

**NEW SECTION.** Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 18, 1989.

Passed the Senate April 5, 1989.

Approved by the Governor May 3, 1989.

Filed in Office of Secretary of State May 3, 1989.

## CHAPTER 223

[Substitute House Bill No. 1388]

### TRANSIT WORKERS—COVERAGE UNDER GOOD SAMARITAN ACT

AN ACT Relating to persons rendering emergency care or transport; and amending RCW 4.24.310.

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

Sec. 1. Section 2, chapter 58, Laws of 1975 as last amended by section 501, chapter 212, Laws of 1987 and RCW 4.24.310 are each amended to read as follows:

For the purposes of RCW 4.24.300 the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Compensation" has its ordinary meaning but does not include: Nominal payments, reimbursement for expenses, or pension benefits~~(, nor does it include)~~; payments made to volunteer part-time and volunteer on-call personnel of fire departments, fire districts, ambulance districts, police departments, or any emergency response organizations; or any payment to a person employed as a transit operator who is paid for his or her regular work, which work does not routinely include providing emergency care or emergency transportation.

(2) "Emergency care" means care, first aid, treatment, or assistance rendered to the injured person in need of immediate medical attention and includes providing or arranging for further medical treatment or care for the injured person. Except with respect to the injured person or persons being transported for further medical treatment or care, the immunity granted by RCW 4.24.300 does not apply to the negligent operation of any motor vehicle.

(3) "Scene of an emergency" means the scene of an accident or other sudden or unexpected event or combination of circumstances which calls for immediate action.

Passed the House April 17, 1989.

Passed the Senate April 10, 1989.

Approved by the Governor May 3, 1989.

Filed in Office of Secretary of State May 3, 1989.

## CHAPTER 224

[Substitute Senate Bill No. 5591]

### RIGHTS OF WAY—UNFRANCHISED USE—PENALTIES

AN ACT Relating to franchises on highway rights-of-way; amending RCW 47.44.060 and 47.04.090; and prescribing penalties.

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

Sec. 1. Section 47.44.060, chapter 13, Laws of 1961 and RCW 47.44.060 are each amended to read as follows:

(1) Any person, firm, or corporation who (~~shall~~) constructs or maintains on, over, across, or along any state highway any water pipe, flume, gas pipe, telegraph, telephone, electric light, or power lines, or tram or railway, or any other such facilities, without having first obtained and having at all times in full force and effect a franchise or permit to do so in the manner provided by law (~~shall be~~) is guilty of a misdemeanor (~~and~~). Each day of violation (~~shall be~~) is a separate and distinct offense.

(2) Any person, firm, or corporation who constructs or maintains on, over, across, or along any state highway any water pipe, flume, gas pipe, telegraph, telephone, electric light or power lines, or tram or railway, or any other such facilities, without having first obtained and having at all times in full force and effect a franchise or permit to do so in the manner provided by law is liable for a civil penalty of one hundred dollars per calendar day beginning forty-five days from the date notice is given and until application is made for a franchise or permit or until the facility is removed as required by notice. The state shall give notice by certified mail that a franchise or permit is required or the facility must be removed and shall include in the notice sufficient information to identify the portion of right of way in question. Notice is effective upon delivery.

(3) If a person, firm or corporation does not apply for a permit or franchise within forty-five days of notice given in accordance with subsection (2) of this section or the state determines that the facility constructed or maintained without a permit or franchise would not be granted a permit or franchise, the state may order the facility to be removed within such time period as the state may specify. If the facility is not removed, the state, in