Laws of 1983 1st ex. sess. and RCW 68.08.350 are each amended to read as follows:

A dental identification system is established in the identification section of the Washington state patrol. The dental identification system shall act as a repository or computer center or both for dental examination records and it shall be responsible for comparing such records with dental records filed under RCW ((68-08-360)) 68.50.330. It shall also determine which scoring probabilities are the highest for purposes of identification and shall submit such information to the coroner or medical examiner who prepared and forwarded the dental examination records. Once the dental identification system is established, operating funds shall come from the state general fund.

Sec. 66. Section 3, chapter 80, Laws of 1969 and RCW 68.08.510 are each amended to read as follows:

(1) Any individual of sound mind and eighteen years of age or more may give all or any part of his body for any purpose specified in RCW ((68-08-520)) 68.50.360, the gift to take effect upon death.

(2) Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual notice of contrary indications by the decedent or actual notice of opposition by a member of the same or a prior class, may give all or any part of the decedent's body for any purpose specified in RCW ((68-08-520)) 68.50.360:

- (a) the spouse,
- (b) an adult son or daughter,
- (c) either parent,
- (d) an adult brother or sister,
- (e) a guardian of the person of the decedent at the time of his death,
- (f) any other person authorized or under obligation to dispose of the

body.

(3) If the donee has actual notice of contrary indications by the decedent or that a gift by a member of a class is opposed by a member of the same or a prior class, the donee shall not accept the gift. The persons authorized by subsection (2) may make the gift after death or during the terminal illness.

(4) A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

(5) The rights of the donee created by the gift are paramount to the rights of others except as provided by RCW ((68-08-560(4))) 68.50.400(4).

Sec. 67. Section 5, chapter 80, Laws of 1969 as amended by section 2, chapter 54, Laws of 1975 and RCW 68.08.530 are each amended to read as follows:

(1) A gift of all or part of the body under RCW ((68-08-510(+))) 68.50.350(1), may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

(2) A gift of all or part of the body under RCW ((68-08-510(+))) 68.50.350(1), may also be made by document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor in the presence of two witnesses who must sign the document in his presence. If the donor cannot sign, the document may be signed for him at his direction and in his presence in the presence of two witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

(3) A gift of all or part of the body under RCW ((68-08-510(+))) 68.50.350(1) may also be made by a statement provided for on Washington

state driver's licenses. The gift becomes effective upon the death of the licensee. The statement must be signed by the licensee in the presence of two witnesses, who must sign the statement in the presence of the donor. Delivery of the license during the donor's lifetime is not necessary to make the gift valid. The gift shall become invalidated upon expiration, cancellation, revocation, or suspension of the license, and the gift must be renewed upon renewal of each license: PROVIDED, That the statement of gift herein provided for shall contain a provision, including a clear instruction to the donor, providing for a means by which the donor may at his will revoke such gift: PROVIDED FURTHER, That nothing in this chapter shall be construed to invalidate a donor card located elsewhere.

(4) The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee under this subsection shall not participate in the procedures for removing or transplanting a part.

(5) Notwithstanding RCW (~~(68.08.560(2))~~) 68.50.400(2), the donor may designate in his will, card, or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose.

(6) Any gift by a person designated in RCW (~~(68.08.510(2))~~) 68.50.350(2), shall be made by a document signed by him or made by his telegraphic, recorded telephonic, or other recorded message.

Sec. 68. Section 8, chapter 80, Laws of 1969 and RCW 68.08.560 are each amended to read as follows:

(1) The donee may accept or reject the gift. If the donee accepts a gift of the entire body, he may, subject to the terms of the gift, authorize embalming and the use of the body in funeral services. If the gift is of a part of the body, the donee, upon the death of the donor and prior to embalming, shall cause the part to be removed without unnecessary mutilation. After removal of the part, custody of the remainder of the body vests in the surviving spouse, next of kin, or other persons under obligation to dispose of the body.

(2) The time of death shall be determined by a physician who tends the donor at his death, or, if none, the physician who certifies the death. The physician shall not participate in the procedures for removing or transplanting a part.

(3) A person who acts in good faith in accord with the terms of RCW ~~((68-08-500))~~ 68.50.340 through ~~((68-08-610))~~ 68.50.420 or with the anatomical gift laws of another state (or a foreign country) is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act.

(4) The provisions of RCW ~~((68-08-500))~~ 68.50.340 through ~~((68-08-610))~~ 68.50.420 are subject to the laws of this state prescribing powers and duties with respect to autopsies.

Sec. 69. Section 9, chapter 80, Laws of 1969 and RCW 68.08.600 are each amended to read as follows:

RCW ~~((68-08-500))~~ 68.50.340 through ~~((68-08-610))~~ 68.50.420 shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Sec. 70. Section 11, chapter 80, Laws of 1969 and RCW 68.08.610 are each amended to read as follows:

RCW ~~((68-08-500))~~ 68.50.340 through ~~((68-08-610))~~ 68.50.420 may be cited as the "Uniform Anatomical Gift Act".

Sec. 71. Section 1, chapter 129, Laws of 1986 and RCW 68.08.650 are each amended to read as follows:

Each hospital shall develop procedures for identifying potential organ and tissue donors. The procedures shall require that any deceased individual's next of kin or other individual, as set forth in RCW ~~((68-08-510))~~ 68.50.350, at or near the time of notification of death be asked whether the deceased was an organ donor. If not, the family shall be informed of the option to donate organs and tissues pursuant to the uniform anatomical gift act. With the approval of the designated next of kin or other individual, as set forth in RCW ~~((68-08-510))~~ 68.50.350, the hospital shall then notify an established eye bank, tissue bank, or organ procurement agency including those organ procurement agencies associated with a national organ procurement transportation network or other eligible donee, as specified in RCW ~~((68-08-520))~~ 68.50.360, and cooperate in the procurement of the anatomical gift or gifts. The procedures shall encourage reasonable discretion and sensitivity to the family circumstances in all discussions regarding donations of tissue or organs. The procedures may take into account the deceased individual's religious beliefs or obvious nonsuitability for organ and tissue donation. Laws pertaining to the jurisdiction of the coroner shall be complied with in all cases of reportable deaths pursuant to RCW ~~((68-08-010))~~ 68.50.010.

Sec. 72. Section 2, chapter 129, Laws of 1986 and RCW 68.08.660 are each amended to read as follows:

No act or omission of a hospital in developing or implementing the provisions of RCW ~~((68-08-650))~~ 68.50.500, when performed in good faith, shall be a basis for the imposition of any liability upon the hospital.

This section shall not apply to any act or omission of the hospital that constitutes gross negligence or wilful and wanton conduct.

Sec. 73. Section 2, chapter 112, Laws of 1963 and RCW 68.16.113 are each amended to read as follows:

As used in RCW (~~68.16.112~~) 68.52.192, "public agency" means counties, cities and towns, special districts, or quasi municipal corporations.

Sec. 74. Section 1, chapter 78, Laws of 1969 ex. sess. and RCW 68.18.010 are each amended to read as follows:

Any territory contiguous to a cemetery district and not within the boundaries of a city or town other than as set forth in RCW (~~68.16.130~~) 68.52.210 or other cemetery district may be annexed to such cemetery district by petition of fifteen percent of the qualified registered electors residing within the territory proposed to be annexed. Such petition shall be filed with the cemetery commissioners of the cemetery district and if the said cemetery commissioners shall concur in the said petition they shall then file such petition with the county auditor who shall within thirty days from the date of filing such petition examine the signatures thereof and certify to the sufficiency or insufficiency thereof. After the county auditor shall have certified to the sufficiency of the petition, the proceedings thereafter by the board of county commissioners, and the rights and powers and duties of the board of county commissioners, petitioners and objectors and the election and canvass thereof shall be the same as in the original proceedings to form a cemetery district: PROVIDED, That the board of county commissioners shall have authority and it shall be its duty to determine on an equitable basis, the amount of obligation which the territory to be annexed to the district shall assume, if any, to place the taxpayers of the existing district on a fair and equitable relationship with the taxpayers of the territory to be annexed by reason of the benefits of coming into a going district previously supported by the taxpayers of the existing district, and such obligation may be paid to the district in yearly installments to be fixed by the county board if within the limits as outlined in RCW (~~68.16.230~~) 68.52.310 and included in the annual tax levies against the property in such annexed territory until fully paid. The amount of the obligation and the plan of payment thereof filed by the county board shall be set out in general terms in the notice of election for annexation: PROVIDED, That the special election shall be held only within the boundaries of the territory proposed to be annexed to said cemetery district. Upon the entry of the order of the board of county commissioners incorporating such contiguous territory within such existing cemetery district, said territory shall become subject to the indebtedness, bonded or otherwise, of said existing district in like manner as the territory of said district. Should such petition be signed by sixty percent of the qualified registered electors residing within the territory proposed to be annexed, and should the cemetery commissioners concur therein, an election in such territory and a hearing on such petition shall be dispensed with and the



board of county commissioners shall enter its order incorporating such territory within the said existing cemetery district.

Sec. 75. Section 12, chapter 78, Laws of 1969 ex. sess. and RCW 68-18.120 are each amended to read as follows:

When a part of one cemetery district is transferred to another as provided by RCW (~~(68-18-100)~~) 68.54.100 and (~~(68-18-110)~~) 68.54.110, said part shall be relieved of all liability for any indebtedness of the district from which it is withdrawn. However, the acquiring district shall pay to the losing district that portion of the latter's indebtedness for which the transferred part was liable. This amount shall not exceed the proportion that the assessed valuation of the transferred part bears to the assessed valuation of the whole district from which said part is withdrawn. The adjustment of such indebtedness shall be based on the assessment for the year in which the transfer is made. The boards of commissioners of the districts involved in the said transfer and merger shall enter into a contract for the payment by the acquiring district of the above-referred to indebtedness under such terms as they deem proper, provided such contract shall not impair the security of existing creditors.

Sec. 76. Section 15, chapter 43, Laws of 1981 as amended by section 5, chapter 402, Laws of 1985 and RCW 18.39.215 are each amended to read as follows:

(1) No licensed embalmer shall embalm a deceased body without first having obtained authorization from a family member or representative of the deceased.

Notwithstanding the above prohibition a licensee may embalm without such authority when after due diligence no authorized person can be contacted and embalming is in accordance with legal or accepted standards of care in the community, or the licensee has good reason to believe that the family wishes embalming. If embalming is performed under these circumstances, the licensee shall not be deemed to be in violation of the provisions of this subsection.

The funeral director or embalmer shall inform the family member or representative of the deceased that embalming is not required by state law, except that embalming is required under certain conditions as determined by rule by the state board of health.

(2) Any person authorized to dispose of human remains shall refrigerate or embalm the body within twenty-four hours upon receipt of the body, unless disposition of the body has been made. However, subsection (1) of this section and RCW (~~(68-08-108)~~) 68.50.108 shall be complied with before a body is embalmed. Upon written authorization of the proper state or local authority, the provisions of this subsection may be waived for a specified period of time.

Violation of this subsection is a gross misdemeanor.

Sec. 77. Section 35A.40.050, chapter 119, Laws of 1967 ex. sess. as last amended by section 2, chapter 66, Laws of 1983 and RCW 35A.40.050 are each amended to read as follows:

Excess and inactive funds on hand in the treasury of any code city may be invested in the same manner and subject to the same limitations as provided for city and town funds in all applicable statutes, including, but not limited to the following: RCW 35.39.030, 35.58.510, 35.81.070, 35.82.070, 36.29.020, 39.58.020, 39.58.080, 39.58.130, 39.60.010, 39.60.020, 41.16.040, (~~68.12.060, 68.12.065~~) 68.52.060, 68.52.065, and 72.19.120.

The responsibility for determining the amount of money available in each fund for investment purposes shall be placed upon the department, division or board responsible for the administration of such fund.

Moneys thus determined available for this purpose may be invested on an individual fund basis or may, unless otherwise restricted by law be commingled within one common investment portfolio for the mutual benefit of all participating funds: PROVIDED, That if such moneys are commingled in a common investment portfolio, all income derived therefrom shall be apportioned among the various participating funds in direct proportion to the amount of money invested by each.

Any excess or inactive funds on hand in the city treasury not otherwise invested for the specific benefit of any particular fund, may be invested by the city treasurer in United States government bonds, notes, bills or certificates of indebtedness for the benefit of the general or current expense fund.

Sec. 78. Section 35A.42.010, chapter 119, Laws of 1967 ex. sess. as amended by section 320, chapter 258, Laws of 1984 and RCW 35A.42.010 are each amended to read as follows:

In addition to authority granted and duties imposed upon code city treasurers by this title, code city treasurers, or the officers designated by charter or ordinance to perform the duties of a treasurer, shall have the duties and the authority to perform the following: (1) As provided in RCW 8.12.500 relating to bonds and compensation payments in eminent domain proceedings; (2) as provided in RCW (~~68.12.050~~) 68.52.050 relating to cemetery improvement funds; (3) as provided in RCW 41.28.080 relating to custody of employees' retirement funds; (4) as provided in RCW 47.08.100 relating to the use of city street funds; (5) as provided in RCW 46.68.080 relating to motor vehicle funds; (6) as provided in RCW 41.16.020 and chapter 41.20 RCW relating to police and firemen's relief and pension boards; (7) as provided in chapter 42.20 RCW relating to misappropriation of funds; and (8) as provided in chapter 39.60 RCW relating to investment of municipal funds. The treasurer shall be subject to the penalties imposed for the violation of any of such provisions. Where a provision of this title, or the general law, names the city treasurer as an officer of a board or other body, or assigns duties to a city treasurer, such position shall be filled, or such duties performed, by the officer of a code city who is performing the

duties usually performed by a city treasurer, although he may not have that designation.

Sec. 79. Section 35A.56.010, chapter 119, Laws of 1967 ex. sess. as amended by section 2, chapter 30, Laws of 1979 ex. sess. and RCW 35A.56.010 are each amended to read as follows:

Except as otherwise provided in this title, state laws relating to special service or taxing districts shall apply to, grant powers, and impose duties upon code cities and their officers to the same extent as such laws apply to and affect other classes of cities and towns and their employees, including, without limitation, the following: (1) Chapter 70.94 RCW, relating to air pollution control; (2) chapter ~~((68-16))~~ 68.52 RCW, relating to cemetery districts; (3) chapter 29.68 RCW, relating to congressional districts; (4) chapters 14.07 and 14.08 RCW, relating to municipal airport districts; (5) chapter 36.88 RCW, relating to county road improvement districts; (6) Title 85 RCW, relating to diking districts, drainage districts, and drainage improvement districts; (7) chapter 36.54 RCW, relating to ferry districts; (8) Title 52 RCW, relating to fire protection districts; (9) Title 86 RCW, relating to flood control districts and flood control; (10) chapter 70.46 RCW, relating to health districts; (11) chapters 87.03 through 87.84 and 89.12 RCW, relating to irrigation districts; (12) chapter 35.61 RCW, relating to metropolitan park districts; (13) chapter 35.58 RCW, relating to metropolitan municipalities; (14) chapter 17.28 RCW, relating to mosquito control districts; (15) chapter 17.12 RCW, relating to agricultural pest districts; (16) chapter 13.12 RCW, relating to parental or truant schools; (17) Title 53 RCW, relating to port districts; (18) chapter 70.44 RCW, relating to public hospital districts; (19) Title 54 RCW, relating to public utility districts; (20) chapter 91.08 RCW, relating to public waterway districts; (21) Title 56 RCW for sewer districts; (22) chapter 89.12 RCW, relating to reclamation districts; (23) chapters 57.02 through 57.36 RCW, relating to water districts; and (24) chapter 17.04 RCW, relating to weed districts.

Sec. 80. Section 35A.68.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.68.010 are each amended to read as follows:

A code city may exercise the powers to acquire, own, improve, manage, operate and regulate real and personal property for the operation of the city morgue, cemetery or other place for the burial of the dead, to create cemetery boards or commissions, to establish and manage funds for cemetery improvement and care and to make all necessary or desirable rules and regulations concerning the control and management of burial places and the investment of funds relating thereto and accounting therefor as is authorized by chapter ~~((68-12))~~ 68.52 RCW, RCW 35.22.280, 35.23.440, 35.24.300 and 35.27.370(2) in accordance with the procedures and requirements prescribed by said laws and authority to be included within a cemetery district as authorized and conformed to the requirements of Title 68 RCW.

Sec. 81. Section 1, chapter 54, Laws of 1975 as amended by section 147, chapter 258, Laws of 1979 and RCW 46.20.113 are each amended to read as follows:

The department of licensing shall provide a statement whereby the licensee may certify in the presence of two witnesses his willingness to make an anatomical gift under RCW ((~~68.08.530~~) 68.50.370), as now or hereafter amended. The department shall provide the statement in at least one of the following ways:

- (1) On each driver's license; or
- (2) With each driver's license; or
- (3) With each in-person driver's license application.

NEW SECTION. Sec. 82. The cemetery board, for administrative purposes, shall be transferred to the department of licensing.

NEW SECTION. Sec. 83. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the cemetery board shall be delivered to the custody of the department of licensing. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the cemetery board shall be made available to the department of licensing. All funds, credits, or other assets held by the cemetery board shall be assigned to the department of licensing.

Any appropriations made to the cemetery board shall, on the effective date of this section, be transferred and credited to the department of licensing.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 84. All persons employed by the cemetery board before the effective date of this section shall be assigned to the department of licensing in civil service classifications appropriate to their duties to perform their usual duties upon the same terms as formerly, without any loss of rights or salary subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 85. All rules and all pending business before the cemetery board shall be continued and acted upon by the cemetery board. All existing contracts and obligations shall remain in full force and shall be performed by the department of licensing.

NEW SECTION. Sec. 86. The transfer of the powers, duties, functions, and personnel of the cemetery board shall not affect the validity of any act performed before the effective date of this section.

**NEW SECTION.** Sec. 87. If apportionments of budgeted funds are required because of the transfers directed by sections 83 through 86 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

**NEW SECTION.** Sec. 88. Nothing contained in sections 82 through 87 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

**NEW SECTION.** Sec. 89. The following sections are recodified:

- (1) RCW 68.05.070 as RCW 68.05.095;
- (2) RCW 68.05.130 as RCW 68.05.254;
- (3) RCW 68.05.140 as RCW 68.05.259;
- (4) RCW 68.05.220 as RCW 68.05.215;
- (5) RCW 68.05.230 as RCW 68.05.205;
- (6) RCW 68.05.250 as RCW 68.05.290;
- (7) RCW 68.05.255 as RCW 68.05.115;
- (8) RCW 68.05.257 as RCW 68.05.175;
- (9) RCW 68.05.260 as RCW 68.50.035;
- (10) RCW 68.05.270 as RCW 68.05.285;
- (11) RCW 68.05.380 as RCW 68.05.400;
- (12) RCW 68.08.010 as RCW 68.50.010;
- (13) RCW 68.08.020 as RCW 68.50.020;
- (14) RCW 68.08.030 as RCW 68.50.030;
- (15) RCW 68.08.040 as RCW 68.50.040;
- (16) RCW 68.08.050 as RCW 68.50.050;
- (17) RCW 68.08.060 as RCW 68.50.060;
- (18) RCW 68.08.070 as RCW 68.50.070;
- (19) RCW 68.08.080 as RCW 68.50.080;
- (20) RCW 68.08.090 as RCW 68.50.090;
- (21) RCW 68.08.100 as RCW 68.50.100;
- (22) RCW 68.08.101 as RCW 68.50.101;
- (23) RCW 68.08.102 as RCW 68.50.102;
- (24) RCW 68.08.103 as RCW 68.50.103;
- (25) RCW 68.08.104 as RCW 68.50.104;
- (26) RCW 68.08.105 as RCW 68.50.105;
- (27) RCW 68.08.106 as RCW 68.50.106;
- (28) RCW 68.08.107 as RCW 68.50.107;
- (29) RCW 68.08.108 as RCW 68.50.108;
- (30) RCW 68.08.110 as RCW 68.50.110;
- (31) RCW 68.08.120 as RCW 68.50.120;

- (32) RCW 68.08.130 as RCW 68.50.130;
- (33) RCW 68.08.135 as RCW 68.50.135;
- (34) RCW 68.08.140 as RCW 68.50.140;
- (35) RCW 68.08.145 as RCW 68.50.145;
- (36) RCW 68.08.150 as RCW 68.50.150;
- (37) RCW 68.08.160 as RCW 68.50.160;
- (38) RCW 68.08.165 as RCW 68.50.165;
- (39) RCW 68.08.170 as RCW 68.50.170;
- (40) RCW 68.08.180 as RCW 68.50.180;
- (41) RCW 68.08.185 as RCW 68.50.185;
- (42) RCW 68.08.190 as RCW 68.50.190;
- (43) RCW 68.08.200 as RCW 68.50.200;
- (44) RCW 68.08.210 as RCW 68.50.210;
- (45) RCW 68.08.220 as RCW 68.50.220;
- (46) RCW 68.08.232 as RCW 68.50.232;
- (47) RCW 68.08.240 as RCW 68.50.240;
- (48) RCW 68.08.245 as RCW 68.50.270;
- (49) RCW 68.08.300 as RCW 68.50.280;
- (50) RCW 68.08.305 as RCW 68.50.290;
- (51) RCW 68.08.320 as RCW 68.50.300;
- (52) RCW 68.08.350 as RCW 68.50.310;
- (53) RCW 68.08.355 as RCW 68.50.320;
- (54) RCW 68.08.360 as RCW 68.50.330;
- (55) RCW 68.08.500 as RCW 68.50.340;
- (56) RCW 68.08.510 as RCW 68.50.350;
- (57) RCW 68.08.520 as RCW 68.50.360;
- (58) RCW 68.08.530 as RCW 68.50.370;
- (59) RCW 68.08.540 as RCW 68.50.380;
- (60) RCW 68.08.550 as RCW 68.50.390;
- (61) RCW 68.08.560 as RCW 68.50.400;
- (62) RCW 68.08.600 as RCW 68.50.410;
- (63) RCW 68.08.610 as RCW 68.50.420;
- (64) RCW 68.08.650 as RCW 68.50.500;
- (65) RCW 68.08.660 as RCW 68.50.510;
- (66) RCW 68.12.010 as RCW 68.52.010;
- (67) RCW 68.12.020 as RCW 68.52.020;
- (68) RCW 68.12.030 as RCW 68.52.030;
- (69) RCW 68.12.040 as RCW 68.52.040;
- (70) RCW 68.12.045 as RCW 68.52.045;
- (71) RCW 68.12.050 as RCW 68.52.050;
- (72) RCW 68.12.060 as RCW 68.52.060;
- (73) RCW 68.12.065 as RCW 68.52.065;
- (74) RCW 68.12.070 as RCW 68.52.070;
- (75) RCW 68.12.080 as RCW 68.52.080;

- (76) RCW 68.16.010 as RCW 68.52.090;
- (77) RCW 68.16.020 as RCW 68.52.100;
- (78) RCW 68.16.030 as RCW 68.52.110;
- (79) RCW 68.16.040 as RCW 68.52.120;
- (80) RCW 68.16.050 as RCW 68.52.130;
- (81) RCW 68.16.060 as RCW 68.52.140;
- (82) RCW 68.16.070 as RCW 68.52.150;
- (83) RCW 68.16.080 as RCW 68.52.160;
- (84) RCW 68.16.090 as RCW 68.52.170;
- (85) RCW 68.16.100 as RCW 68.52.180;
- (86) RCW 68.16.110 as RCW 68.52.190;
- (87) RCW 68.16.111 as RCW 68.52.191;
- (88) RCW 68.16.112 as RCW 68.52.192;
- (89) RCW 68.16.113 as RCW 68.52.193;
- (90) RCW 68.16.120 as RCW 68.52.200;
- (91) RCW 68.16.130 as RCW 68.52.210;
- (92) RCW 68.16.140 as RCW 68.52.220;
- (93) RCW 68.16.150 as RCW 68.52.230;
- (94) RCW 68.16.160 as RCW 68.52.240;
- (95) RCW 68.16.170 as RCW 68.52.250;
- (96) RCW 68.16.180 as RCW 68.52.260;
- (97) RCW 68.16.190 as RCW 68.52.270;
- (98) RCW 68.16.200 as RCW 68.52.280;
- (99) RCW 68.16.210 as RCW 68.52.290;
- (100) RCW 68.16.220 as RCW 68.52.300;
- (101) RCW 68.16.230 as RCW 68.52.310;
- (102) RCW 68.16.240 as RCW 68.52.320;
- (103) RCW 68.16.250 as RCW 68.52.330;
- (104) RCW 68.16.900 as RCW 68.52.900;
- (105) RCW 68.18.010 as RCW 68.54.010;
- (106) RCW 68.18.020 as RCW 68.54.020;
- (107) RCW 68.18.030 as RCW 68.54.030;
- (108) RCW 68.18.040 as RCW 68.54.040;
- (109) RCW 68.18.050 as RCW 68.54.050;
- (110) RCW 68.18.060 as RCW 68.54.060;
- (111) RCW 68.18.070 as RCW 68.54.070;
- (112) RCW 68.18.080 as RCW 68.54.080;
- (113) RCW 68.18.090 as RCW 68.54.090;
- (114) RCW 68.18.100 as RCW 68.54.100;
- (115) RCW 68.18.110 as RCW 68.54.110;
- (116) RCW 68.18.120 as RCW 68.54.120;
- (117) RCW 68.20.100 as RCW 68.50.250;
- (118) RCW 68.20.105 as RCW 68.50.260;
- (119) RCW 68.46.095 as RCW 68.05.235;

- (120) RCW 68.46.140 as RCW 68.05.155;
- (121) RCW 68.46.180 as RCW 68.05.225;
- (122) RCW 68.46.200 as RCW 68.05.310;
- (123) RCW 68.46.210 as RCW 68.05.330;
- (124) RCW 68.46.220 as RCW 68.05.320;
- (125) RCW 68.46.230 as RCW 68.05.340;
- (126) RCW 68.46.240 as RCW 68.05.350;
- (127) RCW 68.46.250 as RCW 68.05.360;
- (128) RCW 68.46.260 as RCW 68.05.370;
- (129) RCW 68.46.290 as RCW 68.05.300;
- (130) RCW 68.48.010 as RCW 68.56.010;
- (131) RCW 68.48.020 as RCW 68.56.020;
- (132) RCW 68.48.030 as RCW 68.56.030;
- (133) RCW 68.48.040 as RCW 68.56.040;
- (134) RCW 68.48.050 as RCW 68.05.185;
- (135) RCW 68.48.060 as RCW 68.56.050;
- (136) RCW 68.48.080 as RCW 68.56.060; and
- (137) RCW 68.48.090 as RCW 68.56.070.

**NEW SECTION.** Sec. 90. The following acts or parts of acts are each repealed:

- (1) Section 20, chapter 99, Laws of 1979, section 1, chapter 334, Laws of 1981 and RCW 43.131.187;
- (2) Section 62, chapter 99, Laws of 1979, section 2, chapter 334, Laws of 1981 and RCW 43.131.188;
- (3) Section 37, chapter 290, Laws of 1953 and RCW 68.05.110;
- (4) Section 47, chapter 290, Laws of 1953 and RCW 68.05.200;
- (5) Section 120, chapter 247, Laws of 1943, section 5, chapter 290, Laws of 1953, section 17, chapter 21, Laws of 1979 and RCW 68.40.020;
- (6) Section 121, chapter 247, Laws of 1943, section 6, chapter 290, Laws of 1953 and RCW 68.40.030;
- (7) Section 124, chapter 247, Laws of 1943 and RCW 68.40.050;
- (8) Section 119, chapter 247, Laws of 1943, section 9, chapter 290, Laws of 1953 and RCW 68.40.070;
- (9) Section 123, chapter 247, Laws of 1943, section 10, chapter 290, Laws of 1953 and RCW 68.40.080;
- (10) Section 6, chapter 351, Laws of 1977 ex. sess., section 41, chapter 21, Laws of 1979 and RCW 68.46.120; and
- (11) Section 146, chapter 247, Laws of 1943, section 42, chapter 21, Laws of 1979 and RCW 68.48.070.

**NEW SECTION.** Sec. 91. This 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, 1987.

Passed the House March 4, 1987.

Passed the Senate April 16, 1987.

Approved by the Governor May 12, 1987.

Filed in Office of Secretary of State May 12, 1987.

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## CHAPTER 332

[Substitute Senate Bill No. 5510]

### REAL ESTATE LICENSURE

AN ACT Relating to real estate licenses; amending RCW 18.85.010, 18.85.040, 18.85.095, 18.85.120, 18.85.140, 18.85.190, 18.85.200, 18.85.215, 18.85.220, 18.85.230, 18.85.240, 18.85.251, 18.85.261, 18.85.271, 18.85.320, 18.85.450, and 18.85.460; adding a new section to chapter 18.85 RCW; and repealing RCW 18.85.161 and 18.85.163.

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

Sec. 1. Section 2, chapter 252, Laws of 1941 as last amended by section 1, chapter 305, Laws of 1981 and RCW 18.85.010 are each amended to read as follows:

In this chapter words and phrases have the following meanings unless otherwise apparent from the context:

(1) "Real estate broker," or "broker," means a person, while acting for another for commissions or other compensation or the promise thereof, or a licensee under this chapter while acting in his or her own behalf, who:

(a) Sells or offers for sale, lists or offers to list, buys or offers to buy real estate or business opportunities, or any interest therein, for others;

(b) Negotiates or offers to negotiate, either directly or indirectly, the purchase, sale, exchange, lease, or rental of real estate or business opportunities, or any interest therein, for others;

(c) Negotiates or offers to negotiate, either directly or indirectly, the purchase, sale, or exchange of a used mobile home in conjunction with the purchase, sale, exchange, rental, or lease of the land upon which the used mobile home is located;

(d) Advertises or holds himself or herself out to the public by any oral or printed solicitation or representation that he or she is so engaged; or

(e) Engages, directs, or assists in procuring prospects or in negotiating or closing any transaction which results or is calculated to result in any of these acts;

(2) "Real estate ((salesman)) salesperson" or "((salesman)) salesperson" means any natural person employed, either directly or indirectly, by a real estate broker, or any person who represents a real estate broker in the performance of any of the acts specified in subsection (1) of this section;