

~~((5))~~ (7) The person having physical custody of the child shall have an affirmative duty to assist in the enforcement of the restraining order including but not limited to a duty to notify the court as soon as practicable of any violation of the order, a duty to request the assistance of law enforcement officers to enforce the order, and a duty to notify the department of social and health services of any violation of the order as soon as practicable if the department is a party to the action. Failure by the custodial party to discharge these affirmative duties shall be subject to contempt proceedings.

(8) Wilful violation of a court order entered under this section is a misdemeanor. A written order shall contain the court's directive and shall bear the legend: "Violation of this order is a criminal offense under chapter 26.44 RCW and will subject a violator to arrest."

NEW SECTION. Sec. 4. A new section is added to chapter 26.44 RCW to read as follows:

When a peace officer responds to a call alleging that a child has been subjected to sexual or physical abuse and has probable cause to believe that a crime has been committed or responds to a call alleging that a temporary restraining order or preliminary injunction has been violated, the peace officer has the authority to arrest the person without a warrant pursuant to RCW 10.31.100.

Passed the Senate March 8, 1988.

Passed the House March 2, 1988.

Approved by the Governor March 22, 1988.

Filed in Office of Secretary of State March 22, 1988.

CHAPTER 191

[Substitute Senate Bill No. 6376]

MOTOR VEHICLE EXCISE TAX—ADDITIONAL TAX TO HELP FUND FERRY SYSTEM EXTENDED

AN ACT Relating to motor vehicle excise tax; reenacting and amending RCW 82.44.020; and creating a new section.

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

Sec. 1. Section 82.44.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 260, Laws of 1987 and by section 5, chapter 9, Laws of 1987 1st ex. sess. and RCW 82.44.020 are each reenacted and amended to read as follows:

(1) An excise tax is imposed for the privilege of using in the state any motor vehicle, except those operated under reciprocal agreements, the provisions of RCW 46.16.160 as now or hereafter amended, or dealer's licenses. The annual amount of such excise tax shall be two percent of the fair market value of such vehicle.

(2) An additional excise tax is imposed, in addition to any other tax imposed by this section, for the privilege of using in the state any such motor vehicle, and the annual amount of such additional excise shall be two-tenths of one percent of the fair market value of such vehicle.

(3) Effective with January, 1989, motor vehicle license expirations, and ending after December, (~~(1990)~~) 1991, expirations, an additional excise tax is imposed, in addition to any other tax imposed by this section, for the privilege of using in the state any such motor vehicle, and the annual amount of such additional excise tax shall be one-tenth of one percent of the fair market value of such vehicle.

(4) The department of licensing and county auditors shall collect the additional tax imposed by subsections (2) and (3) of this section for any registration year for the months of that registration year in which such additional tax is effective, and in the same manner and at the same time as the tax imposed by subsection (1) of this section.

(5) In no case shall the total tax be less than two dollars except for proportionally registered vehicles.

(6) An additional tax is imposed equal to the taxes payable under subsections (1) and (2) of this section multiplied by the rate specified in RCW 82.02.030.

(7) Washington residents, as defined in RCW 46.16.028, who license motor vehicles in another state or foreign country and avoid Washington motor vehicle excise taxes are liable for such unpaid excise taxes. The department of revenue may assess and collect the unpaid excise taxes under chapter 82.32 RCW, including the penalties and interest provided therein.

NEW SECTION. Sec. 2. A joint committee is created to study the state motor vehicle excise tax. The study shall include a historical review of the distribution of the tax revenues, the current distribution of the tax revenues, and an evaluation of the current and historical purposes of the tax revenue distributions. The joint committee shall report its findings, including any recommended changes to the motor vehicle excise tax, to the house and senate standing committees on transportation and ways and means by November 1, 1988.

The chairpersons of the house transportation committee, the senate transportation committee, the senate ways and means committee, and the house ways and means committee shall each appoint three of its members to serve on the joint committee. The directors of the office of financial management and the department of licensing and the secretary of the department of transportation shall each appoint one employee of their respective departments to serve on the joint committee. The committee shall sunset on

November 30, 1988. The members of the joint committee shall elect a chairperson from the membership of the committee.

Passed the Senate March 9, 1988.

Passed the House March 8, 1988.

Approved by the Governor March 22, 1988.

Filed in Office of Secretary of State March 22, 1988.

CHAPTER 192

[Substitute House Bill No. 1329]

HOMESTEADS

AN ACT Relating to homesteads; and amending RCW 6.13.080 and 64.32.200.

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

Sec. 1. Section 1, chapter 10, Laws of 1982 as last amended by section 208, chapter 442, Laws of 1987 and RCW 6.13.080 are each amended to read as follows:

The homestead exemption is not available against an execution or forced sale in satisfaction of judgments obtained:

(1) On debts secured by mechanic's, laborer's, materialmen's or vendor's liens upon the premises;

(2) On debts secured by purchase money security agreements describing as collateral the mobile home that is claimed as a homestead or by mortgages or deeds of trust on the premises, executed and acknowledged by the husband and wife or by any unmarried claimant;

(3) On one spouse's or the community's debts existing at the time of that spouse's bankruptcy filing where (a) bankruptcy is filed by both spouses within a six-month period, other than in a joint case or a case in which their assets are jointly administered, and (b) the other spouse exempts property from property of the estate under the bankruptcy exemption provisions of 11 U.S.C. Sec. 522(d);

(4) On debts arising from a lawful court order or decree or administrative order establishing a child support obligation or obligation to pay spousal maintenance; or

(5) On debts secured by a condominium's or homeowner association's lien. In order for an association to be exempt under this provision, the association must have provided a homeowner with notice that nonpayment of the association's assessment may result in foreclosure of the association lien and that the homestead protection under this chapter shall not apply. An association has complied with this notice requirement by mailing the notice, by first class mail, to the address of the owner's lot or unit. The notice required in this subsection shall be given within thirty days from the date the association learns of a new owner, but in all cases the notice must be given prior to the initiation of a foreclosure. The phrase "learns of a new owner"