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# TITLE 41

## PUBLIC EMPLOYMENT, CIVIL SERVICE AND PENSIONS

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**41.04.005 "Veteran" defined for certain purposes.** As used in \*RCW 28.76.560, 28.77.070, 28.80.060, 28.81.084, 28B.10.290, 28B.15.380, 28B.40.361, 41.04.005, 41.04.010, 41.16.220, and 41.20.050 "veteran" includes every person, who at the time he seeks the benefits of \*RCW 28.76.560, 28.77.070, 28.80.060, 28.81.084, 28B.10.290, 28B.15.380, 28B.40.361, 41.04.005, 41.04.010, 41.16.220 and 41.20.050, has served in any branch of the armed forces of the United States during:

(1) Any period of war and such "period of war" shall include World War I, World War II, the Korean conflict, the Viet Nam era, and the period beginning on the date of any future declaration of war by the congress

and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress. The said "Viet Nam era" shall mean the period beginning August 5, 1964, and ending on such date as shall thereafter be determined by presidential proclamation or concurrent resolution of the congress; and in addition to this subsection, who, upon termination of said service has

(2) Received an honorable discharge; or

(3) Received a discharge for physical reasons with an honorable record; or

(4) Been released from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given. [1969 ex.s. c 269 § 1.]

**\*Reviser's note:** "RCW 28.76.560, 28.77.070, 28.80.060, 28.81.084" as used in the aforesaid section were repealed and reenacted as RCW 28B.10.290, 28B.15.380, and 28B.40.361 as appear in said section.

**41.04.010 Veterans' preference in examinations.** In all competitive examinations, unless otherwise provided herein, to determine the qualifications of applicants for public offices, positions or employment, the state, and all of its political subdivisions and all municipal corporations, shall give a preference status to all veterans as defined in RCW 41.04.005, by adding to the passing mark, grade or rating only, based upon a possible rating of one hundred points as perfect a percentage in accordance with the following:

(1) Ten percent to a veteran who is not receiving any veterans retirement payments and said percentage shall be utilized in said veteran's competitive examination and not in any promotional examination until one of such examinations results in said veteran's first appointment: *Provided*, That said percentage shall not be utilized in any promotional examination;

(2) Five percent to a veteran who is receiving any veterans retirement payments and said percentage shall be utilized in said veteran's competitive examination only and not in any promotional examination until one of such examinations results in said veteran's first appointment: *Provided*, That said percentage shall not be utilized in any promotional examination;

(3) Five percent to a veteran who, after having previously received employment with the state or any of its political subdivisions or municipal corporations, shall be called, or recalled, to active military service for a period of one year, or more, during any period of war, for his first promotional examination only, upon compliance with RCW 73.16.035 as it now exists or may hereafter be amended;

(4) There shall be no examination preferences other than those which have been specifically provided for above and all preferences above specified in (1), (2) and (3) must be claimed by a veteran within eight years of the date of his release from active service. [1974 ex.s. c 170 § 1; 1969 ex.s. c 269 § 2; 1953 ex.s. c 9 § 1; 1949 c 134 § 1; 1947 c 119 § 1; 1945 c 189 § 1; Rem. Supp. 1949 § 9963-5.]

*Veterans and veterans' affairs: Title 73 RCW.*

**41.04.015 Public employment—Evidence of educational competence.** A Washington certificate of educational competence as awarded by the Washington state superintendent of public instruction or an official report of equivalent acceptable scores of the general educational development test shall be accepted in lieu of a high school diploma by the state and any local political subdivision when considering applicants for employment or promotion. [1971 c 43 § 1.]

**41.04.020 Public employees—Payroll deductions authorized.** Any employee or group of employees of the state of Washington or any of its political subdivisions, or of any institution supported, in whole or in part, by the state or any of its political subdivisions, may authorize the deduction from his or their salaries or wages, the amount or amounts of his or their subscription payments or contributions to any person, firm or corporation furnishing or providing medical, surgical and hospital care or either of them, or life insurance or accident and health disability insurance: *Provided*, That such authorization by said employee or group of employees, shall be first approved by the head of the department, division office or institution of the state or any political subdivision thereof, employing such person or group of persons, and filed with the department of personnel; or in the case of political subdivisions of the state of Washington, with the auditor of such political subdivision or the person authorized by law to draw warrants against the funds of said political subdivision. [1973 c 106 § 15; 1947 c 70 § 1; Rem. Supp. 1947 § 9963–10.]

*Group disability insurance: Chapter 48.21 RCW.*

*Group insurance for employees of cities and towns: RCW 35.23.460.*

*Group insurance for employees of counties: RCW 36.32.400.*

*Group life insurance: Chapter 48.24 RCW.*

**41.04.030 Payroll deductions—Duty of auditing officer.** Upon being authorized by any employee or group of employees so to do under the provisions of RCW 41.04.020, the auditor or other person authorized to draw warrants against the funds involved is authorized, and if such medical, surgical, and hospital care or either of them, or life insurance or accident and health disability insurance is to be provided on a group basis for groups each of not less than twenty-five individuals such auditor or other person is hereby required, to draw and issue a proper warrant or warrants directly to and in favor of the person, firm, or corporation, or organization named in the authorization for the total amount authorized to be deducted from the payroll of any such office, department, division, or institution. [1953 c 260 § 1; 1947 c 70 § 2; Rem. Supp. 1947 § 9963–11.]

**41.04.035 Salary and wage deductions for contributions to charitable agencies—"United Fund" defined.** For the purpose of RCW 41.04.035 and 41.04.036 "United Fund" means the organization conducting the single, annual, consolidated effort to secure funds for distribution to agencies engaged in charitable and public health, welfare and service purposes, which is commonly known as the United Fund, or the organization which serves in place of the United Fund organizations in

communities where an organization known as the United Fund is not organized. [1957 c 208 § 1.]

**41.04.036 Salary and wage deductions for contributions to charitable agencies—Deduction and payment to United Fund—Regulations, procedures.** Any official of the state or of any of its political subdivisions authorized to disburse funds in payment of salaries or wages of public officers or employees is authorized, upon written request of the officer or employee, to deduct each month from the salary or wages of the officer or employee the amount of money designated by the officer or employee for payment to the United Fund.

The moneys so deducted shall be paid over promptly to the United Fund designated by the officer or employee. Subject to any regulations prescribed by the office of program planning and fiscal management, the official authorized to disburse the funds in payment of salaries or wages may prescribe any procedures necessary to carry out RCW 41.04.035 and 41.04.036. [1973 c 106 § 16; 1957 c 208 § 2.]

**41.04.040 State supported retirement systems—Definitions.** Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in RCW 41.04.040 through 41.04.060 shall have the following meanings:

(1) "Retirement system" shall mean any pension fund or retirement system established under the statutes of this state and to which the state contributes any portion of the funds of such plan or system, except systems covering less than fifty employees each.

(2) "Member" shall mean any employee of the state of Washington or of any department or agency thereof or of any municipal corporation or instrumentality thereof, who is included in the membership of any retirement system.

(3) "Beneficiary" shall mean any person who receives a retirement allowance, pension, or other benefit provided by any retirement system.

(4) "Retirement board" shall mean the governing body of a retirement system, regardless of the name applied to such body in the statutes establishing the system.

(5) "Qualified actuary" shall mean a person who shall have passed the whole of the associateship examinations of the Actuarial Society of America or of the American Institute of Actuaries or of their successor body, the Society of Actuaries. [1949 c 78 § 1; Rem. Supp. 1949 § 10726m.]

**Severability—1949 c 78:** "If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or of any section, provision, or part thereof not adjudged to be invalid or unconstitutional." [1949 c 78 § 5.]

**Repeal—1949 c 78:** "Any act or parts of this act in conflict herewith are hereby repealed." [1949 c 78 § 4.]

The foregoing annotations apply to RCW 41.04.040–41.04.060.

**41.04.050 Periodical actuarial studies to be made.** The retirement board of each retirement system shall collect and keep in convenient form such data as shall be necessary for an actuarial valuation of the assets and

liabilities of the retirement system, and for making an actuarial investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of the retirement system. At least once in each five year period commencing after the effective date of this act, the retirement board shall cause an actuarial investigation to be made into the mortality, service, compensation and other experience of the members and beneficiaries of the retirement system, and into the financial condition of the retirement system. Such investigation shall be made by a qualified actuary appointed by the retirement board; shall be commenced within six months after the close of the period to be studied and shall be completed within an additional six months by the filing with the retirement board of an adequate report on the status of the retirement system. Upon the basis of such actuarial investigation the retirement board shall adopt such tables, schedules, factors, and regulations as are deemed necessary in the light of the findings of the actuary for the proper operation of the retirement system, and for making effective the provisions of RCW 41.04.040 through 41.04.060. [1949 c 78 § 2; Rem. Supp. 1949 § 10726n.]

**Reviser's note:** The effective date of 1949 c 78 is June 8, 1949, see preface 1949 session laws.

*Actuarial studies by state retirement board: RCW 41.40.065.*

**41.04.060 Reports required.** Copies of a report of the qualified actuary made to the retirement board after completion of the investigation, together with any recommendations to the board which the actuary may deem appropriate, and a report of the action taken by the board thereon, shall be furnished promptly by the retirement board of the system to the governor and the insurance commissioner of the state. The insurance commissioner, upon receipt of such reports, shall review them and shall submit his comments thereon, together with any recommendations as to corrective legislation or change in administrative procedures which he may deem appropriate, to the chairman of the appropriations and insurance committees of both houses of the legislature within ten days after that body shall convene for its first session following the receipt of said reports. [1949 c 78 § 3; Rem. Supp. 1949 § 10726o.]

**41.04.070 Persons employed by more than one agency—Service credits—Intent of provisions.** It is the intent of RCW 41.04.070 through 41.04.110 to allow the preservation, accumulation and retention of service credits towards eventual retirement by officers and employees who by reason of employment by more than one public agency in the state may participate in one or more retirement or pension systems. It is also intended that sovereignty of the various retirement and pension systems operating in the state shall not be intruded upon and the eventual granting of pensions and/or annuities to such officers and employees shall remain under the control of and be controlled by act of the governing bodies of such retirement or pension systems except as specifically set forth herein. [1951 c 98 § 1.]

**41.04.080 Persons employed by more than one agency—Retention of service credit on transfer of employment.** Any officer or employee of the state or of any political subdivision thereof who is a member of any pension or retirement system thereof may upon acceptance of any other public employment or office, retain credit for service in his or her previous office or employment toward eventual retirement upon such terms and conditions as may be prescribed by the governing body or bodies of any such political subdivisions and by the pension board or authority concerned in the case of the state; and such like privilege shall be extended to any such officer or employee whose employment or office is changed as the result of any amalgamation of any public service agency in this state with another. [1951 c 98 § 2.]

**41.04.090 Persons employed by more than one agency—Recovery of service credit may be allowed.** It is hereby specifically provided that the governing bodies referred to in RCW 41.04.080 may allow persons to recover or regain credit lost or lapsed by reason of previous lack of authority to proceed as intended in RCW 41.04.070 through 41.04.110, such recovery to be allowed under rules separately established by the aforementioned governing bodies. [1951 c 98 § 3.]

**41.04.100 Persons employed by more than one agency—May receive pensions from more than one system.** The receipt of any pension or annuity earned as a member of any system under the circumstances provided for herein shall not preclude the receipt of another pension earned as a member of any other system, any local provision of law to the contrary notwithstanding, but the total of the one or more system payments due at time of retirement shall not exceed the maximum payment for full service in the system last participated in. [1951 c 98 § 4.]

**41.04.110 Persons employed by more than one agency—Joint operation—May provide membership in single system.** When there exists a joint operation of a public service, the authorities may make provision for membership of all new employees in one designated retirement system by agreement with the proper authorities. [1951 c 98 § 5.]

**41.04.120 Civil service and retirement rights preserved when elective office assumed.** Any civil service employee of the state of Washington or of any political subdivision thereof who is on leave of absence by reason of having been elected or appointed to an elective office shall be preserved in his civil service status, his seniority, rank and retirement rights so long as he regularly continues to make the usual contribution incident to the retention of such beneficial rights as if he were not on leave of absence: *Provided*, That such contributions being made shall be based on the rank at the time of taking such leave of absence. [1957 c 164 § 1.]

**41.04.130 Extension of provisions of retirement and pension systems by cities of the first class to nonincluded**

**personnel.** Any city of the first class may, by ordinance, extend, upon conditions deemed proper, the provisions of retirement and pension systems for superannuated and disabled officers and employees to officers and employees with five years of continuous service and acting in capacities in which they would otherwise not be entitled to participation in such systems: *Provided*, That the following shall be specifically exempted from the provisions of this section.

(1) Members of the police departments who are entitled to the benefits of the police relief and pension fund as established by state law.

(2) Members of the fire department who are entitled to the benefits of the firemen's relief and pension fund as established by state law. [1945 c 52 § 1; 1941 c 192 § 1; Rem. Supp. 1945 § 9592-129. Formerly codified as RCW 41.28.250.]

**41.04.140 Interchange of personnel between federal and state agencies—**"State agency" defined. "State agency" means a board, department, commission or institution of the state or its political subdivisions. [1959 c 102 § 1.]

**41.04.150 Interchange of personnel between federal and state agencies—**Agreements—Provisions. A state agency may enter into agreements with departments or other subdivisions of the federal government for the interchange of personnel on projects which are of mutual benefit to the state and federal government.

An interchange agreement shall specify the fiscal arrangements to be made, including compensations, rights, benefits and obligations of the employees concerned, travel and transportation of employees, their immediate families and household goods, and the duties and supervision of employees while on assignment. [1959 c 102 § 2.]

**41.04.160 Interchange of personnel between federal and state agencies—**Employment status of state employees participating—Retirement—Civil service. State agency employees participating in an interchange may be carried on detail or in a leave of absence status.

(1) Wherever practicable, employees should be carried on detail. While on detail under an interchange agreement, employees shall remain employees of the state agency for all fiscal purposes, but shall receive no reimbursement for travel or other expenses except as provided in RCW 41.04.150.

(2) State agency employees who receive temporary appointments with federal agencies shall be carried by the state agency in a leave of absence status. Participation in an interchange shall be considered as service under any retirement system of which the employees are members. Arrangements for payment of employees' contributions to a retirement system may be by the interchange agreement or otherwise. Employees participating in an interchange shall be entitled to credit the full period toward promotion or salary increase as provided by any applicable civil service laws or regulations. [1959 c 102 § 3.]

**41.04.170 Interchange of personnel between federal and state agencies—**Employment status of federal employees participating—Retirement—Civil service. Federal employees participating in an interchange may receive appointment by the state agency, or may be considered to be on detail with the state agency.

(1) Appointments of federal employees shall be made without regard to civil service laws or regulations. Compensation shall be in accordance with the usual rates paid by the state agency for similar positions.

An appropriate percentage of compensation shall be deducted and transmitted to the federal agency for retirement and insurance where the interchange agreement so provides.

(2) Federal employees on detail with a state agency remain employees of and shall continue to receive their compensation from the federal agency, subject to the terms of the interchange agreement. [1959 c 102 § 4.]

**41.04.180 Hospitalization and medical aid for county, municipal and other political subdivision employees—**Governmental contributions authorized. Any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body may, whenever funds shall be available for that purpose provide for all or a part of hospitalization and medical aid for its employees and their dependents through contracts with regularly constituted insurance carriers or with health care service contractors as defined in chapter 48.44 RCW or self-insurers as provided for in chapter 48.52 RCW, for group hospitalization and medical aid policies or plans: *Provided*, That any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body shall provide the employees thereof a choice of policies or plans through contracts with not less than two regularly constituted insurance carriers or health care service contractors or other health care plans, including but not limited to, trusts of self-insurance as provided for in chapter 48.52 RCW: *And provided further*, That any county may provide such hospitalization and medical aid to county elected officials and their dependents on the same basis as such hospitalization and medical aid is provided to other county employees and their dependents: *Provided further*, That provision for school district personnel shall not be made under this section but shall be as provided for in RCW 28A.58.420. [1974 ex.s. c 82 § 1; 1973 1st ex.s. c 147 § 6; 1970 ex.s. c 39 § 10; 1969 ex.s. c 237 § 1; 1967 c 135 § 1; 1965 c 57 § 1; 1963 c 75 § 1.]

**Effective date—**Effect of veto—Appropriation—Savings—Severability—1973 1st ex.s. c 147: See notes following RCW 41.05.010.

**Severability—**1970 ex.s. c 39: See note following RCW 41.05.010.

**Effective date—**1969 ex.s. c 237: "The effective date of this 1969 amendatory act shall be July 1, 1969: *Provided*, That health benefit contracts awarded under the provisions of RCW 41.04.180 which expire after July 1, 1969 may be extended up to one year with the approval of the state employees' insurance and health care advisory committee as established under the provisions of section 8 of this act." [1969 ex.s. c 237 § 10.] This applies to RCW 41.04.180, 41.04.200-41.04.220, 28A.58.420 and 28B.10.660.

*Insurance and health care for state employees: Chapter 41.05 RCW.*

*Retirement allowance deductions for health care benefit plans: RCW 41.04.235.*

**41.04.190 Hospitalization and medical aid for county, municipal and other political subdivision employees—Cost deemed additional compensation—Disbursement.** The cost of any such group policy or plan to any such public agency or body shall be deemed additional compensation to the employees or elected county officials covered thereby for services rendered, and any officer authorized to disburse such funds may pay in whole or in part to any such insurance carrier or health care service contractor the amount of the premiums due pursuant to any such contract. [1965 c 57 § 2; 1963 c 75 § 2.]

**Action disqualifying legislators proscribed—Severability—1965 c 57:** "No board of county commissioners shall take any action under this 1965 amendatory act which shall disqualify members of the present legislature, under Article II, section 13, of the Constitution, from being candidates for or being elected or appointed to county elected offices.

If any provision of the action of a board of county commissioners is held invalid under the preceding paragraph of this section, the remainder of the action or the application of the provision to other persons or circumstances shall not be affected." [1965 c 57 § 3.]

**41.04.205 Participation of county, municipal and other political subdivision employees in state employees' insurance and health care plan—Transfer procedure.**

(1) Notwithstanding the provisions of RCW 41.04.180, the employees, with their dependents, of any county, municipality, or other political subdivision of this state shall be eligible to participate in any insurance program administered under chapter 41.05 RCW if the legislative authority of any such county, municipality, or other political subdivisions of this state determines a transfer to an insurance program administered under chapter 41.05 RCW should be made: *Provided*, That this section shall have no application to school district personnel provided for in RCW 28A.58.420 and members of the law enforcement officers' and fire fighters' retirement system under chapter 41.26 RCW: *Provided further*, That in the event of a special district employee transfer pursuant to this section, members of the governing authority shall be eligible to be included in such transfer if such members are authorized by law as of June 25, 1976 to participate in the insurance program being transferred from and subject to payment by such members of all costs of insurance for members.

(2) When the legislative authority of a county, municipality, or other political subdivision determines to so transfer, the state employees' insurance board, as defined in RCW 41.05.010 as now or hereafter amended, shall:

(a) Establish the conditions under which the transfer may be made, which shall include the requirements that:

(i) All the eligible employees of the political subdivision transfer as a unit, and

(ii) the political subdivision involved obligate itself to make employer contributions in an amount at least equal to those provided by the state as employer; and

(b) Hold public hearings on the application for transfer; and

(c) Have the sole right to reject the application.

Approval of the application by the state employees' insurance board shall effect a transfer of the employees involved to the insurance or health care program applied for. [1975-'76 2nd ex.s. c 106 § 1.]

**41.04.220 Department of general administration to procure health benefit programs—Other governmental entities may use services.** Any governmental entity other than state agencies, may use the services of the department of general administration upon the approval of the director, in procuring health benefit programs as provided by RCW 41.04.180, \*28.76.410, 28A.58.420 and 28B.10.660: *Provided*, That the department of general administration may charge for the administrative cost incurred in the procuring of such services. [1969 ex.s. c 237 § 7.]

\*Reviser's note: RCW "28.76.410" as used in the aforesaid section was repealed and reenacted as RCW 28A.58.420 and RCW 28B.10.660 as appear in said section.

Effective date—1969 ex.s. c 237: See note following RCW 41.04.180.

**41.04.230 Payroll deductions authorized.** Any official of the state authorized to disburse funds in payment of salaries and wages of public officers or employees is authorized, upon written request of the officer or employee, to deduct each month from the salaries or wages of the officers or employees, the amount of money designated by the officer or employee for payment of the following:

(1) Credit union deductions: *Provided*, That the credit union is organized solely for public employees: *And provided further*, That twenty-five or more employees of a single state agency or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same credit union.

(2) Parking fee deductions: *Provided*, That payment is made for parking facilities furnished by the agency or by the department of general administration.

(3) U.S. savings bond deductions: *Provided*, That a person within the particular agency shall be appointed to act as trustee. The trustee will receive all contributions; purchase and deliver all bond certificates; and keep such records and furnish such bond or security as will render full accountability for all bond contributions.

(4) Board, lodging or uniform deductions when such board, lodging and uniforms are furnished by the state, or deductions for academic tuitions or fees or scholarship contributions payable to the employing institution.

(5) Dues and other fees deductions: *Provided*, That the deduction is for payment of membership dues to any professional organization formed primarily for public employees or college and university professors: *And provided, further*, That twenty-five or more employees of a single state agency, or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same professional organization.

(6) Labor or employee organization dues may be deducted in the event that a payroll deduction is not provided under a collective bargaining agreement under the provisions of RCW 41.06.150: *Provided*, That



twenty-five or more officers or employees of a single agency, or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to the same labor or employee organization: *Provided, further*, That labor or employee organizations with five hundred or more members in state government may have payroll deduction for employee benefit programs.

(7) Accident and casualty premiums to a single insurer: *Provided*, That twenty-five or more officers or employees of a single agency, or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to that insurer.

(8) Insurance contributions to the trustee of contracts for payment of premiums under contracts authorized by the state employees' insurance board.

Deductions from salaries and wages of public officers and employees other than those enumerated in this section or by other law, may be authorized by the budget director for purposes clearly related to state employment or goals and objectives of the agency.

The authority to make deductions from the salaries and wages of public officers and employees as provided for in this section shall be in addition to such other authority as may be provided by law: *Provided*, That the state or any department, division, or separate agency of the state shall not be liable to any insurance carrier or contractor for the failure to make or transmit any such deduction. [1973 1st ex.s. c 147 § 5; 1970 ex.s. c 39 § 11; 1969 c 59 § 5.]

**Effective date—Effect of veto—Appropriation—Savings—Severability—**1973 1st ex.s. c 147: See notes following RCW 41.05.010.

**Severability—**1970 ex.s. c 39: See note following RCW 41.05.010.

**41.04.233 Payroll deductions for capitation payments to health maintenance organizations.** Any employee or retired employee of the state or its departments, agencies, or subdivisions and any employee or retired employee of a county, public or municipal corporation, school district, or tax supported institution may authorize the deduction from his salary or wages of the amount of his capitation payments to any health maintenance organization receiving a certificate of authority under this chapter. Upon the filing of an authorization with the auditor or fiscal officer of the employer, such auditor or fiscal officer shall make payments in favor of the health maintenance organizations referred to in the authorization for the amounts of the deductions authorized, RCW 41.04.230(7) notwithstanding. [1975 1st ex.s. c 290 § 20.]

**Severability—**1975 1st ex.s. c 290: RCW 48.46.910.

**41.04.235 Retirement allowance deductions for health care benefit plans.** Participants in a health care benefit plan approved pursuant to RCW 41.04.180, 41.05.020, or 28A.58.420, whichever is applicable, who are retired public employees, may authorize the deduction from their retirement allowances, of the amount or amounts of their subscription payments, premiums, or contributions to any person, firm, or corporation furnishing or providing medical, surgical, and hospital care or other

health care insurance upon the approval by the retirement board of an application for such deduction on the prescribed form, and the treasurer of the state shall duly and timely draw and issue proper warrants directly to and in favor of the person, firm, or corporation, or organization named in the authorization for the amount authorized to be deducted. [1975 1st ex.s. c 73 § 1.]

*Teacher's retirement allowance deductions for health care benefit plans: RCW 41.32.680.*

**41.04.240 Direct bank deposit of salaries authorized.** Any official of the state authorized to disburse funds in payment of salaries and wages of public officers or employees is authorized upon written request of the officer or employee to whom salaries or wages are to be paid, to pay the same to any bank designated by the officers or employees for credit to their accounts: *Provided*, That designated banks are qualified state depositories: *And provided further*, That twenty-five or more officers or employees of an agency must authorize direct deposits to the same bank. A single warrant may be drawn in favor of such bank, for the total amount due the officers or employees involved, and written directions provided to such bank of the amount to be credited to the account of each officer or employee. The issuance and delivery by the disbursing officer of a warrant in accordance with the procedure set forth herein and proper indorsement thereof by the bank shall have the same legal effect as payment directly to the officer or employee. [1969 c 59 § 6.]

**41.04.250 Pension plans, tax deferred annuities or deferred compensation plans authorized for public employees.** The state, through the committee for deferred compensation created in RCW 41.04.260, and any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body is authorized to:

(1) Enter into an agreement with any life insurance company, bank trustee, or custodian authorized to do business in the state of Washington to provide qualified pension plans under the provisions of 26 U.S.C., section 401(a), as amended by Public Law 89-809, 80 Stat. 1577, 1578 as now or hereafter amended, or to provide deferred annuities for all officials and employees of said public entities deemed to be eligible by the agency of the United States government having jurisdiction of the matter under the provisions of 26 U.S.C., section 403(b), as amended by Public Law 87-370, 75 Stat. 796 and as now or hereafter amended, such pension or annuities to be in lieu of a portion of salary or wages. Such pension plans or tax deferred annuity benefits shall be available to those employees who elect to participate in said agreement and who agree to take a reduction in salary in the equivalent amount of the contribution required to be made by the public entity for and on behalf of such employee. The funds derived from such reductions in salary shall be deposited and accounted for in an appropriately designated account maintained by the public employer of such employee and any official authorized to disburse such funds is empowered to remit these designated funds to the insurer, custodian, or trustee in

accordance with the salary reduction agreement between the public entity and the employee.

(2) Contract with an employee to defer a portion of that employee's income, which deferred portion shall in no event exceed the appropriate internal revenue service exclusion allowance for such plans, and shall promptly with the consent of the employee, deposit or invest in a credit union, savings and loan association, bank, mutual savings bank or purchase life insurance, shares of an investment company, or fixed and/or variable annuity contracts, for the purpose of funding a deferred compensation program for the employee, from any life underwriter or registered representative duly licensed by this state who represents an insurance company or any investment company licensed to contract business in this state. The committee can provide such plans as it deems are in the interests of state employees. In no event shall the total payments made for the purchase of said life insurance contract, or fixed and/or variable annuity contract and the employee's nondeferred income for any year exceed the total annual salary, or compensation under the existing salary schedule or classification plan applicable to such employee in such year. Any income deferred under such a plan shall continue to be included as regular compensation, for the purpose of computing the retirement and pension benefits earned by any employee, but any sum so deducted shall not be included in the computation of any taxes withheld on behalf of any such employee.

Coverage of an employee under a qualified pension plan, contract for a deferred annuity or deferred compensation plan under this section shall not render such employee ineligible for simultaneous membership and participation in the pension systems for public employees which are provided for by chapters 41.26, 41.32 and 41.40 RCW. [1975 1st ex.s. c 274 § 2; 1973 1st ex.s. c 99 § 1; 1972 ex.s. c 19 § 1; 1971 ex.s. c 264 § 1.]

**41.04.260 Committee for deferred compensation—**  
**Created—Membership—Travel expenses—**  
**Duties—Deferred compensation revolving fund.** There is hereby created a committee for deferred compensation to be composed of five members appointed by the governor, one of whom shall be a representative of an employee association or union certified as an exclusive representative of at least one bargaining unit of classified employees, one who shall be a representative of either a credit union, savings and loan association, mutual savings bank or bank, one who shall be a representative of an insurance association or investment company, one who shall be the state attorney general or his designee and one additional member selected by the governor. The committee shall serve without compensation but shall receive travel expenses as provided for in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The committee shall be trustees of the deferred compensation revolving fund which is hereby created in the state treasury. All expenses of the committee including staffing and administrative expenses shall be paid out of the deferred compensation revolving fund. The amount of compensation deferred or amounts paid by employees under agreements entered into under

the authority contained in RCW 41.04.250 shall be paid into the revolving fund and shall be sufficient to cover costs of administration and staffing in addition to such other amounts as determined by this committee. The revolving fund shall be used to carry out the purposes of RCW 41.04.250. Any county, municipality or other subdivision of the state may elect to participate in any agreements entered into by the committee under RCW 41.04.250. [1975-'76 2nd ex.s. c 34 § 84; 1975 1st ex.s. c 274 § 1.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**41.04.270 Public retirement systems—Members or beneficiaries estopped from becoming a member or accruing rights in any other public retirement system.** Notwithstanding any other provision of law to the contrary, on and after March 19, 1976, any member or former member who

(1) receives a retirement allowance earned by said former member as deferred compensation from any public retirement system authorized by the general laws of this state, or

(2) is eligible to receive a retirement allowance from any public retirement system listed in RCW 41.50.030, but chooses not to apply, or

(3) is the beneficiary of a disability allowance from any public retirement system listed in RCW 41.50.030 shall be estopped from becoming a member of or accruing any contractual rights whatsoever in any other public retirement system listed in RCW 41.50.030: *Provided*, That subsections (1) and (2) of this section shall not apply to persons who have accumulated less than fifteen years service credit in any such system. [1975-'76 2nd ex.s. c 105 § 1.]

**Severability—1975-'76 2nd ex.s. c 105:** "If any provision of this 1976 amendatory 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." [1975-'76 2nd ex.s. c 105 § 28.]

**41.04.280 Public retirement systems—Reports on assets to contain report of unfunded liability.** No director or board of any public retirement system shall issue any written or printed report to the members of a public retirement system on the assets of the system without also reporting the unfunded liability of such system. [1975-'76 2nd ex.s. c 105 § 2.]

**Severability—1975-'76 2nd ex.s. c 105:** See note following RCW 41.04.270.

**41.04.300 Travel expenses of state officials and employees.** Except as otherwise provided by law the payment of travel expenses by the state to any appointive official or employee of any commission, agency, or other body of the executive, judicial, or legislative branches of state government shall be in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [1975-'76 2nd ex.s. c 34 § 3.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**Chapter 41.05**  
**STATE EMPLOYEES' INSURANCE AND HEALTH CARE**

## Sections

- 41.05.010 Definitions.  
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41.05.020 State employees' insurance board—Created—Membership—Meetings—Compensation—Powers and duties (as amended by 1975-'76 2nd ex.s. c 106).  
41.05.030 State employees' insurance board, powers and duties—Duties of director of personnel—Cooperation of state departments and agencies enjoined.  
41.05.040 State employees insurance fund.  
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41.05.060 Department of general administration to make services available.  
41.05.070 Cost deemed additional compensation.  
41.05.080 Participation by retired or disabled employees.

*Hospitalization and health care for county, municipal and other political subdivision employees: RCW 41.04.180.*

**41.05.010 Definitions.** Unless the context clearly indicates otherwise, words used in this chapter have the following meaning:

(1) "Board" means the state employees' insurance board established under the provisions of RCW 41.05.020.

(2) "Employee" shall include all full time and career seasonal employees of the state, a county, a municipality, or other political subdivision of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full time members of boards, commissions, or committees; and shall include any or all part time and temporary employees under the terms and conditions established by the board; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970.

(3) "Panel medicine plan" means a health care plan which can be offered by a health care service contractor which itself furnishes the health care service contracted for by means of a group practice prepaid medical care plan.

(4) "Trustee" shall mean the director of personnel. [1975-'76 2nd ex.s. c 106 § 2; 1973 1st ex.s. c 147 § 12; 1970 ex.s. c 39 § 1.]

**Effective date—Effect of veto—1973 1st ex.s. c 147:** "This bill shall not take effect until the funds necessary for its implementation have been specifically appropriated by the legislature and such appropriation itself has become law. It is the intention of the legislature that if the governor shall veto this section or any item thereof, none of the provisions of this bill shall take effect." [1973 1st ex.s. c 147 § 10.]

**Appropriation—1973 1st ex.s. c 147:** "There is appropriated from the state employees' insurance revolving fund to the state employees' insurance board the sum of one hundred thousand dollars, or so much thereof as may be necessary, to supplement other funds related to health care coverage and to provide the necessary staff and studies attendant to the investigation and review of other insurance plans for state employees." [1973 1st ex.s. c 147 § 14.]

**Savings—1973 1st ex.s. c 147:** "Nothing contained in this 1973 amendatory act shall be deemed to amend, alter or affect the provisions of Chapter 23, Laws of 1972, Extraordinary Session, and RCW 28B.10.840 through 28B.10.844 as now or hereafter amended." [1973 1st ex.s. c 147 § 13.]

**Severability—1973 1st ex.s. c 147:** "If any provision of this 1973 amendatory act, or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 1st ex.s. c 147 § 9.]

The above annotations apply to RCW 28B.10.660, 41.04.180, 41.04.230, 41.05.010, 41.05.020, 41.05.030, 41.05.050, 41.05.080, 48.24.010, and the repeal of RCW 41.06.370.

**Severability—1970 ex.s. c 39:** "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." [1970 ex.s. c 39 § 14.] This applies to this chapter and to the 1970 amendments to RCW 41.04.180, 41.04.230, to RCW 41.06.370, and to the repeal of RCW 41.04.200 and 41.04.210.

*Participation of county, municipal or other political subdivision employees in state employees' insurance and health care plan: RCW 41.04.205.*

*"Retired state employees" defined: RCW 41.05.080.*

**41.05.020 State employees' insurance board—Created—Membership—Meetings—Travel expenses—Powers and duties (as amended by 1975-'76 2nd ex.s. c 34).** (1) There is hereby created a state employees' insurance board to be composed as follows: The governor or his designee; one administrative officer representing all of higher education to be appointed by the governor; two higher education faculty members to be appointed by the governor; the director of the department of personnel who shall act as trustee; one representative of an employee association certified as an exclusive representative of at least one bargaining unit of classified employees and one representative of an employee union certified as exclusive representative of at least one bargaining unit of classified employees, both to be appointed by the governor; one member of the senate who shall be appointed by the president of the senate; and one member of the house of representatives who shall be appointed by the speaker of the house. The senate and house members of the board shall serve in ex officio capacity only. All appointments shall be made effective immediately. The terms of office of the administrative officer representing higher education, the two higher education faculty members, the representative of an employee association, and the representative of an employee union shall be for four years: *Provided*, That the first term of one faculty member and one employee association or union representative member shall be for three years. The first meeting of the board shall be held as soon as possible thereafter at the call of the director of personnel. The board shall prescribe rules for the conduct of its business and shall elect a chairman and vice chairman at its first meeting and annually thereafter. Members of the board shall receive no compensation for their services, but shall be paid for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, and legislative members shall receive allowances provided for in RCW 44.04.120.

(2) The board shall study all matters connected with the providing of adequate health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any one of, or a combination of, the enumerated types of insurance and health care plans for state employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state: *Provided*, That liability insurance shall not be made available to dependents. The board shall design benefits, devise specifications, analyze carrier responses to advertisements for bids, determine the terms and conditions of employee participation and coverage, and decide on the award of contracts which shall be signed by the trustee on behalf of the board: *Provided*, That all contracts for insurance, health care plans or protection applying to employees covered by \*this 1973 amendatory act shall provide that the beneficiaries of such insurance, health care plans or protection may utilize on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.88 RCW: *Provided further*, That the boards of trustees and boards of regents of the several institutions of higher education shall retain sole authority to provide liability insurance as provided in RCW 28B.10.660. The board shall from time to time review and amend such plans. Contracts for all plans shall be rebid and awarded at least every five years.

(3) The board shall develop and provide employee health care benefit plans; at least one plan will provide major medical benefits as its

primary feature, at least one plan will provide basic first-dollar benefits as its primary feature plus major medical, either or all of which may be provided through a contract or contracts with regularly constituted insurance carriers or health care service contractors as defined in chapter 48.44 RCW, and another plan to be provided by a panel medicine plan in its service area only when approved by the board. Except for panel medicine plans, no more than one insurance carrier or health care service contractor shall be contracted with to provide the same plan of benefits: *Provided*, That employees may choose participation in only one of the health care benefit plans sponsored by the board: *Provided further*, That employees of the institutions of higher education shall be retained as a separate actuarial and experience group and the board shall report its recommendation on such retention to the legislative budget committee by November 1, 1974. [1975-'76 2nd ex.s. c 34 § 85; 1973 1st ex.s. c 147 § 1; 1970 ex.s. c 39 § 2.]

**\*Reviser's note:** "this 1973 amendatory act" [1973 1st ex.s. c 147] includes RCW 28B.10.660, 41.04.180, 41.04.230, 41.05.010, 41.05.020, 41.05.030, 41.05.050, 41.05.080, 48.24.010, and the repeal of RCW 41.06.370.

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**41.05.020 State employees' insurance board—Created—Membership—Meetings—Compensation—Powers and duties (as amended by 1975-'76 2nd ex.s. c 106).** (1) There is hereby created a state employees' insurance board to be composed as follows: The governor or his designee; one administrative officer representing all of higher education to be appointed by the governor; two higher education faculty members to be appointed by the governor; the director of the department of personnel who shall act as trustee; one representative of an employee association certified as an exclusive representative of at least one bargaining unit of classified employees and one representative of an employee union certified as exclusive representative of at least one bargaining unit of classified employees, both to be appointed by the governor; one member of the senate who shall be appointed by the president of the senate; and one member of the house of representatives who shall be appointed by the speaker of the house. The senate and house members of the board shall serve in ex officio capacity only. All appointments shall be made effective immediately. The terms of office of the administrative officer representing higher education, the two higher education faculty members, the representative of an employee association, and the representative of an employee union shall be for four years: *Provided*, That the first term of one faculty member and one employee association or union representative member shall be for three years. The first meeting of the board shall be held as soon as possible thereafter at the call of the director of personnel. The board shall prescribe rules for the conduct of its business and shall elect a chairman and vice chairman at its first meeting and annually thereafter. Members of the board shall receive no compensation for their services, but shall be paid for their necessary and actual expenses while on official business and legislative members shall receive allowances provided for in RCW 44.04.120.

(2) The board shall study all matters connected with the providing of adequate health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any one of, or a combination of, the enumerated types of insurance and health care plans for state employees, employees of county, municipal, or other political subdivisions of the state, and their dependents on the best basis possible with relation both to the welfare of the employees and to the state: *Provided*, That liability insurance shall not be made available to dependents. The board shall design benefits, devise specifications, analyze carrier responses to advertisements for bids, determine the terms and conditions of employee participation and coverage, and decide on the award of contracts which shall be signed by the trustee on behalf of the board: *Provided*, That all contracts for insurance, health care plans, or protection applying to employees covered by RCW 28B.10.660 and 48.24.010 and chapters 41.04 and 41.05 RCW shall provide that the beneficiaries of such insurance, health care plans, or protection may utilize on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.88 RCW: *Provided further*, That the boards of trustees and boards of regents of the several institutions of higher education shall retain sole authority to provide liability insurance as provided in RCW 28B.10.660. The board shall from time to time review and amend such

plans. Contracts for all plans shall be rebid and awarded at least every five years.

(3) The board shall develop and provide employee health care benefit plans; at least one plan will provide major medical benefits as its primary feature, at least one plan will provide basic first-dollar benefits as its primary feature plus major medical, either or all of which may be provided through a contract or contracts with regularly constituted insurance carriers or health care service contractors as defined in chapter 48.44 RCW, and another plan to be provided by a panel medicine plan in its service area only when approved by the board. Except for panel medicine plans, no more than one insurance carrier or health care service contractor shall be contracted with to provide the same plan of benefits: *Provided*, That employees may choose participation in only one of the health care benefit plans sponsored by the board: *Provided further*, That employees of the institutions of higher education shall be retained as a separate actuarial and experience group and the board shall report its recommendation on such retention to the legislative budget committee by November 1, 1974. [1975-'76 2nd ex.s. c 106 § 3; 1973 1st ex.s. c 147 § 1; 1970 ex.s. c 39 § 2.]

**Reviser's note:** RCW 41.05.020 was amended twice during the 1975-'76 second extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same session, see RCW 1.12.025.

**Effective date—Effect of veto—Appropriation—Savings—Severability—1973 1st ex.s. c 147:** See notes following RCW 41.05.010.

*Deductions from retirement allowances for medical, hospital or other health care:* RCW 41.32.680.

*Retirement allowance deductions for health care benefit plans:* RCW 41.04.235.

**41.05.030 State employees' insurance board, powers and duties—Duties of director of personnel—Cooperation of state departments and agencies enjoined.** (1) The state employees' insurance board shall have the following powers and duties, in addition to any other powers and duties prescribed by law: (a) To authorize the director of personnel to appoint a benefits supervisor, to whom the director may delegate his duties hereunder, and other necessary personnel, subject to the jurisdiction of the state civil service law, chapter 41.06 RCW; (b) to authorize other necessary administrative expenses; and (c) to provide for the expenditure of funds in the state employees' insurance revolving fund for payment of premiums, to reduce employee contributions or increase benefits, and, subject to legislative appropriation, to pay salaries and wages and other necessary administrative expenses.

(2) The director of the department of personnel shall be trustee and administrator of all health benefit and insurance contracts.

He shall transmit contributions for health care and other insurance plans in payment of premiums and receive and deposit contributions and dividends or refunds into the state employees insurance revolving fund. He shall provide facilities and services necessary for the purpose of the board and its operations, subject to full reimbursement by the board for the cost thereof.

(3) Every division, department, or separate agency of state government shall fully cooperate in administration of the plans, education of employees, claims administration, and other duties as required by the trustee or the board. [1975 1st ex.s. c 38 § 1; 1973 1st ex.s. c 147 § 2; 1970 ex.s. c 39 § 3.]

**Effective date—Effect of veto—Appropriation—Savings—Severability—1973 1st ex.s. c 147: See notes following RCW 41.05.010.**

**41.05.040 State employees insurance fund.** There is hereby created a fund within the state treasury, designated as the "state employees insurance fund", to be used by the trustee as a revolving fund for the deposit of contributions, dividends and refunds, and for payment of premiums for health care benefit contracts entered into in accordance with instructions of the board and payments authorized by RCW 41.05.030(2). Moneys from the state employees insurance fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the trustee. [1970 ex.s. c 39 § 4.]

**41.05.050 Contributions for employees and dependents.** (1) Every department, division, or separate agency of state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the state employees insurance board. Such contributions, which shall be paid by the county, the municipality, or other political subdivision for their employees, shall include an amount determined by the state employee's insurance board to pay the administrative expenses of the board and the salaries and wages and expenses of the benefits supervisor and other necessary personnel: *Provided*, That this administrative service charge for state employees shall not result in an employer contribution in excess of the amount authorized by the governor and the legislature as prescribed in RCW 41.05.050(2), and that the sum of an employee's insurance premiums and administrative service charge in excess of such employer contribution shall be paid by the employee. All such contributions will be paid into the state employees insurance fund to be expended in accordance with RCW 41.05.030.

(2) The contributions of any department, division, or separate agency of the state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall be set by the state employees insurance board, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose: *Provided*, That nothing herein shall be a limitation on employees employed under chapter 47.64 RCW: *Provided further*, That provision for school district personnel shall not be made under this chapter.

(3) The trustee with the assistance of the department of personnel shall annually survey private industry in the state of Washington to determine the maximum average employer contribution for group insurance programs under the jurisdiction of the state employees insurance board. Such survey shall be reported to the board for its use in setting the amount of the contributions to the various insurance programs as are covered by this chapter. [1975-'76 2nd ex.s. c 106 § 4; 1975 1st ex.s. c 38 § 2; 1973 1st ex.s. c 147 § 3; 1970 ex.s. c 39 § 5.]

**Effective date—Effect of veto—Appropriation—Savings—Severability—1973 1st ex.s. c 147: See notes following RCW 41.05.010.**

**41.05.060 Department of general administration to make services available.** The department of general administration shall make its services available to the board in advertising for and procuring bids for health care benefit programs authorized by the board in accordance with RCW 43.19.1935. [1970 ex.s. c 39 § 6.]

**41.05.070 Cost deemed additional compensation.** The cost of any health care insurance contracts or plans to any department, division or separate agency of state, county, municipal, or other political subdivision of state government shall be deemed additional compensation to the employees or officials covered thereby for services rendered, and any officer authorized to disburse such funds shall pay to the trustee for payment of the contributions due pursuant to any such contract authorized by the board. [1975-'76 2nd ex.s. c 106 § 5; 1970 ex.s. c 39 § 7.]

**41.05.080 Participation by retired or disabled employees.** Retired or disabled state employees, or employees of county, municipal, or other political subdivisions covered by this chapter who are retired, may continue their participation in insurance plans and contracts after retirement or disablement, under the qualifications, terms, conditions, and benefits set by the board: *Provided*, That the rates charged such retired or disabled employees for health care coverage shall be identical to that charged active participants: *Provided further*, That such retired or disabled employees shall bear the full cost of premiums required to provide such coverage. The term "retired state employees" for the purpose of this section shall include but not be limited to members of the legislature whether voluntarily or involuntarily leaving state office. [1975-'76 2nd ex.s. c 106 § 6; 1973 1st ex.s. c 147 § 7; 1970 ex.s. c 39 § 8.]

**Effective date—Effect of veto—Appropriation—Savings—Severability—1973 1st ex.s. c 147: See notes following RCW 41.05.010.**

## Chapter 41.06 STATE CIVIL SERVICE LAW

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- 41.06.340 Unfair labor practices provisions applicable to chapter.
- 41.06.350 Acceptance of federal funds authorized.
- 41.06.900 Short title.
- 41.06.910 Severability—1961 c 1.
- 41.06.911 Severability—1975-'76 2nd ex.s. c 43.

*Employees of director of the state lottery, commission, as subject to chapter 41.06 RCW: RCW 67.67.030 and 67.67.040.*

*Qualifications for persons assessing real property—Examination: RCW 36.21.015.*

*State employees' insurance board—Membership: RCW 41.05.020.*

*Vocational education division employees transferred from former state board for vocational education to retain civil service rights: RCW 28B.50.200.*

**41.06.010 Declaration of purpose.** The general purpose of this chapter is to establish for the state a system of personnel administration based on merit principles and scientific methods governing the appointment, promotion, transfer, layoff, recruitment, retention, classification and pay plan, removal, discipline and welfare of its civil employees, and other incidents of state employment. All appointments and promotions to positions, and retention therein, in the state service, shall be made on the basis of policies hereinafter specified. [1961 c 1 § 1.]

**Reviser's note:** Chapter 1, Laws of 1961, codified herein was Initiative Measure No. 207 which was adopted by the people November 8, 1960, and was declared effective law by proclamation signed by the governor on December 8, 1960.

**41.06.020 Definitions.** Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section.

(1) "Agency" means an office, department, board, commission or other separate unit or division, however designated, of the state government and all personnel thereof; it includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature;

(2) "Board" means the state personnel board established under the provisions of RCW 41.06.110, except that this definition does not apply to the words "board" or "boards" when used in RCW 41.06.070;

(3) "Classified service" means all positions in the state service subject to the provisions of this chapter;

(4) "Competitive service" means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment;

(5) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required;

(6) "Department" means an agency of government that has as its governing officer a person, or combination of persons such as a commission, board or council, by law empowered to operate the agency responsible either to (1) no other public officer or (2) the governor. [1970 ex.s. c 12 § 1. Prior: 1969 ex.s. c 36 § 21; 1969 c 45 § 6; 1967 ex.s. c 8 § 48; 1961 c 1 § 2.]

**41.06.030 Department of personnel established.** A department of personnel, governed by a state personnel board and administered by a director of personnel, is hereby established as a separate agency within the state government. [1961 c 1 § 3.]

**41.06.040 Scope of chapter.** The provisions of this chapter apply to:

(1) Each board, commission or other multimember body, including, but not limited to, those consisting in whole or in part of elective officers;

(2) Each agency, and each employee and position therein, not expressly excluded or exempted under the provisions of RCW 41.06.070. [1969 ex.s. c 36 § 22; 1961 c 1 § 4.]

**Effective date—Severability—1969 ex.s. c 36:** See RCW 28B.16.920 and 28B.16.930.

**41.06.070 Exemptions.** The provisions of this chapter do not apply to:

(1) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;

(2) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(3) Officers, academic personnel, and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board;

(4) The officers of the Washington state patrol;

(5) Elective officers of the state;

(6) The chief executive officer of each agency;

(7) In the departments of employment security, fisheries, social and health services, the director and his confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his confidential secretary, and his statutory assistant directors;

(8) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(a) All members of such boards, commissions, or committees;

(b) If the members of the board, commission, or committee serve on a part time basis and there is a statutory executive officer: (i) The secretary of the board, commission, or committee; (ii) the chief executive officer of the board, commission, or committee; and (iii) the confidential secretary of the chief executive officer of the board, commission, or committee;

(c) If the members of the board, commission, or committee serve on a full time basis: (i) The chief executive officer or administrative officer as designated by the board, commission, or committee; and (ii) a confidential secretary to the chairman of the board, commission, or committee;

(d) If all members of the board, commission, or committee serve ex officio: (i) The chief executive officer; and (ii) the confidential secretary of such chief executive officer;

(9) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(10) Assistant attorneys general;

(11) Commissioned and enlisted personnel in the military service of the state;

(12) Inmate, student, part time, or temporary employees, and part time professional consultants, as defined by the state personnel board or the board having jurisdiction;

(13) The public printer or to any employees of or positions in the state printing plant;

(14) Officers and employees of the Washington state fruit commission;

(15) Officers and employees of the Washington state apple advertising commission;

(16) Officers and employees of the Washington state dairy products commission;

(17) Officers and employees of any commission formed under the provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;

(18) Officers and employees of the state wheat commission formed under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);

(19) Officers and employees of agricultural commissions formed under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW);

(20) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: *Provided, however,* That rules and regulations adopted by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the liquor control board when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise, or services as a self-sustaining private retail business;

(21) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(22) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred seventy-five for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials

other than the governor. The state personnel board shall report to each regular session of the legislature all exemptions granted pursuant to the provisions of this subsection, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (10) through (19) of this section, shall be determined by the state personnel board.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights:

If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary. [1973 1st ex.s. c 133 § 1; 1972 ex.s. c 11 § 1. Prior: 1971 ex.s. c 209 § 1; 1971 ex.s. c 59 § 1; 1971 c 81 § 100; 1969 ex.s. c 36 § 23; 1967 ex.s. c 8 § 47; 1961 c 179 § 1; 1961 c 1 § 7.]

**Effective date—Severability—**1969 ex.s. c 36: See RCW 28B.16.920 and 28B.16.930.

**Severability—**1967 ex.s. c 8: See RCW 28B.50.910.

**41.06.073 Department of ecology—Certain personnel exempted from chapter.** In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of ecology to the director, his confidential secretary, his deputy director, and not to exceed six assistant directors. [1970 ex.s. c 62 § 11.]

**Savings—Severability—Effective date—**1970 ex.s. c 62: See notes following RCW 43.21A.010.

**41.06.075 Office of program planning and fiscal management—Certain personnel exempted from chapter.** In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the office of program planning and fiscal management to the director, his confidential secretary, not to exceed two deputy directors and not to exceed seven assistant directors. [1969 ex.s. c 239 § 7.]

*Office of program planning and fiscal management: Chapter 43.41 RCW.*

**41.06.076 Department of social and health services—Certain personnel exempted from chapter.** In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of social and health services to the secretary; his deputy secretary; his personnel director; his administrative assistant, if any; not to exceed six assistant secretaries and one confidential secretary for each of the ten above-named officers: *Provided*, That each such confidential secretary must meet the minimum qualifications for the class of secretary II as determined by the state personnel board. [1970 ex.s. c 18 § 8.]

**Effective date—Severability—**1970 ex.s. c 18: See notes following RCW 43.20A.010.

**41.06.077 Department of veterans affairs—Certain personnel exempted from chapter.** In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of veterans affairs to the director, the deputy director, and to no more than two assistants. [1975-'76 2nd ex.s. c 115 § 7.]

**Severability—**1975-'76 2nd ex.s. c 115: See RCW 43.60A.908.

**41.06.078 State energy office—Certain personnel exempted from chapter.** In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply within the state energy office to the director, the director's confidential secretary, the director's deputy director, and to no more than two assistant directors. [1975-'76 2nd ex.s. c 108 § 10.]

**Severability—Effective date—**1975-'76 2nd ex.s. c 108: See notes following RCW 43.21F.010.

*State energy office: Chapter 43.21F RCW.*

**41.06.080 Department of personnel's services available on request to certain governmental entities—Reimbursement.** Notwithstanding the provisions of this chapter, the department of personnel may make its services available on request, on a reimbursable basis, to:

(1) Either the legislative or the judicial branch of the state government;

(2) Any county, city, town, or other municipal subdivision of the state;

(3) The institutions of higher learning;

(4) Any agency, class, or position set forth in RCW 41.06.070. [1970 ex.s. c 12 § 2. Prior: 1969 ex.s. c 152 § 2; 1969 c 45 § 5; 1961 c 1 § 8.]

**41.06.090 Feasibility study of department of highways, state patrol, with respect to integration with department of personnel.** The department of highways and the Washington state patrol in conjunction with the state personnel board shall make a study prior to January 1, 1963 to determine if it is feasible to integrate completely the personnel systems of the department of highways and officers of the state patrol with the state department of personnel, such study to be presented in writing with recommendations to the state legislature on the day of its convening the thirty-eighth regular session. [1961 c 1 § 9.]

**41.06.100 Temporary appointment of classified employee to exempt position—Return to regular position.** Any classified employee having civil service status in a position may take a temporary appointment in an exempt position, with the right to return to his regular position, or to a like position at the conclusion of such temporary appointment. [1961 c 1 § 10.]

**41.06.110 Personnel board—Created—Term—Qualifications, conditions—Compensation, travel expenses—Officers, quorum, records (as amended by 1975-'76 2nd ex.s. c 34).** (1) There is hereby created a state personnel board composed of three members



appointed by the governor, subject to confirmation by the senate: *Provided*, That no member appointed when the legislature was not in session shall continue to be a member of the board after the thirtieth day of the next legislative session unless his appointment shall have been approved by the senate. The first such board shall be appointed within thirty days after December 8, 1960 for terms of two, four, and six years. Each odd-numbered year thereafter the governor shall appoint a member for a six year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed;

(2) Each member of the board shall be paid fifty dollars for each day in which he has actually attended a meeting of the board officially held. The members of the board may receive any number of daily payments for official meetings of the board, actually attended: *Provided*, That after July 1, 1962, no one board member shall receive more than one thousand five hundred dollars in any fiscal year for this purpose: *Provided, further*, That such limitation shall not apply to daily payments for the hearing of employee appeals. Members of the board shall also be reimbursed for travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(3) At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board. The director of personnel shall serve as secretary. [1975-'76 2nd ex.s. c 34 § 86; 1961 c 1 § 11.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**41.06.110 Personnel board—Created—Term—Qualifications, conditions—Compensation, expenses—Officers, quorum, records—Hearing officers (as amended by 1975-'76 2nd ex.s. c 43).**

(1) There is hereby created a state personnel board composed of three members appointed by the governor, subject to confirmation by the senate: *Provided*, That no member appointed when the legislature was not in session shall continue to be a member of the board after the thirtieth day of the next legislative session unless his appointment shall have been approved by the senate. The first such board shall be appointed within thirty days after December 8, 1960 for terms of two, four, and six years. Each odd-numbered year thereafter the governor shall appoint a member for a six year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed;

(2) Each member of the board shall be paid fifty dollars for each day in which he has actually attended a meeting of the board officially held. The members of the board may receive any number of daily payments for official meetings of the board, actually attended: *Provided*, That after July 1, 1962, no one board member shall receive more than one thousand five hundred dollars in any fiscal year for this purpose: *Provided, further*, That such limitation shall not apply to daily payments for the hearing of employee appeals. Members of the board shall also be reimbursed for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally.

(3) At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board. The director of personnel shall serve as secretary.

(4) The board may appoint and compensate hearing officers to hear and conduct appeals. Such compensation shall be paid on a contractual basis for each hearing, in accordance with the provisions of chapter 43.88 RCW and rules adopted pursuant thereto, as they relate to personal service contracts. [1975-'76 2nd ex.s. c 43 § 1; 1961 c 1 § 11.]

**Reviser's note:** RCW 41.06.110 was amended twice during the 1975-'76 second extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same session, see RCW 1.12.025.

**41.06.120 Meetings of board—Hearings authorized, procedure—Majority to approve release of findings—Administration of oaths.** (1) In the necessary conduct of its work, the board shall meet monthly unless there is no pending business requiring board action and may hold hearings, such hearings to be called by (a) the chairman of the board, or (b) a majority of the members of the board. An official notice of the calling of the hearing shall be filed with the secretary, and all members shall be notified of the hearing within a reasonable period of time prior to its convening. Appeal hearings may be conducted by two members of the board: *Provided*, That if said two members do not agree on the decision, a hearing shall be held in the presence of all three members of the board;

(2) No release of material, or statement of findings shall be made except with the approval of a majority of the board;

(3) In the conduct of hearings or investigations, a member of the board, the director of personnel, or the hearing officer, may administer oaths;

(4) Hearings may be conducted by a hearing officer duly appointed by the board. [1975-'76 2nd ex.s. c 43 § 2; 1961 c 1 § 12.]

**41.06.125 Hearing officers—Appointment—**

**Duties—Appeals.** The board may appoint, following consultation with employee organizations and employing agencies, one or more hearings officers to preside over, conduct and make recommended decisions in accordance with rules established by the board in all cases of employee appeals to the board. Hearings officers shall not be employees of the state. The hearings officer shall conduct hearings in the same manner and shall have the same authority as provided in hearings by the board. The recommended decisions shall be forthwith served upon the parties and transmitted to the board. Within thirty days of service of the recommended decision, any party adversely affected may appeal directly to the board, which shall proceed in accordance with RCW 41.06.120, as now or hereafter amended. Such hearings by the board shall not be limited to the record. [1975-'76 2nd ex.s. c 43 § 4.]

**41.06.130 Director of personnel—Appointment—Removal—Rules—General powers and duties—Salary.** The office of director of personnel is hereby established.

(1) Within ninety days after December 8, 1960 a director of personnel shall be appointed. The merit system director then serving under \*RCW 50.12.030, whose position is terminated by this chapter, may serve as director of personnel hereunder until a permanent director of personnel is appointed as herein provided, and may be appointed as director of personnel by the governor alone; or the governor may fill the position in

the manner hereinafter provided for subsequent vacancies therein on the basis of competitive examination, in conformance with board rules for competitive examinations, for which examinations said merit system director shall be eligible.

(2) The director of personnel shall be appointed by the governor from a list of three names submitted to him by the board with its recommendations, the names on such list shall be those of the three standing highest upon competitive examination conducted by a committee of three persons which shall be appointed by the board solely for that purpose whenever the position is vacant. Only persons with substantial experience in the field of personnel management shall be eligible to take such examination.

(3) The director of personnel shall be removable for cause by the governor with the approval of a majority of the board or by a majority of the board.

(4) The director of personnel shall direct and supervise all the department of personnel's administrative and technical activities in accordance with the provisions of this chapter and the rules and regulations approved and promulgated thereunder. He shall prepare for consideration by the board proposed rules and regulations required by this chapter. His salary shall be fixed by the board. [1961 c 1 § 13.]

\*Reviser's note: "RCW 50.12.030" was repealed by section 33, chapter 1, Laws of 1961. Later enactment, see chapter 41.06 RCW.

**41.06.140 Employee participation in policy and rule making, administration, etc.—Publication of board rules.** It shall be the duty of the board to make rules and regulations providing for employee participation in the development and administration of personnel policies. To assure this right, personnel policies, rules, classification and pay plans, and amendments thereto, shall be acted on only after the board has given twenty days notice to, and considered proposals from, employee representatives and agencies affected. Complete and current compilations of all rules and regulations of the board in printed, mimeographed or multigraphed form shall be available to the public in the office of the director of personnel free of charge. [1961 c 1 § 14.]

**41.06.150 Rules and regulations of board—Mandatory subjects—Veterans' preference.** The board shall adopt and promulgate rules and regulations, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including departmental promotions, with the number of names equal to two more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examinations for all positions in the competitive and noncompetitive service; appointments; probationary periods of six months and rejections therein; transfers; sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment, both according to seniority; determination of

appropriate bargaining units within any agency: *Provided*, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees; certification and decertification of exclusive bargaining representatives; after certification of an exclusive bargaining representative and upon said representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment shall constitute cause for dismissal: *Provided*, That no more often than once in each twelve month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: *Provided further*, That for purposes of this clause membership in the certified exclusive bargaining representative shall be satisfied by the payment of monthly or other periodic dues and shall not require payment of initiation, reinstatement, or any other fees or fines and shall include full and complete membership rights: *And provided further*, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union sponsored insurance programs, and such employee shall not be a member of the union but shall be entitled to all the representation rights of a union member; agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: *Provided*, That nothing contained herein shall permit or grant to any employee the right to strike or refuse to perform his official duties; adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and reallocation of positions within the classification plan; adoption and revision of a state salary schedule to reflect not less than

the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature, such adoption and revision subject to approval by the state budget director in accordance with the provisions of chapter 43.88 RCW; training programs, including in-service, promotional and supervisory; regular increment increases within the series of steps for each pay grade, based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service; and providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: *Provided, however,* That the widow of a veteran shall be entitled to the benefits of this section regardless of the veteran's length of active military service: *Provided further,* That for the purposes of this section "veteran" shall not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month. [1973 1st ex.s. c 75 § 1; 1973 c 154 § 1; 1971 ex.s. c 19 § 2; 1967 ex.s. c 108 § 13; 1961 c 1 § 15.]

**Effective date**—1973 1st ex.s. c 75: "This 1973 amendatory 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 midnight June 6, 1973." [1973 1st ex.s. c 75 § 3.]

*Public employees collective bargaining: Chapter 41.56 RCW.*

**41.06.160 Classification and salary schedules to consider rates in other public and private employment—Wage surveys—Recommendations to governor, budget director.** In adopting or revising classification and salary schedules as set forth in RCW 41.06.150 the board shall give full consideration to prevailing rates in other public employment and in private employment in this state and for this purpose shall have made periodic wage surveys with one such survey to be conducted each year prior to the convening of each regular session of the state legislature, the results of such wage survey to be forwarded with a recommended state salary schedule to the governor and state budget director for their use in preparing budgets to be submitted to the succeeding legislature. [1961 c 1 § 16.]

**41.06.170 Suspension, dismissal, demotion of employee—Notice—Appeal to board.** (1) The board, in the promulgation of rules and regulations governing suspensions for cause, shall not authorize an appointing authority to suspend an employee for more than fifteen calendar days as a single penalty or more than thirty calendar days in any one calendar year as an accumulation of several penalties. The board shall require that the appointing authority give written notice to the employee not later than one day after the suspension takes effect, stating the reasons for and the duration thereof. The authority shall file a copy of the notice with the director of personnel.

(2) Any employee who is reduced, dismissed, suspended, or demoted, after completing his probationary period of service as provided by the rules and regulations of the board, or any employee who is adversely affected by a violation of the state civil service law, chapter 41.06 RCW, or rules promulgated pursuant thereto, shall have the right to appeal to the board not later than thirty days after the effective date of such action. The employee shall be furnished with specified charges in writing when a reduction, dismissal, suspension, or demotion action is taken. Such appeal shall be in writing, and the board shall set the case for hearing and the final decision, including an appeal to the board from the hearing examiner, if any, shall be rendered within ninety days from the date the appeal was first received: *Provided,* That an extension may be permitted if agreed to by the employee and the employing agency. The board shall furnish the agency concerned with a copy of the appeal in advance of the hearing. [1975-'76 2nd ex.s. c 43 § 3; 1961 c 1 § 17.]

**41.06.180 Suspension, dismissal, demotion of employee—Hearing on appeal—Procedure.** Hearings on such appeals shall be open to the public, except for cases in which the board determines there is substantial reason for not having an open hearing, or in cases where the employee so requests, and shall be informal with technical rules of evidence not applying to the proceedings except the rules of privilege recognized by law. Both the employee and his appointing agency shall be notified reasonably in advance of the hearing and may select representatives of their choosing, present and cross-examine witnesses and give evidence before the board. Members of the board may, and shall at the request of either party, issue subpoenas and subpoenas duces tecum. All testimony shall be on oath administered by a member of the board. The board shall certify to the superior court the facts of any refusals to obey a subpoena, take the oath, or testify. The court shall summarily hear the evidence on such refusal and if the evidence warrants punish such refusal in the same manner and to the same extent as for contempt committed before, or in connection with the proceedings of, the court. The board shall prepare an official record of the hearing, including all testimony, recorded manually or by mechanical device, and exhibits; but it shall not be required to transcribe such record unless requested by the employee, who shall be furnished with a complete transcript upon payment of a reasonable charge therefor.

Payment of the cost of a transcript used on appeal shall await determination of the appeal, and shall be made by the employing agency if the employee prevails. [1961 c 1 § 18.]

**41.06.190 Suspension, dismissal, demotion of employee—Findings of fact, conclusions of law, order—Notice to employee and employing agency.** Within thirty days after the conclusion of the hearing the board shall make and fully record in its permanent records findings of fact, conclusions of law when the construction of a rule, regulation or statute is in question, reasons for the action taken and its order based thereon, which shall be final subject to action by the court on appeal as hereinafter provided, at the same time sending a copy of the findings, conclusions and order by registered mail to the employing agency and to the employee at his address as given at the hearing or to a representative designated by him to receive the same. [1961 c 1 § 19.]

**41.06.200 Suspension, dismissal, demotion of employee—Grounds, time, for appeal—Notice, service—Transcript, exhibits.** (1) Within thirty days after the recording of the order and the mailing thereof, the employee may appeal to the superior court of Thurston county, on one or more of the grounds that the order was:

- (a) Founded on or contained error of law, which shall specifically include error in construction or application of any pertinent rules or regulations;
  - (b) Contrary to a preponderance of the evidence as disclosed by the entire record with respect to any specified finding or findings of fact;
  - (c) Materially affected by unlawful procedure;
  - (d) Based on violation of any constitutional provision;
- or
- (e) Arbitrary or capricious.

(2) Such grounds shall be stated in a written notice of appeal filed with the court, with copies thereof served on the director of personnel or a member of his staff or a member of the board and on the employing agency, all within the time stated.

(3) Within thirty days after service of such notice, or within such further time as the court may allow, the board shall transmit to the court a certified transcript, with exhibits, of the hearing; but by stipulation between the employing agency and the employee the transcript may be shortened, and either party unreasonably refusing to stipulate to such limitation may be ordered by the court to pay the additional cost involved. The court may require or permit subsequent corrections or additions to the transcript. [1969 ex.s. c 36 § 25; 1961 c 1 § 20.]

**Effective date—Severability—**1969 ex.s. c 36: See RCW 28B.16.920 and 28B.16.930.

**41.06.210 Suspension, dismissal, demotion of employee—Review by superior court—Appeal to supreme court or court of appeals.** (1) The court shall review the hearing without a jury on the basis of the transcript and exhibits, except that in case of alleged irregularities in procedure before the board not shown

by the transcript the court may order testimony to be given thereon. The court shall upon request by either party hear oral argument and receive written briefs.

(2) The court may affirm the order of the board, remand the matter for further proceedings before the board, or reverse or modify the order if it finds that the employee's objection thereto is well taken on any of the grounds stated. Appeal shall be available to the employee to the supreme court or the court of appeals from the order of the superior court as in other civil cases. [1971 c 81 § 101; 1961 c 1 § 21.]

**41.06.220 Reemployment list—Reinstatement after appeal, guaranteed rights and benefits.** (1) An employee who is terminated from state service may request the board to place his name on an appropriate reemployment list and the board shall grant this request where the circumstances are found to warrant reemployment.

(2) Any employee, when fully reinstated after appeal, shall be guaranteed all employee rights and benefits, including back pay, sick leave, vacation accrual, retirement and OASDI credits. [1961 c 1 § 22.]

**41.06.230 Personnel board under prior law abolished—Transfer of personnel, equipment, records, etc.** The state personnel board established and existing under the provisions of \*RCW 50.12.030, section 42, chapter 35, Laws of 1945, and section 10, chapter 215, Laws of 1947, is abolished, and the terms of office of its members are terminated at such time as the board created by RCW 41.06.110 has been appointed by the governor. The employees, and the supplies, equipment, records, and funds in the possession or under the control of said board shall be transferred forthwith by it to the department of personnel. [1961 c 1 § 23.]

\*Reviser's note: See note following RCW 41.06.130.

**41.06.240 Status of persons employed prior to enactment of chapter—Prior state service considered in appointment rules.** (1) Employees, except the merit system director, currently serving under the jurisdiction of a state merit system established by law shall automatically retain their permanent or probationary status acquired under such system;

(2) All persons who were in the employ of the state government outside the statutory personnel systems immediately prior to December 8, 1960, in positions not exempted from the classified system coverage by this chapter, shall automatically receive such permanent or probationary status with respect to such positions, and any prior positions, as they would have acquired with respect thereto had they been serving satisfactorily therein under the merit system rule, in effect on April 1, 1958, administered by the state personnel board under \*RCW 50.12.030;

(3) The board shall give due consideration to any prior state service of an applicant in its establishment of rules and regulations for the making of appointments under this chapter. [1961 c 1 § 24.]

\*Reviser's note: See note following RCW 41.06.130.

**41.06.250 Political activities.** (1) Solicitation for or payment to any partisan, political organization or for any partisan, political purpose of any compulsory assessment or involuntary contribution is prohibited: *Provided, however,* That officers of employee associations shall not be prohibited from soliciting dues or contributions from members of their associations. No person shall solicit on state property or property of a political subdivision of this state any contribution to be used for partisan, political purposes.

(2) Employees of the state or any political subdivision thereof shall have the right to vote and to express their opinions on all political subjects and candidates and to hold any political party office or participate in the management of a partisan, political campaign. Nothing in this section shall prohibit an employee of the state or any political subdivision thereof from participating fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character, and for nonpartisan offices.

(3) A classified civil service employee shall not hold a part time public office in a political subdivision of the state when the holding of such office is incompatible with, or substantially interferes with, the discharge of official duties in state employment.

(4) For persons employed in state agencies or agencies of any political subdivision of the state the operation of which is financed in total or primarily by federal grant-in-aid funds political activity will be regulated by the rules and regulations of the United States civil service commission.

(5) The provisions of this section shall supersede all statutes, charter provisions, ordinances, resolutions, regulations, and requirements promulgated by the state or any subdivision thereof, including any provision of any county charter, insofar as they may be in conflict with the provisions of this section. [1974 ex.s. c 136 § 1; 1961 c 1 § 25.]

**41.06.260 Conflict with federal requirements—**  
**Effect—Rules to conform chapter.** If any part of this chapter shall be found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to the state, such conflicting part of this chapter is hereby declared to be inoperative solely to the extent of such conflict and with respect to the agencies directly affected, and such findings or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned. The board shall make such rules and regulations as may be necessary to meet federal requirements which are a condition precedent to the receipt of federal funds by the state. [1961 c 1 § 26.]

**41.06.270 Salary withheld unless employment is in accord with chapter—**  
**Certification of payrolls, procedures.** A disbursing officer shall not pay any employee holding a position covered by this chapter unless the employment is in accordance with this chapter or the rules, regulations and orders issued hereunder. The

board and the state budget director shall jointly establish procedures for the certification of payrolls. [1961 c 1 § 27.]

**41.06.280 Department of personnel service fund—**  
**Created—Charges to agencies, payment—Use, disbursement.** There is hereby created a fund within the state treasury, designated as the "Department of Personnel Service Fund", to be used by the board as a revolving fund for the payment of salaries, wages and operations required for the administration of the provisions of this chapter. An amount not to exceed one percent of the approved allotments of salaries and wages for all positions in the classified service in each of the agencies subject to this chapter, except the institutions of higher learning and the department of highways, shall be charged to the operations appropriations of each agency and credited to the department of personnel service fund as such allotments are approved pursuant to chapter 328, Laws of 1959 [chapter 43.88 RCW]. Subject to the above limitations, such amount shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the department with funds to meet its anticipated expenditures during the allotment period.

The director of personnel shall fix the terms and charges for services rendered by the department of personnel pursuant to RCW 41.06.080, which amounts shall be credited to the department of personnel service fund and charged against the proper fund or appropriation of the recipient of such services on a quarterly basis; payment for services so rendered under RCW 41.06.080 shall be made on a quarterly basis to the state treasurer and by him deposited in the department of personnel service fund.

Moneys from the department of personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the board. [1963 c 215 § 1; 1961 c 1 § 28.]

*Use of department of personnel service for state employees' suggestion awards: Chapter 41.60 RCW.*

**41.06.290 Personnel subject to marine employee commission not affected.** Nothing in this chapter shall be interpreted as changing the provisions of or affecting the conditions of employment for personnel covered by chapter 47.64 RCW. [1961 c 1 § 29.]

**41.06.300 Consolidation of highway personnel under state personnel board and department.** The purpose of RCW 41.06.300 through 41.06.330 is to provide for a more effective and efficient management of the state system for personnel administration by consolidating under the state personnel board and the department of personnel all the powers, duties and functions heretofore vested in the highway department personnel board and the highway department personnel system. [1969 c 45 § 1.]

**Severability—1969 c 45:** "If any provision of this act or its application to any person or circumstances is held invalid, the remainder of

the act, or the application of the provision to other persons or circumstances is not affected." [1969 c 45 § 8.]

**Effective date—1969 c 45:** "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, 1969." [1969 c 45 § 9.]

The foregoing annotations apply to RCW 41.06.020, 41.06.080, and 41.06.300 through 41.06.330, and to the repeal of RCW 41.06.060.

**41.06.310 Abolishment of highway department personnel board and office of highway personnel director—Transfer to state personnel board.** The offices of the highway personnel board and the highway personnel director are hereby abolished. From and after July 1, 1969, all highway department personnel in all classes of positions shall be governed and controlled by and be subject to the provisions of chapter 41.06 RCW and the merit system rules and regulations adopted by the state personnel board, in the same manner as other state agencies now subject thereto: *Provided*, That all highway department personnel shall remain subject to the classification plan and compensation plan in effect on July 1, 1969 until such have been modified, amended, or incorporated into the state classification plan and compensation by the state personnel board. [1969 c 45 § 2.]

**Severability—Effective date—1969 c 45:** See notes following RCW 41.06.300.

**41.06.320 Transfer of books, records, equipment, etc.** All books, documents, records, papers, files, data, desks, chairs, typewriters and other office equipment, or other materials in the possession of, used or held by the highway department personnel board, the highway department personnel director, and any other person or persons performing duties and functions and exercising powers relating to the highway personnel board, shall be delivered and transferred to the state personnel board, and the state director of personnel. If any of the writings or other transfers pertaining to the functions herein transferred are considered by the state highway commission or the director of highways to be essential to the performance of duties of such agency, the director of highways may retain copies thereof. [1969 c 45 § 3.]

**Severability—Effective date—1969 c 45:** See notes following RCW 41.06.300.

**41.06.330 Classified employees to retain status, privileges, etc., on transfer.** All classified civil service employees engaged in duties pertaining to the functions herein transferred shall be assigned and transferred to the state department of personnel and when transferred shall automatically retain their permanent or probationary status together with all rights, privileges and immunities attaching thereto. [1969 c 45 § 4.]

**Severability—Effective date—1969 c 45:** See notes following RCW 41.06.300.

**41.06.340 Unfair labor practices provisions applicable to chapter.** Each and every provision of RCW 41.56.140 through 41.56.190 shall be applicable to this chapter as it relates to state civil service employees and the state personnel board, or its designee, whose final decision shall be appealable to the state personnel board,

which is granted all powers and authority granted to the department of labor and industries by RCW 41.56.140 through 41.56.190. [1969 ex.s. c 215 § 13.]

**41.06.350 Acceptance of federal funds authorized.** The state personnel board is authorized to receive federal funds now available or hereafter made available for the assistance and improvement of public personnel administration, which may be expended in addition to the department of personnel service fund established by RCW 41.06.280. [1969 ex.s. c 152 § 1.]

**41.06.900 Short title.** This chapter shall be referred to as the state civil service law. [1961 c 1 § 34.]

**41.06.910 Severability—1961 c 1.** If any provision of this act or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end any section, sentence, or word is declared to be severable. [1961 c 1 § 35.]

**41.06.911 Severability—1975-'76 2nd ex.s. c 43.** If any provision of this 1976 amendatory 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. [1975-'76 2nd ex.s. c 43 § 5.]

#### Chapter 41.07

#### CENTRAL PERSONNEL-PAYROLL SYSTEM

##### Sections

41.07.010	Definitions.
41.07.020	Administration, maintenance and operation of system—Intent.
41.07.030	Costs.
41.07.900	Transfer of personnel, records, equipment, etc.
41.07.901	Effective date—1975 1st ex.s. c 239.

**41.07.010 Definitions.** (1) As used in this chapter "state agency" means all offices, departments, agencies, institutions, boards, and commissions of state government including those headed by an elected official and including institutions of higher education.

(2) As used in this chapter "central personnel-payroll system" means an automated data processing system capable of keeping records and processing necessary transactions in the process of employing persons, changing their employment status, and paying employees of any or all state agencies. Such system shall include production of reports and documents required or authorized by state or federal agencies. [1975 1st ex.s. c 239 § 1.]

**41.07.020 Administration, maintenance and operation of system—Intent.** The department of personnel is authorized to administer, maintain, and operate the central personnel-payroll system and to provide its services for any state agency designated jointly by the director of the department of personnel and the director of the office of program planning and fiscal management.

The system shall be operated through state data processing centers. State agencies shall convert personnel

and payroll processing to the central personnel-payroll system as soon as administratively and technically feasible as determined by the office of program planning and fiscal management and the department of personnel. It is the intent of the legislature to provide, through the central personnel-payroll system, for uniform reporting to the office of program planning and fiscal management and to the legislature regarding salaries and related costs, and to reduce present costs of manual procedures in personnel and payroll record keeping and reporting. [1975 1st ex.s. c 239 § 2.]

**41.07.030 Costs.** The costs of administering, maintaining, and operating the central personnel-payroll system shall be distributed to the using state agencies. In order to insure proper and equitable distribution of costs the department of personnel shall utilize cost accounting procedures to identify all costs incurred in the administration, maintenance, and operation of the central personnel-payroll system. In order to facilitate proper and equitable distribution of costs to the using state agencies the department of personnel is authorized to utilize the data processing revolving fund created by RCW 43.105-.080 and the department of personnel service fund created by RCW 41.06.280. [1975 1st ex.s. c 239 § 3.]

**41.07.900 Transfer of personnel, records, equipment, etc.** On October 1, 1975, or at such earlier time as may be mutually agreed upon by the director of general administration and the director of personnel, the staff of the data processing service center engaged in payroll data control and payroll data entry along with such records, files, data, materials, equipment, supplies, and other assets as are directly associated with their function shall be transferred to the department of personnel. [1975 1st ex.s. c 239 § 4.]

**41.07.901 Effective date—1975 1st ex.s. c 239.** 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, 1975. [1975 1st ex.s. c 239 § 6.]

**Chapter 41.08  
CIVIL SERVICE FOR CITY FIREMEN**

Sections	
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41.08.020	Excluded cities—Repeal of local law—Effect.
41.08.030	Civil service commission created—Appointment— Terms—Removal—Quorum.
41.08.040	Organization of commission—Secretary—Powers and duties of commission.
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41.08.900	Severability—1935 c 31.
41.08.910	Repeal.

*Civil service for employees of fire protection districts: RCW 52.36.060.*

**41.08.010 Application of chapter.** The provisions of this chapter shall have no application to cities and towns which at the present time have provided for civil service in the fire department or which shall subsequently provide for civil service in the fire department by local charter or other regulations which said local charter or regulations substantially accomplish the purpose of this chapter. [1935 c 31 § 1; RRS § 9558-1.]

**41.08.020 Excluded cities—Repeal of local law—Effect.** If any of the cities or towns referred to in RCW 41.08.010 shall at any time repeal the charter provisions or other local acts of said cities or towns providing for civil service for firemen as referred to in RCW 41.08.010, in that event this chapter shall apply to all of such cities and towns which have at any time abolished civil service for members of the fire department. [1935 c 31 § 2; RRS § 9558-2.]

**41.08.030 Civil service commission created—Appointment—Terms—Removal—Quorum.** There is hereby created in every city, town or municipality except those referred to in RCW 41.08.010, having a full paid fire department a civil service commission which shall be composed of three persons.

The members of such commission shall be appointed by the person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are vested by law with power and authority to select, appoint, or employ the chief of a fire department in any such city, prior to the enactment of this chapter. The members of such commission shall serve without compensation. No person shall be appointed a member of such commission who is not a citizen of the United States, a resident of such city for at least three years immediately preceding such appointment, and an elector of the county wherein he resides. The term of office of such commissioners shall be for six years, except that the first three members of such commission shall be appointed for different terms, as follows: One to serve for a period of two years, one to serve for a period of four years, and one to serve for a period of six years. Any member of such commission may be removed from office for incompetency, incompatibility or dereliction of duty, or malfeasance in office, or other good cause: *Provided, however,* That no

member of the commission shall be removed until charges have been preferred, in writing, due notice and a full hearing had. The members of such commission shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by this chapter. Two members of such commission shall constitute a quorum and the votes of any two members of such commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission under or by virtue of the provisions of this chapter. Confirmation of said appointment or appointments of commissioners by any legislative body shall not be required. At the time of any appointment not more than two commissioners shall be adherents of the same political party. [1935 c 31 § 3; RRS § 9558-3.]

**41.08.040 Organization of commission—Secretary—Powers and duties of commission.** Immediately after appointment the commission shall organize by electing one of its members chairman and hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of their duties.

They shall appoint a secretary and chief examiner, who shall keep the records of the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

The secretary and chief examiner shall be appointed as a result of competitive examination which examination may be either original and open to all properly qualified citizens of the city, town or municipality, or promotional and limited to persons already in the service of the fire department or of the fire department and other departments of said city, town or municipality, as the commission may decide. The secretary and chief examiner may be subject to suspension, reduction or discharge in the same manner and subject to the same limitations as are provided in the case of members of the fire department. It shall be the duty of the civil service commission:

(1) To make suitable rules and regulations not inconsistent with the provisions of this chapter. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this chapter, or which may be found to be in the interest of good personnel administration. Such rules and regulations may be changed from time to time. The rules and regulations and any amendments thereof shall be printed, mimeographed or multigraphed for free public distribution. Such rules and regulations may be changed from time to time.

(2) All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to

which appointment is to be made, and may include tests of physical fitness and/or of manual skill.

(3) The rules and regulations adopted by the commission shall provide for a credit of ten percent in favor of all applicants for appointment under civil service, who, in time of war, or in any expedition of the armed forces of the United States, have served in and been honorably discharged from the armed forces of the United States, including the army, navy and marine corps and the American Red Cross. These credits apply to entrance examinations only.

(4) The commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions and employments affected by this chapter, and ascertain whether this chapter and all such rules and regulations are being obeyed. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. Not only must these investigations be made by the commission as aforesaid, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation the commission or designated commissioner, or chief examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts appertaining to the investigation and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a superior court judge in his judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter, and punishable as such.

(5) All hearings and investigations before the commission, or designated commissioner, or chief examiner, shall be governed by this chapter and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission, nor designated commissioner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission: *Provided, however,* That no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members.

(6) To hear and determine appeals or complaints respecting the administrative work of the personnel department; appeals upon the allocation of positions; the



rejection of an examination, and such other matters as may be referred to the commission.

(7) Establish and maintain in card or other suitable form a roster of officers and employees.

(8) Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions, and to provide that persons laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed.

(9) When a vacant position is to be filled, to certify to the appointing authority, on written request, the name of the person highest on the eligible list for the class. If there are no such lists, to authorize provisional or temporary appointment list of such class. Such temporary or provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year.

(10) Keep such records as may be necessary for the proper administration of this chapter. [1973 1st ex.s. c 154 § 60; 1935 c 31 § 5; RRS § 9558-5.]

**Severability**—1973 1st ex.s. c 154: See note following RCW 2.12.030.

**Preferred rights in employment, examinations, appointments, etc., limited to actual members of armed forces:** RCW 73.04.090.

**Veterans' preference in examinations:** RCW 41.04.010.

**41.08.050 Persons included**—**Competitive examinations**—**Transfers, discharges, and reinstatements.** The classified civil service and provisions of this chapter shall include all full paid employees of the fire department of each city, town or municipality coming within its purview, including the chief of that department. All appointments to and promotions in said department shall be made solely on merit, efficiency and fitness, which shall be ascertained by open competitive examination and impartial investigation. No person shall be reinstated in, or transferred, suspended or discharged from any such place, position or employment contrary to the provisions of this chapter. [1935 c 31 § 4; RRS § 9558-4.]

**41.08.060 Existing firemen blanketed under civil service.** For the benefit of the public service and to prevent delay, injury, or interruption therein by reason of the enactment of this chapter, all persons holding a position in the fire department of any such city, including the chief thereof, when this chapter takes effect, who shall have served in such position for a period of at least six months last past continuously, are hereby declared eligible for permanent appointment under civil service to the offices, places, positions or employments which they shall then hold, respectively, without examination or other act on their part, and not on probation; and every such person is hereby automatically adopted and inducted permanently into civil service, into such office, place, position or employment which such person then holds as completely and effectually to all intents and

purposes as if such person had been permanently appointed thereto under civil service after examination and investigation. [1935 c 31 § 6; RRS § 9558-6.]

**41.08.070 Qualifications of applicants.** An applicant for a position of any kind under civil service, must be a citizen of the United States of America who can read and write the English language.

An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable. [1972 ex.s. c 37 § 2; 1963 c 95 § 1; 1935 c 31 § 7; RRS § 9558-7.]

**Purpose**—1972 ex.s. c 37: "It is the purpose of this 1972 amendatory act to increase the availability of qualified applicants for employment in positions of public safety in municipal government; namely, firemen and policemen; and to eliminate present inequities that result from the application of residency requirements under existing statutes pertaining to such employment." [1972 ex.s. c 37 § 1.] This applies to the amendment (by 1972 ex.s. c 37) of RCW 41.08.070 and 41.12.070, and to RCW 41.08.075 and 41.12.075.

**41.08.075 Residency as condition of employment**—**Discrimination because of lack of residency**—**Prohibited.** No city, town, or municipality shall require any person applying for or holding an office, place, position, or employment under the provisions of this chapter or under any local charter or other regulations described in RCW 41.08.010 to reside within the limits of such municipal corporation as a condition of employment, or to discriminate in any manner against any such person because of his residence outside of the limits of such city, town, or municipality. [1972 ex.s. c 37 § 4.]

**Purpose**—1972 ex.s. c 37: See note following RCW 41.08.070.

**41.08.080 Tenure of employment**—**Grounds for discharge, reduction, or deprivation of privileges.** The tenure of every one holding an office, place, position or employment under the provisions of this chapter shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons:

(1) Incompetency, inefficiency or inattention to or dereliction of duty;

(2) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other wilful failure on the part of the employee to properly conduct himself; or any wilful violation of the provisions of this chapter or the rules and regulations to be adopted hereunder;

(3) Mental or physical unfitness for the position which the employee holds;

(4) Dishonest, disgraceful, immoral or prejudicial conduct;

(5) Drunkenness or use of intoxicating liquors, narcotics, or any other habit forming drug, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the

employee, or which precludes the employee from properly performing the functions and duties of any position under civil service;

(6) Conviction of a felony, or a misdemeanor, involving moral turpitude;

(7) Any other act or failure to act which in the judgment of the civil service commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service. [1935 c 31 § 8; RRS § 9558-8.]

**41.08.090 Procedure for removal, suspension, demotion or discharge—Investigation—Hearing—Appeal.** No person in the classified civil service who shall have been permanently appointed or inducted into civil service under provisions of this chapter, shall be removed, suspended, demoted or discharged except for cause, and only upon the written accusation of the appointing power, or any citizen or taxpayer, a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the commission. Any person so removed, suspended, demoted or discharged may within ten days from the time of his removal, suspension, demotion or discharge, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons and was or was not made in good faith [f]or cause. After such investigation the commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge. The commission upon such investigation, in lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension, demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay; the findings of the commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer.

All investigations made by the commission pursuant to the provisions of this section shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his defense. If such judgment or order be concurred in by the commission or a majority thereof, the accused may appeal therefrom to the court of original and unlimited jurisdiction in civil suits of the county wherein he resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of such judgment or order, a written notice of

appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to such judgment or order, be filed by the commission with such court. The commission shall, within ten days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited jurisdiction in civil suits shall thereupon proceed to hear and determine such appeal in a summary manner: *Provided, however,* That such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds. [1935 c 31 § 9; RRS § 9558-9.]

**41.08.100 Filling of vacancies—Probationary period.** Whenever a position in the classified service becomes vacant, the appointing power, if it desires to fill the vacancy, shall make requisition upon the commission for the name and address of a person eligible for appointment thereto. The commission shall certify the name of the person highest on the eligible list for the class to which the vacant position has been allocated, who is willing to accept employment. If there is no appropriate eligible list for the class, the commission shall certify the name of the person standing highest on said list held appropriate for such class. If more than one vacancy is to be filled an additional name shall be certified for each additional vacancy. The appointing power shall forthwith appoint such person to such vacant position.

Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the commission shall forthwith certify the name of the person eligible for appointment to the appointing power, and said appointing power shall forthwith appoint the person so certified to said position. No person so certified shall be laid off, suspended, or given leave of absence from duty, transferred or reduced in pay or grade, except for reasons which will promote the good of the service, specified in writing, and after an opportunity to be heard by the commission and then only with its consent and approval.

To enable the appointing power to exercise a choice in the filling of positions, no appointment, employment or promotion in any position in the classified service shall be deemed complete until after the expiration of a period of three to six months' probationary service, as may be provided in the rules of the civil service commission during which the appointing power may terminate the employment of the person certified to him, or it, if during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing power deems him unfit or unsatisfactory for service in the department. Whereupon the appointing power shall designate the person certified as standing next highest on any such list and such person shall likewise enter upon said duties until some person is found who is deemed fit for appointment, employment or promotion for the probationary period provided therefor,

whereupon the appointment, employment or promotion shall be deemed to be complete. [1935 c 31 § 11; RRS § 9558-11.]

**41.08.110 Power to create offices, make appointments and fix salaries not infringed.** All offices, places, positions and employments coming within the purview of this chapter, shall be created by the person or group of persons who, acting singly or in conjunction, as a mayor, city manager, chief, common council, commission or otherwise, is or are vested by law with power and authority to select, appoint, or employ any person coming within the purview of this chapter, and nothing herein contained shall infringe upon the power and authority of any such person or group of persons, or appointing power, to fix the salaries and compensation of all employees employed hereunder. [1935 c 31 § 12; RRS § 9558-12.]

**41.08.120 Approval of payrolls.** No treasurer, auditor, comptroller or other officer or employee of any city, town or municipality in which this chapter is effective, shall approve the payment of or be in any manner concerned in paying, auditing or approving any salary, wage or other compensation for services, to any person subject to the jurisdiction and scope of this chapter, unless a payroll, estimate or account for such salary, wage or other compensation, containing the names of the persons to be paid, the amount to be paid to each such person, the services on account of which same is paid, and any other information which, in the judgment of the civil service commission, should be furnished on said payroll, bears the certificate of the civil service commission or of its secretary or other duly authorized agent, that the persons named in such payroll, estimate or account have been appointed or employed in compliance with the terms of this chapter and with the rules of the commission, and that the said payroll, estimate or account is, so far as known to the said commission, a true and accurate statement. The commission shall refuse to certify the pay of any public officer or employee whom it finds to be illegally or improperly appointed, and may further refuse to certify the pay of any public officer or employee who shall wilfully or through culpable negligence violate or fail to comply with this chapter or with the rules of the commission. [1935 c 31 § 13; RRS § 9558-13.]

**41.08.130 Leaves of absence—Notice—Filling vacancy.** Leave of absence, without pay, may be granted by any appointing power to any person under civil service: *Provided*, That such appointing power shall give notice of such leave to the commission. All temporary employment caused by leaves of absence shall be made from the eligible list of the classified civil service. [1935 c 31 § 14; RRS § 9558-14.]

**41.08.140 Enforcement by civil action—Legal counsel.** It shall be the duty of the commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this chapter and of the rules of the commission. The commission shall be represented

in such suits by the chief legal officer of the city, but said commission may in any case be represented by special counsel appointed by it. [1935 c 31 § 15; RRS § 9558-15.]

**41.08.150 Deceptive practices, false marks, etc., prohibited.** No commissioner or any other person, shall, by himself or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect of his right of examination or registration according to the rules and regulations of this chapter, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this chapter, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified or persuade any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or registration or application or request to be examined or registered. [1935 c 31 § 16; RRS § 9558-16.]

**41.08.160 Political contributions and services—Not required—Solicitation and coercion prohibited.** No person holding any office, place, position or employment subject to civil service, is under any obligation to contribute to any political fund or to render any political service to any person or party whatsoever, and no person shall be removed, reduced in grade or salary, or otherwise prejudiced for refusing so to do. No public officer, whether elected or appointed, shall discharge, promote, demote or in any manner change the official rank, employment or compensation of any person under civil service, or promise or threaten so to do, for giving or withholding, or neglecting to make any contribution of money, or services, or any other valuable thing, for any political purpose. [1935 c 31 § 17; RRS § 9558-17.]

**41.08.170 Local legislation required—Penalty.** The various cities affected by the provisions of this chapter, shall, immediately upon the taking effect thereof, enact appropriate legislation for carrying this chapter into effect, and the failure upon the part of the duly constituted authorities of any such city so to do shall be considered a violation of this chapter and be punishable as such. [1935 c 31 § 18; RRS § 9558-18.]

**41.08.180 Office and supplies to be furnished—Penalty for not providing.** The duly constituted authorities of each and every city coming within the purview of this chapter, shall provide the commission with suitable and convenient rooms and accommodations and cause the same to be furnished, heated and lighted and supplied with all office supplies and equipment necessary to carry on the business of the commission and with such clerical assistance as may be necessary, all of which is to be commensurate with the number of persons in each such city coming within the purview of this chapter; and

the failure upon the part of the duly constituted authorities to do so, shall be considered a violation of this chapter and shall be punishable as such. [1935 c 31 § 19; RRS § 9558-19.]

**41.08.183 Time limit for creation of commission—Penalty.** In ninety days after the taking effect of this chapter, it shall be the duty of the duly constituted authorities in each such city, subject to the provisions of this chapter, to appoint and create a civil service commission as provided for in RCW 41.08.010, and the failure upon the part of said duly constituted authorities, or any of them, so to do, shall be deemed a violation of this chapter, and shall be punishable as such. [1935 c 31 § 20; RRS § 9558-20.]

**41.08.185 Duty of commission to organize and function—Penalty for violation.** It shall be the duty of each commission appointed subject to the provisions of this chapter, to immediately organize and see to it that the provisions thereof are carried into effect, and to this end to make suitable rules and regulations not inconsistent with the purpose of this chapter, for the purpose of carrying the provisions thereof into effect; and the failure upon the part of said commission, or any individual member thereof to do so, shall be deemed a violation of this chapter, and shall be punishable as such. [1935 c 31 § 21; RRS § 9558-21.]

**41.08.190 Cooperation of city officers and employees enjoined.** It shall be the duty of all officers and employees of any such city to aid in all proper ways of carrying out the provisions of this chapter, and such rules and regulations as may, from time to time, be prescribed by the commission thereunder and to afford the commission, its members and employees, all reasonable facilities and assistance to inspect all books, papers, documents and accounts applying or in any way appertaining to any and all offices, places, positions and employments, subject to civil service, and also to produce said books, papers, documents and accounts, and attend and testify, whenever required so to do by the commission or any commissioner. [1935 c 31 § 10; RRS § 9558-10.]

**41.08.200 Appropriation for expenses.** For the purpose of carrying out the provisions of this chapter, such city, town or municipality is hereby authorized to appropriate from the general fund not to exceed four-tenths of one percent of the total payroll of those included under the jurisdiction and scope of the chapter: *Provided, however,* That if the city council or other proper legislative body shall make an appropriation for the support of said commission equal to or more than the said continuing appropriation in any year, this section shall not be operative for said year but otherwise shall be in full force and effect. [1935 c 31 § 22; RRS § 9558-22.]

**41.08.210 Penalty—Jurisdiction.** Any person who shall wilfully violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more

than one hundred dollars and by imprisonment in the county jail for not longer than thirty days, or by both such fine and imprisonment. The court of original and unlimited jurisdiction in civil suits shall have jurisdiction of all such offenses defined by this chapter. [1935 c 31 § 23; RRS § 9558-23.]

**41.08.220 Definitions.** As used in this chapter, the following mentioned terms shall have the following described meanings:

The term "commission" means the civil service commission herein created, and the term "commissioner" means any one of the three commissioners of that commission.

The term "appointing power" includes every person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are, vested by law with power and authority to select, appoint, or employ any person to hold any office, place, position or employment subject to civil service.

The term "appointment" includes all means of selection, appointing or employing any person to hold any office, place, position or employment subject to civil service.

The term "city" includes all cities, towns and municipalities having a full paid fire department.

The term "full paid fire department" means that the officers and firemen employed in such are paid regularly by the city and devote their whole time to fire fighting. [1935 c 31 § 24; RRS § 9558-24.]

**41.08.900 Severability—1935 c 31.** If any section, subsection, subdivision, sentence, clause or phrase of this chapter, shall for any reason be held to be unconstitutional such decision shall not affect the validity of the remaining portions of this chapter. [1935 c 31 § 25; RRS § 9558-25.]

**41.08.910 Repeal.** All acts and parts of acts in conflict with the provisions of this chapter are hereby repealed insofar as they conflict with the provisions of this chapter. [1935 c 31 § 26; RRS § 9558-26.]

## Chapter 41.12

### CIVIL SERVICE FOR CITY POLICE

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- 41.12.210 Penalty—Jurisdiction.
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- 41.12.900 Severability—1937 c 13.
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**41.12.010 Application of chapter.** The provisions of this chapter shall have no application to cities and towns which at the present time have provided for civil service in the police department or which shall subsequently provide for civil service in the police department by local charter or other regulations which said local charter or regulations substantially accomplish the purpose of this chapter, nor to cities having a police force of not more than two persons including the chief of police. [1937 c 13 § 1; RRS § 9558a-1.]

**41.12.020 Excluded cities—Repeal of local law—Effect.** If any of the cities or towns referred to in RCW 41.12.010 shall at any time repeal the charter provisions or other local acts of said cities or towns providing for civil service for policemen as referred to in RCW 41.12.010, in that event this chapter shall apply to all of such cities and towns which have at any time abolished civil service for members of the police department. [1937 c 13 § 2; RRS § 9558a-2.]

**41.12.030 Civil service commission—Appointment—Terms—Removal—Quorum.** There is hereby created in every city, town or municipality except those referred to in RCW 41.12.010, having fully paid policemen a civil service commission which shall be composed of three persons.

The members of such commission shall be appointed by the person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are vested by law with the power and authority to select, appoint, or employ the chief of a police department in any such city, prior to the enactment of this chapter. The members of such commission shall serve without compensation. No person shall be appointed a member of such commission who is not a citizen of the United States, a resident of such city for at least three years immediately preceding such appointment, and an elector of the county wherein he resides. The term of office of such commissioners shall be for six years, except that the first three members of such commission shall be appointed for different terms, as follows: One to serve for a period of two years, one to serve for a period of four years, and one to serve for a period of six years. Any member of

such commission may be removed from office for incompetency, incompatibility or dereliction of duty, or malfeasance in office, or other good cause: *Provided, however,* That no member of the commission shall be removed until charges have been preferred, in writing, due notice and a full hearing had. The members of such commission shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by this chapter. Two members of such commission shall constitute a quorum and the votes of any two members of such commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission under or by virtue of the provisions of this chapter. Confirmation of said appointment or appointments of commissioners by any legislative body shall not be required. At the time of any appointment not more than two commissioners shall be adherents of the same political party. [1937 c 13 § 3; RRS § 9558a-3.]

**41.12.040 Organization of commission—Secretary—Powers and duties of commission.** Immediately after appointment the commission shall organize by electing one of its members chairman and hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of their duties.

They shall appoint a secretary and chief examiner, who shall keep the records for the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

The secretary and chief examiner shall be appointed as a result of competitive examination which examination may be either original and open to all properly qualified citizens of the city, town or municipality, or promotional and limited to persons already in the service of the police department or of the police department and other departments of said city, town or municipality, as the commission may decide. The secretary and chief examiner may be subject to suspension, reduction or discharge in the same manner and subject to the same limitations as are provided in the case of members of the police department. It shall be the duty of the civil service commission:

(1) To make suitable rules and regulations not inconsistent with the provisions of this chapter. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this chapter, or which may be found to be in the interest of good personnel administration. Such rules and regulations may be changed from time to time. The rules and regulations and any amendments thereof shall be printed, mimeographed or multigraphed for free public distribution. Such rules and regulations may be changed from time to time;

(2) All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and/or of manual skill;

(3) The rules and regulations adopted by the commission shall provide for a credit of ten percent in favor of all applicants for appointment under civil service, who, in time of war, or in any expedition of the armed forces of the United States, have served in and been honorably discharged from the armed forces of the United States, including the army, navy, and marine corps and the American Red Cross. These credits apply to entrance examinations only;

(4) The commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions and employments affected by this chapter, and ascertain whether this chapter and all such rules and regulations are being obeyed. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. Not only must these investigations be made by the commission as aforesaid, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation the commission or designated commissioner, or chief examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts appertaining to the investigation and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a superior court judge in his judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter, and punishable as such;

(5) Hearings and Investigations: How conducted. All hearings and investigations before the commission, or designated commissioner, or chief examiner, shall be governed by this chapter and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission, nor designated commissioner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission: *Provided, however,* That no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members;

(6) To hear and determine appeals or complaints respecting the administrative work of the personnel department; appeals upon the allocation of positions; the rejection of an examination, and such other matters as may be referred to the commission;

(7) Establish and maintain in card or other suitable form a roster of officers and employees;

(8) Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions, and to provide that men laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed;

(9) When a vacant position is to be filled, to certify to the appointing authority, on written request, the name of the person highest on the eligible list for the class. If there are no such lists, to authorize provisional or temporary appointment list of such class. Such temporary or provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as provisional appointee in any one fiscal year;

(10) Keep such records as may be necessary for the proper administration of this chapter. [1937 c 13 § 5; RRS § 9558a-5.]

*Preferred rights in employment, examinations, appointments, etc., limited to actual members of armed forces: RCW 73.04.090.*

*Veterans' preference in examinations: RCW 41.04.010.*

**41.12.050 Persons included—Competitive examinations—Transfers, discharges, and reinstatements.** The classified civil service and provisions of this chapter shall include all full paid employees of the police department of each city, town or municipality coming within its purview, including the chief of that department. All appointments to and promotions in said department shall be made solely on merit, efficiency and fitness, which shall be ascertained by open competitive examination and impartial investigation. No person shall be reinstated in or transferred, suspended or discharged from any such place, position or employment contrary to the provisions of this chapter. [1937 c 13 § 4; RRS § 9558a-4.]

**41.12.060 Existing police blanketed under civil service.** For the benefit of the public service and to prevent delay, injury, or interruption therein by reason of the enactment of this chapter, all persons holding a position in the police department of any such city, including the chief thereof, when this chapter takes effect, who shall have served in such position for a period of at least six months last past continuously, are hereby declared eligible for permanent appointment under civil service to the offices, places, positions or employments which they shall then hold, respectively, without examination or other act on their part, and not on probation; and every such person is hereby automatically adopted and inducted permanently into civil service, into such office, place, position or employment which such person then holds as

completely and effectually to all intents and purposes as if such person had been permanently appointed thereto under civil service after examination and investigation. [1937 c 13 § 6; RRS § 9558a-6.]

**41.12.070 Qualifications of applicants.** An applicant for a position of any kind under civil service, must be a citizen of the United States of America who can read and write the English language.

An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable. [1972 ex.s. c 37 § 3; 1963 c 95 § 2; 1937 c 13 § 7; RRS § 9558a-7.]

**Purpose**—1972 ex.s. c 37: See note following RCW 41.08.070.

**41.12.075 Residency as condition of employment—Discrimination because of lack of residency—Prohibited.** No city, town, or municipality shall require any person applying for or holding an office, place, position, or employment under the provisions of this chapter or under any local charter or other regulations described in RCW 41.12.010 to reside within the limits of such municipal corporation as a condition of employment or to discriminate in any manner against any such person because of his residence outside of the limits of such city, town, or municipality. [1972 ex.s. c 37 § 5.]

**Purpose**—1972 ex.s. c 37: See note following RCW 41.08.070.

**41.12.080 Tenure of employment—Grounds for discharge, reduction, or deprivation of privileges.** The tenure of everyone holding an office, place, position or employment under the provisions of this chapter shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons:

(1) Incompetency, inefficiency or inattention to or dereliction of duty;

(2) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other wilful failure on the part of the employee to properly conduct himself; or any wilful violation of the provisions of this chapter or the rules and regulation to be adopted hereunder;

(3) Mental or physical unfitness for the position which the employee holds;

(4) Dishonest, disgraceful, immoral or prejudicial conduct;

(5) Drunkenness or use of intoxicating liquors, narcotics, or any other habit forming drug, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under civil service;

(6) Conviction of a felony, or a misdemeanor, involving moral turpitude;

(7) Any other act or failure to act which in the judgment of the civil service commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service. [1937 c 13 § 8; RRS § 9558a-8.]

**41.12.090 Procedure for removal, suspension, demotion or discharge—Investigation—Hearing—Appeal.** No person in the classified civil service who shall have been permanently appointed or inducted into civil service under provisions of this chapter, shall be removed, suspended, demoted or discharged except for cause, and only upon written accusation of the appointing power, or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the commission. Any person so removed, suspended, demoted or discharged may within ten days from the time of his removal, suspension, demotion or discharge, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons and was or was not made in good faith [f]or cause. After such investigation the commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement of [or] reemployment of such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge. The commission upon such investigation, [in] lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension, demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay; the findings of the commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer.

All investigations made by the commission pursuant to the provisions of this section shall be had by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his defense. If such judgment or order be concurred in by the commission or a majority thereof, the accused may appeal therefrom to the court of original and unlimited jurisdiction in civil suits of the county wherein he resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the

record and of all papers on file in the office of the commission affecting or relating to such judgment or order, be filed by the commission with such court. The commission shall, within ten days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited jurisdiction in civil suits shall thereupon proceed to hear and determine such appeal in a summary manner: *Provided, however,* That such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds. [1937 c 13 § 9; RRS § 9558a-9.]

**41.12.100 Filling of vacancies—Probationary period.** Whenever a position in the classified service becomes vacant, the appointing power, if it desires to fill the vacancy, shall make requisition upon the commission for the name and address of a person eligible for appointment thereto. The commission shall certify the name of the person highest on the eligible list for the class to which the vacant position has been allocated, who is willing to accept employment. If there is no appropriate eligible list for the class, the commission shall certify the name of the person standing highest on said list held appropriate for such class. If more than one vacancy is to be filled an additional name shall be certified for each additional vacancy. The appointing power shall forthwith appoint such person to such vacant position.

Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the commission shall forthwith certify the name of the person eligible for appointment to the appointing power, and said appointing power shall forthwith appoint the person so certified to said position. No person so certified shall be laid off, suspended, or given leave of absence from duty, transferred or reduced in pay or grade, except for reasons which will promote the good of the service, specified in writing, and after an opportunity to be heard by the commission and then only with its consent and approval.

To enable the appointing power to exercise a choice in the filling of positions, no appointment, employment or promotion in any position in the classified service shall be deemed complete until after the expiration of a period of three to six months' probationary service, as may be provided in the rules of the civil service commission during which the appointing power may terminate the employment of the person certified to him, or it, if during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing power deems him unfit or unsatisfactory for service in the department, whereupon the appointing power shall designate the person certified as standing next highest on any such list and such person shall likewise enter upon said duties until some person is found who is deemed fit for appointment, employment or promotion for the probationary period provided therefor, whereupon the appointment, employment or promotion

shall be deemed to be complete. [1937 c 13 § 11; RRS § 9558a-11.]

**41.12.110 Power to create offices, make appointments and fix salaries not infringed.** All offices, places, positions and employments coming within the purview of this chapter, shall be created by the person or group of persons who, acting singly or in conjunction, as a mayor, city manager, chief, common council, commission or otherwise, it is vested by law with power and authority to select, appoint, or employ any person coming within the purview of this chapter, and nothing herein contained shall infringe upon the power and authority of any such person or group of persons, or appointing power, to fix the salaries and compensation of all employees employed hereunder. [1937 c 13 § 12; RRS § 9558a-12.]

**41.12.120 Approval of payrolls.** No treasurer, auditor, comptroller or other officer, or employee of any city, town or municipality in which this chapter is effective, shall approve the payment of or be in any manner concerned in paying, auditing or approving any salary, wage, or other compensation for services, to any person subject to the jurisdiction and scope of this chapter, unless a payroll, estimate or account for such salary, wage or other compensation, containing the names of the persons to be paid, the amount to be paid to each such person, the services on account of which same is paid, and any other information which, in the judgment of the civil service commission, should be furnished on said payroll, bears the certificate of the civil service commission or of its secretary or other duly authorized agent, that the persons named in such payroll, estimate or account have been appointed or employed in compliance with the terms of this chapter and with the rules of the commission, and that the said payroll, estimate or account is, so far as known to the said commission, a true and accurate statement. The commission shall refuse to certify the pay of any public officer or employee whom it finds to be illegally or improperly appointed, and may further refuse to certify the pay of any public officer or employee who shall wilfully or through culpable negligence violate or fail to comply with this chapter or with the rules of the commission. [1937 c 13 § 13; RRS § 9558a-13.]

**41.12.130 Leaves of absence—Notice—Filling vacancy.** Leave of absence, without pay, may be granted by any appointing power to any person under civil service: *Provided,* That such appointing power shall give notice of such leave to the commission. All temporary employment caused by leaves of absence shall be made from the eligible list of the classified civil service. [1937 c 13 § 14; RRS § 9558a-14.]

**41.12.140 Enforcement by civil action—Legal counsel.** It shall be the duty of the commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this chapter and of the rules of the commission. The commission shall be represented in such suits by the chief legal officer of the city, but



said commission may in any case be represented by special counsel appointed by it. [1937 c 13 § 15; RRS § 9558a-15.]

**41.12.150 Deceptive practices, false marks, etc., prohibited.** No commissioner or any other person, shall, by himself or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect of his right of examination or registration according to the rules and regulations of this chapter, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this chapter, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified or persuade any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or registration of application or request to be examined or registered. [1937 c 13 § 16; RRS § 9558a-16.]

**41.12.160 Political contributions and services.** No person holding any office, place, position or employment subject to civil service, is under any obligation to contribute to any political fund or to render any political service to any person or party whatsoever, and no person shall be removed, reduced in grade or salary, or otherwise prejudiced for refusing so to do. No public officer, whether elected or appointed, shall discharge, promote, demote, or in any manner change the official rank, employment or compensation of any person under civil service, or promise or threaten so to do, for giving or withholding, or neglecting to make any contribution of money, or services, or any other valuable thing, for any political purpose. [1937 c 13 § 17; RRS § 9558a-17.]

**41.12.170 Local legislation required—Penalty.** The various cities affected by the provisions of this chapter, shall immediately upon the taking effect thereof, enact appropriate legislation for carrying this chapter into effect, and the failure upon the part of the duly constituted authorities of any such city so to do shall be considered a violation of this chapter and be punishable as such. [1937 c 13 § 18; RRS § 9558a-18.]

**41.12.180 Office and supplies to be furnished—Penalty for not providing.** The duly constituted authorities of each and every city coming within the purview of this chapter, shall provide the commission with suitable and convenient rooms and accommodations and cause the same to be furnished, heated and lighted and supplied with all office supplies and equipment necessary to carry on the business of the commission and with such clerical assistance as may be necessary, all of which is to be commensurate with the number of persons in each such city coming within the purview of this chapter; and the failure upon the part of the duly constituted authorities to do so, shall be considered a violation of this

chapter and shall be punishable as such. [1937 c 13 § 19; RRS § 9558a-19.]

**41.12.183 Time limit for creation of commission—Penalty.** In ninety days after the taking effect of this chapter, it shall be the duty of the duly constituted authorities in each such city, subject to the provisions of this chapter, to appoint and create a civil service commission as provided for in RCW 41.12.010, and the failure upon the part of said duly constituted authorities, or any of them, so to do, shall be deemed a violation of this chapter, and shall be punishable as such. [1937 c 13 § 20; RRS § 9558a-20.]

**41.12.185 Duty of commission to organize and function—Penalty for violation.** It shall be the duty of each commission appointed subject to the provisions of this chapter, to immediately organize and see to it that the provisions thereof are carried into effect, and to this end to make suitable rules and regulations not inconsistent with the purpose of this chapter, for the purpose of carrying the provisions thereof into effect; and the failure upon the part of said commission, or any individual member thereof to do so, shall be deemed a violation of this chapter, and shall be punishable as such. [1937 c 13 § 21; RRS § 9558a-21.]

**41.12.190 Cooperation of city officers and employees enjoined.** It shall be the duty of all officers and employees of any such city to aid in all proper ways of carrying out the provisions of this chapter, and such rules and regulations as may, from time to time, be prescribed by the commission thereunder and to afford the commission, its members and employees, all reasonable facilities and assistance to inspect all books, papers, documents and accounts applying or in any way appertaining to any and all offices, places, positions and employments, subject to civil service, and also to produce said books, papers, documents and accounts, and attend and testify, whenever required so to do by the commission or any commissioner. [1937 c 13 § 10; RRS § 9558a-10.]

**41.12.200 Appropriation for expenses.** For the purpose of carrying out the provisions of this chapter, such city, town or municipality is hereby authorized to appropriate from the general fund not to exceed four-tenths of one percent of the total payroll of those included under the jurisdiction and scope of the chapter: *Provided, however,* That if the city council or other proper legislative body shall make an appropriation for the support of said commission equal to or more than the said continuing appropriation in any year, this section shall not be operative for said year but otherwise shall be in full force and effect. [1937 c 13 § 22; RRS § 9558a-22.]

**41.12.210 Penalty—Jurisdiction.** Any person who shall wilfully violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars and by imprisonment in the county jail for not longer than thirty days, or by both

such fine and imprisonment. The court of original and unlimited jurisdiction in civil suits shall have jurisdiction of all such offenses defined by this chapter. [1937 c 13 § 23; RRS § 9558a-23.]

**41.12.220 Definitions.** As used in this chapter, the following mentioned terms shall have the following described meanings:

The term "commission" means the civil service commission herein created, and the term "commissioner" means any one of the three commissioners of that commission.

The term "appointing power" includes every person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are, invested by law with power and authority to select, appoint, or employ any person to hold any office, place, position or employment subject to civil service.

The term "appointment" includes all means of selection, appointing or employing any person to hold any office, place, position or employment subject to civil service.

The term "city" includes all cities, towns and municipalities having a full paid police department.

The term "full paid police department" means that the officers and policemen employed in such are paid regularly by the city and devote their whole time to police duty: *Provided*, "full paid police department" whenever used in this chapter shall also mean "full paid policemen". [1937 c 13 § 24; RRS § 9558a-24.]

**41.12.900 Severability—1937 c 13.** If any section, subsection, subdivision, sentence, clause or phrase of this chapter, shall for any reason be held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. [1937 c 13 § 25; RRS § 9558a-25.]

**41.12.910 Repeal.** All acts and parts of acts in conflict with the provisions of this chapter are hereby repealed insofar as they conflict with the provisions of this chapter. [1937 c 13 § 26; RRS § 9558a-26.]

**Chapter 41.14**

**CIVIL SERVICE FOR SHERIFFS' OFFICE**

Sections

- 41.14.010 Declaration of purpose.
- 41.14.020 Terms defined.
- 41.14.030 Civil service commission—Appointment, terms, qualifications, compensation, etc.
- 41.14.040 Combined system authorized in counties of fourth class or less.
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- 41.14.260 City contracts to obtain sheriff's office law enforcement services—Transfer of police department employees into county civil service for sheriff's office—Seniority for employment.
- 41.14.270 City contracts to obtain sheriff's office law enforcement services—Lay offs—Notice—Time limitation for transfers.
- 41.14.280 City contracts to obtain sheriff's office law enforcement services—Rules and regulations.
- 41.14.900 Severability—1959 c 1.

**41.14.010 Declaration of purpose.** The general purpose of this chapter is to establish a merit system of employment for county deputy sheriffs and other employees of the office of county sheriff, thereby raising the standards and efficiency of such offices and law enforcement in general. [1959 c 1 § 1; Initiative No. 23.]

**41.14.020 Terms defined.** Definition of terms:

- (1) "Commission" means the civil service commission, or combined county civil service commission, herein created, and "commissioner" means any one of the three members of any such commission;
- (2) "Appointing power" means the county sheriff who is invested by law with power and authority to select, appoint, or employ any deputy, deputies or other necessary employees subject to civil service;
- (3) "Appointment" includes all means of selecting, appointing, or employing any person to any office, place, position, or employment subject to civil service;
- (4) "County" means any county of the state, or any counties combined pursuant to RCW 41.14.040 for the purpose of carrying out the provisions of this chapter;
- (5) "Deputy sheriff or other members of the office of county sheriff" means all persons regularly employed in the office of county sheriff either on a part time or full time basis. [1959 c 1 § 2; Initiative No. 23.]

**41.14.030 Civil service commission—Appointment, terms, qualifications, compensation, etc.** There is created in each county and in each combination of counties, combined pursuant to RCW 41.14.040 to carry out the provisions of this chapter, a civil service commission which shall be composed of three persons. The commission members shall be appointed by the board of county commissioners, or boards of county commissioners of each combination of counties, within sixty days after December 4, 1958. No person shall be appointed to the

commission who is not a citizen of the United States, a resident of the county, or one of the counties combined, for at least two years immediately preceding his appointment, and an elector of the county wherein he resides. The term of office of the commissioners shall be six years, except that the first three members of the commission shall be appointed for different terms, as follows: One to serve for a period of two years, one to serve for a period of four years, and one to serve for a period of six years. Any member of the commission may be removed from office for incompetency, incompatibility, or dereliction of duty, or malfeasance in office, or other good cause: *Provided*, That no member of the commission shall be removed until charges have been preferred, in writing, due notice, and a full hearing had. Any vacancy in the commission shall be filled by the county commissioners for the unexpired term. Two members of the commission shall constitute a quorum and the votes of any two members concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission. Confirmation of the appointment of commissioners by any legislative body shall not be required. At the time of appointment not more than two commissioners shall be adherents of the same political party. No member after appointment shall hold any salaried public office or engage in county employment, other than his commission duties. The members of the commission shall serve without compensation. [1959 c 1 § 3; Initiative No. 23.]

**41.14.040 Combined system authorized in counties of fourth class or less.** Any counties of the fourth class or of lesser classifications, whether contiguous or not, are authorized to establish and operate a combined civil service system to serve all counties so combined. The combination of any such counties shall be effective whenever each board of county commissioners of the counties involved adopts a resolution declaring intention to participate in the operation of a combined county civil service system in accordance with agreements made between any such counties. Any such combined county civil service commission shall serve the employees of each county sheriff's office impartially and according to need.

All matters affecting the combined civil service commission, including the selection of commissioners, shall be decided by majority vote of all the county commissioners of the counties involved.

All the provisions of this chapter shall apply equally to any such combined civil service system. [1959 c 1 § 4; Initiative No. 23.]

**41.14.050 Commission—Organization, meetings—Chief examiner, qualifications, duties.** Immediately after appointment the commission shall organize by electing one of its members chairman and shall hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of its duties.

It shall appoint a chief examiner who shall also serve as secretary of the commission and such assistants as

may be necessary. The chief examiner shall keep the records for the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

The chief examiner shall be appointed as a result of competitive examination, which examination may be either original and open to all properly qualified citizens of the county, or promotional and limited to persons already in the service of the county sheriff's office. The chief examiner may be subject to suspension, reduction, or discharge in the same manner and subject to the same limitations as are provided in the case of members of the classified service. [1959 c 1 § 5; Initiative No. 23.]

**41.14.060 Powers and duties of commission.** It shall be the duty of the civil service commission:

(1) To make suitable rules and regulations not inconsistent with the provisions hereof. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions, and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this chapter, or which may be found to be in the interest of good personnel administration. The rules and regulations and any amendments thereof shall be printed, mimeographed, or multigraphed for free public distribution. Such rules and regulations may be changed from time to time.

(2) To give practical tests which shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made. Such tests may include tests of physical fitness or manual skill or both.

(3) To make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; to inspect all departments, offices, places, positions, and employments affected by this chapter, and ascertain whether this chapter and all such rules and regulations are being obeyed. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. Not only must these investigations be made by the commission as aforesaid, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation the commission or designated commissioner, or chief examiner, may administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents, and accounts appertaining to the investigation and also cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered and the subpoenas issued hereunder shall have the same force and effect as the oaths administered and subpoenas

issued by a superior court judge in his judicial capacity; and the failure of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter, and punishable as such.

(4) To conduct hearings and investigations in accordance with this chapter and by the rules of practice and procedure adopted by the commission, and in the conduct thereof neither the commission, nor designated commissioner shall be bound by technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule, or regulation made, approved, or confirmed by the commission: *Provided*, That no order, decision, rule, or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members.

(5) To hear and determine appeals or complaints respecting the allocation of positions, the rejection of an examinee, and such other matters as may be referred to the commission.

(6) To provide for, formulate, and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions, and provide that persons laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed.

(7) To certify to the appointing authority, when a vacant position is to be filled, on written request, the name of the person highest on the eligible list for the class. If there is no such list, to authorize a provisional or temporary appointment list for such class. Such temporary provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as provisional appointee in any one fiscal year.

(8) To keep such records as may be necessary for the proper administration of this chapter. [1959 c 1 § 6; Initiative No. 23.]

**41.14.070 Classified and unclassified service designated.** The classified civil service and provisions of this chapter shall include all deputy sheriffs and other employees of the office of sheriff in each county except the following positions which are hereby designated the unclassified service:

(1) The county sheriff in every county;

(2) In each class A and class AA county; the positions of undersheriff, inspector, chief criminal deputy, chief civil deputy, jail superintendent, and one private secretary: *Provided*, That the legislative authority of any county operating under a home rule charter may designate unclassified positions of administrative responsibility not to exceed twelve positions;

(3) In each county of the first class, second class, and third class; three principal positions comparable to

undersheriff, a chief criminal deputy, and a chief civil deputy;

(4) In each of all other counties; one position to be appointed by the sheriff. [1975 1st ex.s. c 186 § 1; 1959 c 1 § 7; Initiative No. 23.]

**41.14.080 Classified service—Appointment, promotion, transfer, suspension, discharge.** All appointments to and promotions to positions in the classified civil service of the office of county sheriff shall be made solely on merit, efficiency, and fitness, which shall be ascertained by open competitive examination and impartial investigation. No person in the classified civil service shall be reinstated in or transferred, suspended, or discharged from any such place, position, or employment contrary to the provisions of this chapter. [1959 c 1 § 8; Initiative No. 23.]

**41.14.090 Status of existing employees in classified service.** For the benefit of the public service and to prevent delay, injury, or interruption therein by reason of the enactment hereof, all persons holding a position which is deemed classified by RCW 41.14.070 for a continuous period of six months prior to \*the effective date of this act, are eligible for permanent appointment under civil service to the offices, places, positions, or employments which they then held without examination or other act on their part, and not on probation; and every such person is automatically adopted and inducted permanently into civil service, into the office, place, position, or employment which he then held as completely and effectually to all intents and purposes as if such person had been permanently appointed thereto under civil service after examination and investigation. [1959 c 1 § 9; Initiative No. 23.]

\*Reviser's note: "the effective date of this act" (Initiative No. 23) was December 4, 1958.

**41.14.100 Qualifications of applicants for position.** An applicant for a position of any kind under civil service, must be a citizen of the United States who can read and write the English language. [1963 c 95 § 3; 1959 c 1 § 10; Initiative No. 23.]

**41.14.110 Tenure—Grounds for deprivation.** The tenure of every person holding an office, place, position, or employment under the provisions of this chapter shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons:

(1) Incompetency, inefficiency, or inattention to, or dereliction of duty;

(2) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other wilful failure on the part of the employee to properly conduct himself; or any wilful violation of the provisions of this chapter or the rules and regulations to be adopted hereunder;

(3) Mental or physical unfitness for the position which the employee holds;

(4) Dishonest, disgraceful, or prejudicial conduct;

(5) Drunkenness or use of intoxicating liquors, narcotics, or any other habit forming drug, liquid, or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under civil service;

(6) Conviction of a felony, or a misdemeanor involving moral turpitude;

(7) Any other act or failure to act which in the judgment of the civil service commission is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service. [1959 c 1 § 11; Initiative No. 23.]

**41.14.120 Removal, suspension, demotion—Procedure—Appeal.** No person in the classified civil service who has been permanently appointed or inducted into civil service under provisions of this chapter, shall be removed, suspended, or demoted except for cause, and only upon written accusation of the appointing power or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the commission. Any person so removed, suspended, or demoted may within ten days from the time of his removal, suspension, or demotion, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether the removal, suspension, or demotion was made in good faith for cause. After such investigation the commission may affirm the removal, or if it finds that removal, suspension, or demotion was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position, or employment from which he was removed, suspended, or demoted, which reinstatement shall, if the commission so provides, be retroactive, and entitle such person to pay or compensation from the time of the removal, suspension, or demotion. The commission upon such investigation, in lieu of affirming a removal, may modify the order by directing the suspension without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay. The findings of the commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer.

All investigations made by the commission pursuant to this section shall be by public hearing, after reasonable notice to the accused of the time and place thereof, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his defense. If order of removal, suspension, or demotion is concurred in by the commission or a majority thereof, the accused may appeal therefrom to the superior court of the county wherein he resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of its order, a written notice

of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to its order, be filed by the commission with the court. The commission shall, within ten days after the filing of the notice, make, certify, and file such transcript with the court. The court shall thereupon proceed to hear and determine the appeal in a summary manner. Such hearing shall be confined to the determination of whether the order of removal, suspension, or demotion made by the commission, was or was not made in good faith for cause, and no appeal shall be taken except upon such ground or grounds. The decision of the superior court may be appealed to the supreme court or the court of appeals. [1971 c 81 § 102; 1959 c 1 § 12; Initiative No. 23.]

**41.14.130 Filling vacancies in classified service—Eligibility list—Probation.** Whenever a position in the classified service becomes vacant, the appointing power, if it desires to fill the vacancy, shall requisition the commission for the name and address of a person eligible for appointment thereto. The commission shall certify the name of the person highest on the eligible list for the class to which the vacant position has been allocated, who is willing to accept employment. If there is no appropriate eligible list for the class, the commission shall certify the name of the person standing highest on the list held appropriate for such class. If more than one vacancy is to be filled an additional name shall be certified for each additional vacancy. The appointing power shall forthwith appoint such person to the vacant position.

To enable the appointing power to exercise a choice in the filling of positions, no appointment, employment, or promotion in any position in the classified service shall be deemed complete until after the expiration of a period of one year's probationary service, as may be provided in the rules of the civil service commission, during which the appointing power may terminate the employment of the person certified to him, if during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing power deems him unfit or unsatisfactory for service in the office of county sheriff. Thereupon the appointing power shall designate the person certified as standing next highest on any such list and such person shall likewise enter upon said duties for the probationary period, until some person is found who is deemed fit for appointment, employment, or promotion whereupon the appointment, employment, or promotion shall be deemed complete. [1959 c 1 § 13; Initiative No. 23.]

**41.14.140 Power to fill positions—Consent of county commissioners—Salaries and compensation.** All offices, places, positions, and employments coming within the purview of this chapter, shall be filled by the appointing power with the consent of the board of county commissioners, and nothing herein contained shall infringe upon such authority that an appointing power may have to fix the salaries and compensation of

all employees employed hereunder. [1959 c 1 § 14; Initiative No. 23.]

**41.14.150 Procedure for payment of compensation—Refusal to pay.** No treasurer, auditor or other officer, or employee of any county subject to this chapter shall approve the payment of or be in any manner concerned in paying, auditing, or approving any salary, wage, or other compensation for services, to any person subject to the jurisdiction and scope of this chapter, unless a payroll, estimate, or account for such salary, wage, or other compensation, containing the names of the persons to be paid, the amount to be paid to each such person, the services on account of which same is paid, and any other information which, in the judgment of the civil service commission, should be furnished on such payroll, bears the certificate of the civil service commission, or of its chief examiner or other duly authorized agent, that the persons named therein have been appointed or employed in compliance with the terms of this chapter and the rules of the commission, and that the payroll, estimate, or account is, insofar as known to the commission, a true and accurate statement. The commission shall refuse to certify the pay of any public officer or employee whom it finds to be illegally or improperly appointed, and may further refuse to certify the pay of any public officer or employee who wilfully or through culpable negligence, violates or fails to comply with this chapter or with the rules of the commission. [1959 c 1 § 15; Initiative No. 23.]

**41.14.160 Leaves of absence.** Leave of absence, without pay, may be granted by any appointing power to any person under civil service: *Provided*, That such appointing power gives notice of the leave to the commission. All temporary employment caused by leaves of absence shall be made from the eligible list of the classified civil service. [1959 c 1 § 16; Initiative No. 23.]

**41.14.170 Actions to enforce chapter—Duties of prosecuting attorneys.** The commission shall begin and conduct all civil suits which may be necessary for the proper enforcement of this chapter and rules of the commission. The commission shall be represented in such suits by the prosecuting attorney of the county. In the case of combined counties any one or more of the prosecuting attorneys of each county so combined may be selected by the commission to represent it. [1959 c 1 § 17; Initiative No. 23.]

**41.14.180 Prohibited acts relating to registration, examination, certification—Discrimination prohibited.** No commissioner or any other person, shall, by himself or in cooperation with others, defeat, deceive, or obstruct any person in respect of his right of examination or registration according to the rules and regulations, or falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined, registered, or certified pursuant to this chapter, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose

of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered, or certified, or persuade any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or registration of application or request to be examined or registered.

The right of any person to an appointment or promotion to any position in a sheriff's office shall not be withheld because of his race, color, creed, national origin, political affiliation or belief, nor shall any person be dismissed, demoted, or reduced in grade for such reason. [1959 c 1 § 18; Initiative No. 23.]

**41.14.190 Political activities regulated.** No person holding any office, place, position, or employment subject to civil service, shall contribute to any political party or render any political service to any person or party whatsoever, and no person shall be removed, reduced in grade or salary, or otherwise prejudiced for refusing so to do. No public officer, whether elected or appointed, shall discharge, promote, demote, or in any manner change the official rank, employment, or compensation of any person under civil service or promise or threaten so to do for giving or withholding, or neglecting to make any contribution of money, or service, or any other valuable thing, for any political purpose. [1959 c 1 § 19; Initiative No. 23.]

**41.14.200 Cooperation and aid by other county officers and employees.** All officers and employees of each county shall aid in all proper ways in carrying out the provisions of this chapter, and such rules and regulations as may, from time to time, be prescribed by the commission and afford the commission, its members, and employees, all reasonable facilities and assistance in the inspection of books, papers, documents, and accounts applying or in any way appertaining to any and all offices, places, positions, and employments, subject to civil service, and also shall produce such books, papers, documents, and accounts, and attend and testify, whenever required so to do by the commission or any commissioner. [1959 c 1 § 20; Initiative No. 23.]

**41.14.210 Funds for commission in class AA and class A counties—County budget—Surplus.** The legislative body of each class AA and A county may provide in the county budget for each fiscal year a sum equal to one percent of the preceding year's total payroll of those included under the jurisdiction and scope of this chapter. The funds so provided shall be used for the support of the commission. Any part of the funds so provided and not expended for the support of the commission during the fiscal year shall be placed in the general fund of the county, or counties according to the ratio of contribution, on the first day of January following the close of such fiscal year. [1971 ex.s. c 214 § 3; 1959 c 1 § 21; Initiative No. 23.]

**41.14.220 Penalty—Jurisdiction.** Any person who wilfully violates any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction

thereof, shall be punished by a fine of not more than one hundred dollars and by imprisonment in the county jail for not longer than thirty days or by both such fine and imprisonment. The superior court shall have jurisdiction of all such offenses. [1959 c 1 § 22; Initiative No. 23.]

**41.14.250 City contracts to obtain sheriff's office law enforcement services—Transfer of police department employees.** When any city or town shall contract with the county sheriff's office to obtain law enforcement services to the city or town, any employee of the police department of such city or town who (1) was at the time such contract was entered into employed exclusively or principally in performing the powers, duties, and functions which are to be performed by the county sheriff's office under such contract (2) will, as a direct consequence of such contract, be separated from the employ of the city or town, and (3) meets the minimum standards and qualifications of the county sheriff's office, then such employee may transfer his employment to the county sheriff's office as provided for in RCW 41.14.260 and 41.14.270. [1972 ex.s. c 48 § 1.]

**41.14.260 City contracts to obtain sheriff's office law enforcement services—Transfer of police department employees into county civil service for sheriff's office—Seniority for employment.** (1) An eligible employee may transfer into the county civil service system for the sheriff's office by filing a written request with the county civil service commission and by giving written notice thereof to the legislative authority of the city or town. Upon receipt of such request by the civil service commission the transfer of employment shall be made. The employee so transferring will (1) be on probation for the same period as are new employees of the sheriff's office, (2) be eligible for promotion after completion of the probationary period as completed, (3) receive a salary at least equal to that of other new employees of the sheriff's office, and (4) in all other matters, such as retirement, vacation, etc., have, within the county civil service system, all the rights, benefits, and privileges that he would have been entitled to had he been a member of the county sheriff's office from the beginning of his employment with the city or town police department. The city or town shall, upon receipt of such notice, transmit to the county civil service commission a record of the employee's service with the city or town which shall be credited to such member as a part of his period of employment in the county sheriff's office. The sheriff may appoint the transferring employee to whatever duties he feels are in the best interest of the department and the individual.

(2) If in the process of contracting for law enforcement services economies or efficiencies are achieved or if the city or town intends by such contract to curtail expenditures and the level of services to the city or town, then only so many of the transferring employees shall be placed upon the payroll of the sheriff's office as the sheriff determines are needed to provide the contracted services. These needed employees shall be taken in order of seniority and the remaining employees who transfer

as provided in RCW 41.14.250, 41.14.260, and 41.14.270 shall head the list of their respective class or job listing in the civil service system in order of their seniority, to the end that they shall be the first to be reemployed in the county sheriff's office when appropriate positions become available. [1972 ex.s. c 48 § 2.]

**41.14.270 City contracts to obtain sheriff's office law enforcement services—Lay offs—Notice—Time limitation for transfers.** When a city or town shall contract with the county sheriff's office for law enforcement services and as a result thereof lays off any employee who is eligible to transfer to the county sheriff's office pursuant to RCW 41.14.250 and 41.14.260, the city or town shall notify such employee of his right to so transfer and such employee shall have ninety days to transfer his employment to the county sheriff's office: *Provided*, That any employee layed off during the year prior to February 21, 1972 shall have ninety days after the effective date to transfer his employment. [1972 ex.s. c 48 § 3.]

**41.14.280 City contracts to obtain sheriff's office law enforcement services—Rules and regulations.** In addition to its other duties prescribed by law, the civil service commission shall make such rules and regulations as may be necessary to provide for the orderly integration of employees of a city or town who shall transfer to the county sheriff's office pursuant to RCW 41.14.250, 41.14.260, and 41.14.270. [1972 ex.s. c 48 § 4.]

**41.14.900 Severability—1959 c 1.** If any section, sentence, clause, or phrase of this chapter should be held to be invalid or unconstitutional, the validity or constitutionality thereof shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this chapter. [1959 c 1 § 23; Initiative No. 23.]

## Chapter 41.16

### FIREMEN'S RELIEF AND PENSIONS—1947 ACT

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- 41.16.900 Severability—1947 c 91.
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- 41.16.911 Severability—1975 1st ex.s. c 178.
- 41.16.920 Construction—1959 c 5—Benefits retroactively authorized.
- 41.16.921 Construction—1975 1st ex.s. c 178, RCW 41.16.145.

**Prior acts relating to firemen's relief and pensions:** 1935 c 39; 1929 c 86; 1919 c 196; 1909 c 50 were repealed by 1947 c 91 § 12 (codified herein as RCW 41.16.230).

*Firemen's relief and pensions—1955 act: Chapter 41.18 RCW.*

*Rights of fireman injured outside corporate limits of municipality: RCW 35.84.050.*

*Volunteer firemen's relief and pensions: Chapter 41.24 RCW.*

**41.16.010 Terms defined.** For the purpose of this chapter, unless clearly indicated by the context, words and phrases shall have the following meaning:

(1) "Beneficiary" shall mean any person or persons designated by a fireman in a writing filed with the board, and who shall be entitled to receive any benefits of a deceased fireman under this chapter.

(2) "Board" shall mean the municipal firemen's pension board.

(3) "Child or children" shall mean a child or children unmarried and under eighteen years of age.

(4) "Contributions" shall mean and include all sums deducted from the salary of firemen and paid into the fund as hereinafter provided.

(5) "Disability" shall mean and include injuries or sickness sustained as a result of the performance of duty.

(6) "Fireman" shall mean any person regularly or temporarily, or as a substitute, employed and paid as a member of a fire department, who has passed a civil service examination for fireman and who is actively employed as a fireman; and shall include any "prior fireman".

(7) "Fire department" shall mean the regularly organized, full time, paid, and employed force of firemen of the municipality.

(8) "Fund" shall mean the firemen's pension fund created herein.

(9) "Municipality" shall mean every city and town having a regularly organized full time, paid, fire department employing firemen.

(10) "Performance of duty" shall mean the performance of work and labor regularly required of firemen and shall include services of an emergency nature rendered while off regular duty, but shall not include time spent in traveling to work before answering roll call or traveling from work after dismissal at roll call.

(11) "Prior fireman" shall mean a fireman who was actively employed as a fireman of a fire department prior to the first day of January, 1947, and who continues such employment thereafter.

(12) "Retired fireman" shall mean and include a person employed as a fireman and retired under the provisions of chapter 50, Laws of 1909, as amended.

(13) "Widow or widower" means the surviving wife or husband of a retired fireman who was retired on account of length of service and who was lawfully married to such fireman; and whenever that term is used with reference to the wife or former wife or husband or former husband of a retired fireman who was retired because of disability, it shall mean his or her lawfully married wife or husband on the date he or she sustained the injury or contracted the illness that resulted in his or her disability. Said term shall not mean or include a surviving wife or husband who by process of law within one year prior to the retired fireman's death, collected or attempted to collect from him or her funds for the support of herself or himself or for his or her children. [1973 1st ex.s. c 154 § 61; 1947 c 91 § 1; Rem. Supp. 1947 § 9578-40.]

**Severability—1973 1st ex.s. c 154:** See note following RCW 2.12.030.

**41.16.020 Pension board created—Members—Terms—Vacancies—Officers—Quorum.** There is hereby created in each city and town a municipal firemen's pension board to consist of the following five members, ex officio, the mayor, or in a city of the first class, the mayor or his designated representative who shall be an elected official of the city, who shall be chairman of the board, the city comptroller or clerk, the chairman of finance of the city council, or if there is no chairman of finance, the city treasurer, and in addition, two regularly employed firemen elected by secret ballot of the firemen. The first members to be elected by the firemen shall be for a term of one and two years, respectively, and their successors shall be elected annually for a two year term. The two firemen so elected shall, in turn, select a third fireman who shall serve as an alternate in the event of an absence of one of the regularly elected firemen. In case a vacancy occurs in the membership of the firemen members, the members of the fire department shall in the same manner elect a successor to serve his unexpired term. The board may select and appoint a secretary who may, but need not be a member of the board. In case of absence or inability of the chairman to act, the board may select a chairman pro tempore who shall during such absence or inability perform the duties and exercise the powers of the chairman. A majority of the members of said board shall constitute a quorum and have power to transact business. [1973 1st ex.s. c 19 § 1; 1961 c 255 § 10; 1947 c 91 § 2; Rem. Supp. 1947 § 9578-41. Prior: 1935 c 39 § 1; 1919 c 196 § 3; 1909 c 50 §§ 1, 2.]

**41.16.030 Meetings.** The board shall meet at least once monthly, the date to be fixed by regulation of the board, at such other regular times as may be fixed by a regulation of the board; and at any time upon call of the chairman, of which due advance notice shall be given the other members of the board. [1947 c 91 § 3; Rem. Supp. 1947 § 9578-42. Prior: 1929 c 86 § 1; 1919 c 196 § 3; 1909 c 50 § 3.]



**41.16.040 Powers and duties.** The board shall have such general powers as are vested in it by the provisions of this chapter, and in addition thereto, the power to:

(1) Generally supervise and control the administration of this chapter and the firemen's pension fund created hereby.

(2) Pass upon and allow or disallow all applications for pensions or other benefits provided by this chapter.

(3) Provide for payment from said fund of necessary expenses of maintenance and administration of said pension system and fund.

(4) Invest the moneys of the fund in such securities of the United States, state, municipal corporations and other public bodies as are designated by the laws of the state of Washington as lawful investments for funds of mutual savings banks; and in any bonds or warrants, including local improvement bonds or warrants issued under the state local improvement guaranty fund law, or in utility bonds or warrants issued by the municipality operating the fund. Subject to the limitations hereinafter in this section contained, investment of moneys of the fund may also be made in amounts not to exceed twenty-five percent of the fund's total investments in the shares of certain open-end investment companies: *Provided*, That the total amount invested in any one company shall not exceed five percent of the assets of such company, and shall only be made in the shares of such companies as are registered as open-end companies under the federal investment company act of 1940, as from time to time amended. The company must be at least ten years old and have net assets of at least five million dollars. It must have outstanding no bonds, debentures, notes, or other evidences of indebtedness, or any stock having priority over the shares being purchased, either as to distribution of assets or payment of dividends. It must have paid dividends from investment income in each of the ten years next preceding purchase. The maximum selling commission on its shares, furthermore, may not exceed eight and one-half percent of the sum of the asset value plus such commission.

(5) Employ such agents, employees and other personnel as the board may deem necessary for the proper administration of this chapter.

(6) Compel witnesses to appear and testify before it, in the same manner as is or may be provided by law for the taking of depositions in the superior court. Any member of the board may administer oaths to witnesses who testify before the board of a nature and in a similar manner to oaths administered by superior courts of the state of Washington.

(7) Issue vouchers approved by the chairman and secretary and to cause warrants therefor to be issued and paid from said fund for the payment of claims allowed by it.

(8) Keep a record of all its proceedings, which record shall be public; and prepare and file with the city treasurer and city clerk or comptroller prior to the date when any payments are to be made from the fund, a list of all persons entitled to payment from the fund, stating the amount and purpose of such payment, said list to be certified to and signed by the chairman and secretary of the board and attested under oath.

(9) Make rules and regulations not inconsistent with this chapter for the purpose of carrying out and effecting the same.

(10) Appoint one or more duly licensed and practicing physicians who shall examine and report to the board upon all applications for relief and pension under this chapter. Such physicians shall visit and examine all sick and disabled firemen when, in their judgment, the best interests of the relief and pension fund require it or when ordered by the board. They shall perform all operations on such sick and injured firemen and render all medical aid and care necessary for the recovery of such firemen on account of sickness or disability received while in the performance of duty as defined in this chapter. Such physicians shall be paid from said fund, the amount of said fees or salary to be set and agreed upon by the board and the physicians. No physician not regularly appointed or specially appointed and employed, as hereinafter provided, shall receive or be entitled to any fees or compensation from said fund as attending physician to a sick or injured fireman. If any sick or injured fireman refuses the services of the appointed physicians, or the specially appointed and employed physician, he shall be personally liable for the fees of any other physician employed by him. No person shall have a right of action against the board or the municipality for negligence of any physician employed by it. The board shall have the power and authority to select and employ, besides the regularly appointed physician, such other physician, surgeon or specialist for consultation with, or assistance to the regularly appointed physician, or for the purpose of performing operations or rendering services and treatment in particular cases, as it shall deem advisable, and to pay fees for such services from said fund. Said board shall hear and decide all applications for such relief or pensions under this chapter, and its decisions on such applications shall be final and conclusive and not subject to revision or reversal except by the board. [1967 ex.s. c 91 § 1; 1947 c 91 § 4; Rem. Supp. 1947 § 9578-43. Prior: 1929 c 86 § 1; 1919 c 196 § 3; 1909 c 50 § 3.]

**41.16.050 Firemen's pension fund—How constituted.** There is hereby created and established in the treasury of each municipality a fund which shall be known and designated as the firemen's pension fund, which shall consist of (1) all bequests, fees, gifts, emoluments or donations given or paid thereto, (2) forty-five percent of all moneys received by the state from taxes on fire insurance premiums, (3) taxes paid pursuant to the provisions of RCW 41.16.060, (4) interest on the investments of the fund, (5) contributions by firemen as provided for herein. The forty-five percent of moneys received from the tax on fire insurance premiums under the provisions of this chapter shall be distributed in the proportion that the number of paid firemen in the city, town or fire protection district bears to the total number of paid firemen throughout the state to be ascertained in the following manner: The secretary of the firemen's pension board of each city, town and fire protection district now or hereafter coming under the provisions of this chapter shall within thirty days after the taking

effect \*of this 1961 amendatory act and on or before the fifteenth day of January thereafter, certify to the state treasurer the number of paid firemen in the fire department in such city, town or fire protection district. The state treasurer shall on or before the first day of June of each year deliver to the treasurer of each city, town and fire protection district coming under the provisions of this chapter his warrant, payable to each city, town or fire protection district for the amount due such city, town or fire protection district ascertained as herein provided and the treasurer of each such city, town or fire protection district shall place the amount thereof to the credit of the firemen's pension fund of such city, town or fire protection district. [1967 c 42 § 1; 1961 c 255 § 8; 1949 c 45 § 1; 1947 c 91 § 5; Rem. Supp. 1949 § 9578-44. Prior: 1929 c 86 § 11; 1919 c 196 § 14.]

\*Reviser's note: The effective date \*of this 1961 amendatory act\* [1961 c 255] was midnight June 7, 1961, see preface 1961 session laws.

**41.16.060 Tax levy for fund.** It shall be the duty of the legislative authority of each municipality, each year as a part of its annual tax levy, to levy and place in the fund a tax of twenty-two and one-half cents per thousand dollars of assessed value against all the taxable property of such municipality: *Provided*, That if a report by a qualified actuary on the condition of the fund establishes that the whole or any part of said dollar rate is not necessary to maintain the actuarial soundness of the fund, the levy of said twenty-two and one-half cents per thousand dollars of assessed value may be omitted, or the whole or any part of said dollar rate may be levied and used for any other municipal purpose.

It shall be the duty of the legislative authority of each municipality, each year as a part of its annual tax levy and in addition to the city levy limit set forth in RCW 84.52.050, as now or hereafter amended, to levy and place in the fund an additional tax of twenty-two and one-half cents per thousand dollars of assessed value against all taxable property of such municipality: *Provided*, That if a report by a qualified actuary establishes that all or any part of the additional twenty-two and one-half cents per thousand dollars of assessed value levy is unnecessary to meet the estimated demands on the fund under this chapter for the ensuing budget year, the levy of said additional twenty-two and one-half cents per thousand dollars of assessed value may be omitted, or the whole or any part of such dollar rate may be levied and used for any other municipal purpose. [1973 1st ex.s. c 195 § 43; 1973 1st ex.s. c 195 § 144; 1970 ex.s. c 92 § 2; 1965 ex.s. c 45 § 1; 1961 c 255 § 9; 1951 c 72 § 1; 1947 c 91 § 6; Rem. Supp. 1947 § 9578-45. Prior: 1929 c 86 § 12; 1919 c 196 § 15; 1909 c 50 § 14.]

**Severability—Effective dates and termination dates—Construction—**1973 1st ex.s. c 195: See notes following RCW 84.52.043.

**41.16.070 Contributions by firemen.** (1) Every fireman employed on and after January 1, 1947, shall contribute to the fund and there shall be deducted from his pay and placed in the fund an amount in accordance with the following table:

Fireman whose age at last birthday at time of entry of service was:	Contributions and deductions from salary
21 and under . . . . .	5.00%
22 . . . . .	5.24%
23 . . . . .	5.50%
24 . . . . .	5.77%
25 . . . . .	6.07%
26 . . . . .	6.38%
27 . . . . .	6.72%
28 . . . . .	7.09%
29 . . . . .	7.49%
30 and over . . . . .	7.92%

(2) Every fireman employed prior to January 1, 1947, and continuing active employment shall contribute to the fund and there shall be deducted from his salary and placed in the fund, five percent of his salary.

(3) Every fireman actively employed and eligible for retirement and not retired shall contribute to the fund and there shall be deducted from his salary and placed in the fund, four percent of his salary. [1947 c 91 § 7; Rem. Supp. 1947 § 9578-46. Prior: 1929 c 86 § 14; 1919 c 196 § 18.]

**41.16.080 Retirement for service.** Any fireman employed in a fire department on and before the first day of January, 1947, hereinafter in this section and RCW 41.16.090 to 41.16.190 inclusive, referred to as "fireman", and who shall have served twenty-five or more years and having attained the age of fifty-five years, as a member of the fire department, shall be eligible for retirement and shall be retired by the board upon his written request. Upon his retirement any fireman shall be paid a pension based upon the average monthly salary drawn for the five calendar years before retirement, the number of years of his service and a percentage factor based upon his age on entering service, as follows:

Entrance age at last birthday	Salary percentage factor
20 and under . . . . .	1.50%
21 . . . . .	1.55%
22 . . . . .	1.60%
23 . . . . .	1.65%
24 . . . . .	1.70%
25 . . . . .	1.75%
26 . . . . .	1.80%
27 . . . . .	1.85%
28 . . . . .	1.90%
29 . . . . .	1.95%
30 and over . . . . .	2.00%

Said monthly pension shall be in the amount of his average monthly salary for the five calendar years before retirement, times the number of years of service, times the applicable percentage factor. [1959 c 5 § 2; 1957 c 82 § 2. Prior: 1947 c 91 § 8, part; 1935 c 39 § 2, part; 1929 c 86 § 2, part; 1919 c 196 § 4, part; 1909 c 50 § 4, part; Rem. Supp. 1947 § 9578-47, part.]

**41.16.090 Limit of pension.** All pensioners receiving a pension under the provisions of this chapter as provided for in section 12, chapter 91, Laws of 1947 and RCW 41.16.230, shall from and after April 25, 1973 receive a minimum pension of three hundred dollars per month. [1973 1st ex.s. c 181 § 1; 1967 ex.s. c 91 § 2; 1959 c 5 § 3; 1957 c 82 § 3. Prior: 1947 c 91 § 8, part; 1935 c 39 § 2, part; 1929 c 86 § 2, part; 1919 c 196 § 4, part; 1909 c 50 § 4, part; Rem. Supp. 1947 § 9578-47, part.]

**41.16.100 Payment on death of retired fireman.** The widow or widower, child, children or beneficiary of any fireman retired under this chapter shall receive an amount equal to his or her accumulated contributions to the fund, plus earned interest thereon compounded semiannually: *Provided*, That there shall be deducted from said sum the amount paid to decedent in pensions and the remainder shall be paid to his or her widow or widower, child, children or beneficiary: *Provided further*, That the amount paid shall not be less than one thousand dollars. [1973 1st ex.s. c 154 § 62; 1959 c 5 § 4; 1957 c 82 § 4. Prior: 1947 c 91 § 8, part; 1935 c 39 § 2, part; 1929 c 86 § 2, part; 1919 c 196 § 4, part; 1909 c 50 § 4, part; Rem. Supp. 1947 § 9578-47, part.]

**Severability**—1973 1st ex.s. c 154: See note following RCW 2.12.030.

**41.16.110 Payment on death of eligible pensioner before retirement.** Whenever any fireman shall die while eligible to retirement on account of years of service, and shall not have been retired, benefits shall be paid in accordance with RCW 41.16.100. [1959 c 5 § 5; 1957 c 82 § 5. Prior: 1947 c 91 § 8, part; 1935 c 39 § 2, part; 1929 c 86 § 2, part; 1919 c 196 § 4, part; 1909 c 50 § 4, part; Rem. Supp. 1947 § 9578-47, part.]

**41.16.120 Payment on death in line of duty.** Whenever any active fireman or fireman retired for disability shall die as the result of an accident or other fortuitous event occurring while in the performance of his or her duty, his widow or her widower may elect to accept a monthly pension equal to one-half the deceased fireman's salary but in no case in excess of one hundred fifty dollars per month, or the sum of five thousand dollars cash. The right of election must be exercised within sixty days of the fireman's death. If not so exercised, the pension benefits shall become fixed and shall be paid from the date of death. Such pension shall cease if, and when, he or she remarries. If there is no widow or widower, then such pension benefits shall be paid to his or her child or children. [1973 1st ex.s. c 154 § 63; 1959 c 5 § 6; 1957 c 82 § 6. Prior: 1947 c 91 § 8, part; 1935 c 39 § 2, part; 1929 c 86 § 2, part; 1919 c 196 § 5, part; 1909 c 50 § 4, part; Rem. Supp. 1947 § 9578-47, part.]

**Severability**—1973 1st ex.s. c 154: See note following RCW 2.12.030.

**41.16.130 Payment upon disablement in line of duty.** (1) Any fireman who shall become disabled as a result of the performance of his duty or duties as defined in this chapter, may be retired at the expiration of six

months from the date of his disability, upon his written request filed with his retirement board. The board may upon such request being filed, consult such medical advice as it sees fit, and may have the applicant examined by such physicians as it deems desirable. If from the reports of such physicians the board finds the applicant capable of performing his duties in the fire department, the board may refuse to recommend his retirement.

(2) If the board deems it for the good of the fire department or the pension fund, it may recommend the applicant's retirement without any request therefor by him, after giving him a thirty days notice. Upon his retirement he shall be paid a monthly disability pension in amount equal to one-half of his monthly salary at date of retirement, but which shall not exceed one hundred fifty dollars a month. If he recovers from his disability he shall thereupon be restored to active service, with the same rank he held when he retired.

(3) If the fireman dies during disability and not as a result thereof, RCW 41.16.160 shall apply. [1959 c 5 § 7; 1957 c 82 § 7. Prior: 1947 c 91 § 8, part; 1935 c 39 § 3, part; 1929 c 86 § 3, part; 1919 c 196 § 5, part; 1909 c 50 § 5, part; Rem. Supp. 1947 § 9578-47, part.]

**41.16.140 Payment upon disablement not in line of duty.** Any fireman who has served more than fifteen years and sustains a disability not in the performance of his or her duty which renders him or her unable to continue his or her service, shall within sixty days exercise his or her choice either to receive his or her contribution to the fund, plus earned interest compounded semiannually, or be retired and paid a monthly pension based on the factor of his or her age shown in RCW 41.16.080, times his or her average monthly salary as a member of the fire department of his or her municipality at the date of his or her retirement, times the number of years of service rendered at the time he or she sustained such disability. If such fireman shall die leaving surviving him a wife or surviving her a husband, or child or children, then such wife or husband, or if he leaves no wife or she leaves no husband, then his or her child or children shall receive the sum of his contributions, plus accumulated compound interest, and such payment shall be reduced in the amount of the payments made to deceased. [1973 1st ex.s. c 154 § 64; 1959 c 5 § 8; 1957 c 82 § 8. Prior: 1947 c 91 § 8, part; 1935 c 39 § 6, part; 1929 c 86 § 7, part; 1919 c 196 § 9, part; 1909 c 50 § 9, part; Rem. Supp. 1947 § 9578-47, part.]

**Severability**—1973 1st ex.s. c 154: See note following RCW 2.12.030.

**41.16.145 Annual increase in benefits payable on retirement for service, death in line of duty, and disability—Appeals.** The amount of all benefits payable under the provisions of RCW 41.16.080, 41.16.120, 41.16.130, 41.16.140 and 41.16.230 as now or hereafter amended, shall be increased annually as hereafter in this section provided. The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purposes of adjusting benefit allowances payable pursuant to the aforementioned sections. The

local board shall determine the increase in the consumer price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which said board makes such determination by a dollar amount proportionate to the increase in the consumer price index: *Provided*, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.

Each year effective with the July payment all benefits specified herein, shall be increased by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative. The increased benefits authorized by this section shall not affect any benefit payable under the provisions of chapter 41.16 RCW in which the benefit payment is attached to a current salary of the rank held at time of retirement. A beneficiary of benefit increases provided for pursuant to this section is hereby authorized to appeal a decision on such increases or the failure of the local pension board to order such increased benefits or the amount of such benefits to the Washington law enforcement officers' and fire fighters' system retirement board provided for in RCW 41.26.050.

For the purpose of this section the term

"Consumer price index" shall mean, for any calendar year, the consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor. [1975-'76 2nd ex.s. c 44 § 1; 1975 1st ex.s. c 178 § 1; 1974 ex.s. c 190 § 1; 1970 ex.s. c 37 § 3; 1969 ex.s. c 209 § 38.]

**Construction of RCW 41.16.145—Severability—1975 1st ex.s. c 178:** See RCW 41.16.921, 41.16.911.

**Construction—1970 ex.s. c 37:** See note following RCW 41.18.104.

**Effective date—Construction—Severability—1969 ex.s. c 209:** See RCW 41.26.900 through 41.26.920.

**41.16.150 Payment on separation from service.** (1) Any fireman who has served twenty years or more and who shall resign or be dismissed, shall have the option of receiving all his or her contributions plus earned interest compounded semiannually, or a monthly pension in the amount of his average monthly salary times the number of years of service rendered, times one and one-half percent. Payment of such pension shall commence at the time of severance from the fire department, or at the age of fifty-five years, whichever shall be later. The fireman shall have sixty days from the severance date to elect which option he or she will take. In the event he or she fails to exercise his or her right of election then he or she shall receive the amount of his or her contributions plus accrued compounded interest. In the event he or she elects such pension, but dies before attaining the age of fifty-five, his widow or her widower, or if he leaves no widow or she leaves no widower, then his or her child or children shall receive only his contribution, plus accrued compounded interest. In the event he elects to take a pension and dies after attaining the age of fifty-five, his widow or her widower, or if he leaves no widow or she leaves no widower, then child or children shall receive

his or her contributions, plus accrued compounded interest, less the amount of pension payments made to such fireman during his or her lifetime.

(2) Any fireman who shall have served for a period of less than twenty years, and shall resign or be dismissed, shall be paid the amount of his or her contributions, plus accrued compounded interest. [1973 1st ex.s. c 154 § 65; 1959 c 5 § 9; 1957 c 82 § 9. Prior: 1947 c 91 § 8, part; Rem. Supp. 1947 § 9578-47, part.]

**Severability—1973 1st ex.s. c 154:** See note following RCW 2.12.030.

**41.16.160 Payment on death not in line of duty.** Whenever any fireman, after four years of service, shall die from natural causes, or from an injury not sustained in the performance of his or her duty and for which no pension is provided in this chapter, and who has not been retired on account of disability, his widow or her widower, if he or she was his wife or her husband at the time he or she was stricken with his or her last illness, or at the time he or she received the injuries from which he or she died; or if there is no such widow, then his or her child or children shall be entitled to the amount of his or her contributions, plus accrued compounded interest, or the sum of one thousand dollars, whichever sum shall be the greater. In case of death as above stated, before the end of four years of service, an amount based on the proportion of the time of service to four years shall be paid such beneficiaries. [1973 1st ex.s. c 154 § 66; 1959 c 5 § 10; 1957 c 82 § 10. Prior: 1947 c 91 § 8, part; 1929 c 86 § 7, part; 1919 c 196 § 9, part; 1909 c 50 § 9, part; Rem. Supp. 1947 § 9578-47, part.]

**Severability—1973 1st ex.s. c 154:** See note following RCW 2.12.030.

**41.16.170 Payment on death of fireman with no dependents.** Whenever a fireman dies leaving no widow or widower or children, the amount of his or her accumulated contributions, plus accrued compounded interest only, shall be paid his or her beneficiary. [1973 1st ex.s. c 154 § 67; 1959 c 5 § 11; 1957 c 82 § 11. Prior: 1947 c 91 § 8, part; 1935 c 39 § 5; 1929 c 86 § 6, part; 1919 c 196 § 8, part; 1909 c 50 § 8, part; Rem. Supp. 1947 § 9578-47, part.]

**Severability—1973 1st ex.s. c 154:** See note following RCW 2.12.030.

**41.16.180 Funeral expense.** Upon the death of any active, disabled or retired fireman the board shall pay from the fund the sum of two hundred dollars to assist in defraying the funeral expenses of such fireman. [1959 c 5 § 12; 1957 c 82 § 12. Prior: 1947 c 91 § 8, part; 1935 c 39 § 10; 1929 c 86 § 15; 1919 c 196 § 18; Rem. Supp. 1947 § 9578-47, part.]

**41.16.190 Waiting period—Disability retirement.** No fireman disabled in the performance of duty shall receive a pension until six months has elapsed after such disability was sustained. Therefore, whenever the retirement board, pursuant to examination by the board's physician and such other evidence as it may require,

shall find a fireman has been disabled while in the performance of his duties, it shall declare him inactive. For a period of six months from the time he became disabled, he shall continue to draw full pay from his municipality and in addition thereto he shall, at the expense of the municipality, be provided with such medical, hospital and nursing care as the retirement board deems proper. If the board finds at the expiration of six months that the fireman is unable to return to and perform his duties, then he shall be retired as herein provided. [1959 c 5 § 13; 1957 c 82 § 13. Prior: 1947 c 91 § 8, part; 1935 c 39 § 4, part; 1929 c 86 § 5, part; 1919 c 196 § 7, part; 1909 c 50 § 7, part; Rem. Supp. 1947 § 9578-47, part.]

**41.16.200 Examination of disability pensioners—Restoration to duty.** The board shall require all firemen receiving disability pensions to be examined every six months. All such examinations shall be made by physicians duly appointed by the board. If a fireman shall fail to submit to such examination within ten days of having been so ordered in writing by said retirement board all pensions or benefits paid to said fireman under this chapter, shall immediately cease and the disbursing officer in charge of such payments shall issue no further payments to such fireman. If such fireman fails to present himself for examination within thirty days after being ordered so to do, he shall forfeit all rights under this chapter. If such fireman, upon examination as aforesaid, shall be found fit for service, he shall be restored to duty in the same rank held at the time of his retirement, or if unable to perform the duties of said rank, then, at his request, in such other rank, the duties of which he is then able to perform. The board shall thereupon so notify the fireman and shall require him to resume his duties as a member of the fire department. If, upon being so notified, such member shall fail to report for employment within ten days, he shall forfeit all rights to any benefits under this chapter. [1947 c 91 § 9; Rem. Supp. 1947 § 9578-48. Prior: 1929 c 86 § 8; 1919 c 196 § 10; 1909 c 50 § 10.]

**41.16.210 Transfer of assets to new fund—Assumption of obligations.** (1) Funds or assets on hand in the firemen's relief and pension fund of any municipality established under the provisions of chapter 50, Laws of 1909, as amended, after payment of warrants drawn upon and payable therefrom, shall, by the city treasurer, be transferred to and placed in the firemen's pension fund created by this chapter; and the firemen's pension fund created by this chapter shall be liable for and there shall be paid therefrom in the order of their issuance any and all unpaid warrants drawn upon said firemen's relief and pension fund.

(2) Any moneys loaned or advanced by a municipality from the general or any other fund of such municipality to the firemen's relief and pension fund created under the provisions of chapter 50, Laws of 1909, as amended, and not repaid shall be an obligation of the firemen's pension fund created under this chapter, and shall at such times and in such amounts as is directed by the

board be repaid. [1947 c 91 § 10; Rem. Supp. 1947 § 9578-49.]

**41.16.220 Credit for military service.** Any person who was a member of the fire department and within the provisions of chapter 50, Laws of 1909, as amended, at the time he entered, and who is a veteran, as defined in RCW 41.04.005, shall have added and accredited to his period of employment as a fireman as computed under this chapter his period of war service in such armed forces upon payment by him of his contribution for the period of his absence, at the rate provided by chapter 50, Laws of 1909, as amended, for other members: *Provided, however,* Such accredited service shall not in any case exceed five years. [1969 ex.s. c 269 § 7; 1947 c 91 § 11; Rem. Supp. 1947 § 9578-50.]

**41.16.230 Repeal does not affect accrued rights.** Chapter 50, Laws of 1909; chapter 196, Laws of 1919; chapter 86, Laws of 1929, and chapter 39, Laws of 1935 (secs. 9559 to 9578, incl., Rem. Rev. Stat.; secs. 396-1 to 396-43, incl., PPC) and all other acts or parts of acts in conflict herewith are hereby repealed: *Provided,* That the repeal of said laws shall not affect any "prior fireman", his widow, her widower, child or children, any fireman eligible for retirement but not retired, his widow, her widower, child or children, or the rights of any retired fireman, his widow, her widower, child or children, to receive payments and benefits from the firemen's pension fund created under this chapter, in the amount, and in the manner provided by said laws which are hereby repealed and as if said laws had not been repealed. [1973 1st ex.s. c 154 § 68; 1947 c 91 § 12; Rem. Supp. 1947 § 9578-51.]

**Severability—1973 1st ex.s. c 154:** See note following RCW 2.12.030.

**41.16.240 Application of chapter to fire protection districts.** Any fire protection district having a full paid fire department may by resolution of its board of fire commissioners provide for the participation of its full time employees in a pension program in the same manner, with the same powers, and with the same force and effect as to such districts as the pension program provided by chapter 41.16 RCW for cities, towns and municipalities, or fire protection districts. [1955 c 46 § 1.]

**41.16.250 Retirement and job security rights preserved upon annexation, etc., of district.** If all or any portion of a fire protection district is annexed to or incorporated into a city or town, or is succeeded by a metropolitan municipal corporation or county fire department, no full time paid fireman affected by such annexation, incorporation or succession shall receive a reduction in his retirement and job security rights: *Provided,* That this section shall not apply to any retirement and job security rights authorized under chapter 41.24 RCW. [1963 c 63 § 1.]

**41.16.260 Transfer of credit from city employees' retirement system to firemen's pension system.** See RCW 41.18.210.

**41.16.900 Severability—1947 c 91.** If any clause, part or section of this chapter shall be adjudged in violation of the Constitution, or for any reason invalid, such judgment shall not affect nor invalidate the remainder of the chapter, nor any other clause, part or section thereof, but such judgment shall be confined in its operation to the clause, part or section directly involved in the controversy in which such judgment was rendered, and the balance of the chapter shall remain in full force and effect. [1947 c 91 § 13.]

**41.16.910 Severability—1959 c 5.** If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to any other persons or circumstances is not affected. [1959 c 5 § 15.]

**41.16.911 Severability—1975 1st ex.s. c 178.** If any provision of this 1975 amendatory 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. [1975 1st ex.s. c 178 § 6.]

**41.16.920 Construction—1959 c 5—Benefits retroactively authorized.** The provisions of \*this act are intended to be remedial and procedural and any benefits heretofore paid to recipients hereunder pursuant to any previous act are retroactively included and authorized as a part of \*this act. [1959 c 5 § 14.]

**\*Reviser's note:** "this act" appears in chapter 5, Laws of 1959 which reenacted RCW 41.16.080 and 41.16.100 through 41.16.190, and amended RCW 41.16.090.

**41.16.921 Construction—1975 1st ex.s. c 178, RCW 41.16.145.** (1) The provisions of this section are procedural and remedial.

(2) The application and effect of \*this act shall be retroactive to and including May 6, 1974. Each benefit being paid on the effective date of \*this act shall then be adjusted as if \*this act had been in existence since May 6, 1974. Additionally, any amounts which would have been paid had \*this act been in effect since May 6, 1974, shall then be due as a one-time lump sum payment.

(3) The provisions of RCW 41.16.145 shall be construed and read to have granted the percentage increase provided by that section to those receiving benefits pursuant to RCW 41.16.230, until and including July 1, 1974, at which time those persons shall be regarded as eligible for the benefits granted by chapter 190, Laws of 1974 ex. sess., as provided in subsection (2) of this section. Any amounts now payable due to a failure to so construe and read RCW 41.16.145 are now due as a one-time lump sum payment. [1975 1st ex.s. c 178 § 5.]

**\*Reviser's note:** "this act" [1975 1st ex.s. c 178] enacted this section and RCW 41.16.911, and amended RCW 41.16.145, 41.18.100, 41.18.104 and 41.26.250. The effective date of the act was June 4, 1975.

## Chapter 41.18

## FIREMEN'S RELIEF AND PENSIONS—1955 ACT

## Sections

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**Prior acts relating to firemen's relief and pensions:** 1935 c 39; 1929 c 86; 1919 c 196; 1909 c 50 were repealed by 1947 c 91 § 12 (codified as RCW 41.16.230).

**Firemen's relief and pensions—1947 act:** Chapter 41.16 RCW.

**Volunteer firemen's relief and pensions:** Chapter 41.24 RCW.

**41.18.010 Definitions.** For the purpose of this chapter, unless clearly indicated otherwise by the context, words and phrases shall have the meaning hereinafter ascribed.

(1) "Beneficiary" shall mean any person or persons designated by a fireman in a writing filed with the board, and who shall be entitled to receive any benefits of a deceased fireman under this chapter.

(2) "Fireman" means any person hereafter regularly or temporarily, or as a substitute newly employed and paid as a member of a fire department, who has passed a civil service examination for fireman and who is actively employed as a fireman or, if provided by the municipality by appropriate local legislation, as a fire dispatcher: *Provided*, Nothing in \*this 1969 amendatory act shall impair or permit the impairment of any vested pension rights of persons who are employed as fire dispatchers at the time \*this 1969 amendatory act takes effect; and any person heretofore regularly or temporarily, or as a substitute, employed and paid as a member of a fire department, and who has contributed under and been covered by the provisions of chapter 41.16 RCW as now or hereafter amended and who has come under the provisions of this chapter in accordance with RCW 41.18.170

and who is actively engaged as a fireman or as a member of the fire department as a fireman or fire dispatcher.

(3) "Retired fireman" means and includes a person employed as a fireman and retired under the provisions of this chapter.

(4) "Basic salary" means the basic monthly salary, including longevity pay, attached to the rank held by the retired fireman at the date of his retirement, without regard to extra compensation which such fireman may have received for special duties assignments not acquired through civil service examination: *Provided*, That such basic salary shall not be deemed to exceed the salary of a battalion chief.

(5) "Widow or widower" means the surviving spouse of a fireman and shall include the surviving wife or husband of a fireman, retired on account of length of service, who was lawfully married to him or to her for a period of five years prior to the time of his or her retirement; and the surviving wife or husband of a fireman, retired on account of disability, who was lawfully married to him or her at and prior to the time he or she sustained the injury or contracted the illness resulting in his or her disability. The word shall not mean the divorced wife or husband of an active or retired fireman.

(6) "Child" or "children" means a fireman's child or children under the age of eighteen years, unmarried, and in the legal custody of such fireman at the time of his death or her death.

(7) "Earned interest" means and includes all annual increments to the firemen's pension fund from income earned by investment of the fund. The earned interest payable to any fireman when he leaves the service and accepts his contributions, shall be that portion of the total earned income of the fund which is directly attributable to each individual fireman's contributions. Earnings of the fund for the preceding year attributable to individual contributions shall be allocated to individual firemen's accounts as of January 1st of each year.

(8) "Board" shall mean the municipal firemen's pension board.

(9) "Contributions" shall mean and include all sums deducted from the salary of firemen and paid into the fund as hereinafter provided.

(10) "Disability" shall mean and include injuries or sickness sustained by a fireman.

(11) "Fire department" shall mean the regularly organized, full time, paid, and employed force of firemen of the municipality.

(12) "Fund" shall have the same meaning as in RCW 41.16.010 as now or hereafter amended. Such fund shall be created in the manner and be subject to the provisions specified in chapter 41.16 RCW as now or hereafter amended.

(13) "Municipality" shall mean every city, town and fire protection district having a regularly organized full time, paid, fire department employing firemen.

(14) "Performance of duty" shall mean the performance of work or labor regularly required of firemen and shall include services of an emergency nature normally rendered while off regular duty. [1973 1st ex.s. c 154 § 69; 1969 ex.s. c 209 § 40; 1965 ex.s. c 45 § 2; 1961 c 255 § 1; 1955 c 382 § 1.]

\*Reviser's note: "this 1969 amendatory act" [1969 ex.s. c 209] consists of chapter 41.26 RCW, RCW 41.16.145, 41.18.010, 41.18.040, 41.18.045, 41.18.060, 41.18.100, 41.18.102, 41.18.104, 41.18.130, 41.18.190, 41.20.005, 41.20.085, 41.20.170; and RCW 41.20.050 and 41.20.060, subsequently amended by 1969 ex.s. c 219.

**Severability**—1973 1st ex.s. c 154: See note following RCW 2.12.030.

**Effective date**—1969 ex.s. c 209: July 1, 1969, see RCW 41.26.920.

**Severability**—Construction—1969 ex.s. c 209: See RCW 41.26.900, 41.26.910.

**Severability**—1961 c 255: "If any clause, part or section of this act shall be adjudged in violation of the constitution, or for any reason invalid, such judgment shall not affect nor invalidate the remainder of the act, nor any clause, part or section thereof, but such judgment shall be confined in its operation to the clause, part or section directly involved in the controversy in which judgment was rendered, and the balance of the act shall remain in full force and effect." [1961 c 255 § 13.] This applies to RCW 41.16.020, 41.16.050, 41.16.060, 41.18.010, 41.18.015, 41.18.030, 41.18.040, 41.18.060, 41.18.080, 41.18.130, 41.18.140 and 41.18.180.

**41.18.015 Pension boards in fire districts created—Members—Terms—Vacancies—Officers—Quorum.** There is hereby created in each fire protection district which qualifies under this chapter, a firemen's pension board to consist of the following five members, the chairman of the fire commissioners for said district who shall be chairman of the board, the county auditor, county treasurer, and in addition, two regularly employed firemen elected by secret ballot of the firemen. The first members to be elected by the firemen shall be for a term of one and two years, respectively, and their successors shall be elected annually for a two year term. That the two firemen so elected shall, in turn, select a third fireman who shall serve in the event of an absence of one of the regularly elected firemen. In case a vacancy occurs in the membership of the firemen members, the members of the fire department shall in the same manner elect a successor to serve his unexpired term. The board may select and appoint a secretary who may, but need not be a member of the board. In case of absence or inability of the chairman to act, the board may select a chairman pro tempore who shall during such absence or inability perform the duties and exercise the powers of the chairman. A majority of the members of said board shall constitute a quorum and have power to transact business. [1961 c 255 § 11.]

**41.18.020 Powers and duties of board.** The board, in addition to such general and special powers as are vested in it by the provisions of chapter 41.16 RCW, which powers the board shall have with respect to this chapter shall have power to:

(1) Generally supervise and control the administration of this chapter;

(2) Pass upon and allow or disallow applications for pensions or other benefits provided by this chapter;

(3) Provide for payment from the firemen's pension fund of necessary expenses of maintenance and administration required by the provisions of this chapter;

(4) Make rules and regulations not inconsistent with this chapter for the purpose of carrying out and effecting the same;

(5) Require the physicians appointed under the provisions of chapter 41.16 RCW, to examine and report to the board upon all applications for relief and pensions under this chapter; and

(6) Perform such acts, receive such compensation and enjoy such immunity as provided in RCW 41.16.040. [1955 c 382 § 2.]

**41.18.030 Contributions by firemen.** Every fireman to whom this chapter applies shall contribute to the fireman's pension fund a sum equal to six percent of his basic salary which shall be deducted therefrom and placed in the fund. [1961 c 255 § 2; 1955 c 382 § 3.]

**41.18.040 Retirement for service—Widow's or widower's pension—Payments to children.** Whenever any fireman, \*at the time of taking effect of this act or thereafter, shall have been appointed under civil service rules and have served for a period of twenty-five years or more as a member in any capacity of the regularly constituted fire department of any city, town or fire protection district which may be subject to the provisions of this chapter; and shall have attained the age of fifty years, he or she shall be eligible for retirement and shall be retired by the board upon his or her written request. Upon his or her retirement such fireman shall be paid a monthly pension which shall be equal to fifty percent of the basic salary now or hereafter attached to the same rank and status held by the said fireman at the date of his or her retirement: *Provided*, That a fireman hereafter retiring who has served as a member for more than twenty-five years, shall have his pension payable under this section increased by two percent of the basic salary per year for each full year of such additional service to a maximum of five additional years.

Upon the death of any such retired fireman, his or her pension shall be paid to his widow or her widower, at the same monthly rate that the retired fireman would have received had he or she lived, if such widow or widower was his wife or her husband for a period of five years prior to the time of his or her retirement. If there be no widow or widower, then such monthly payments shall be distributed to and divided among his or her children, share and share alike, until they reach the age of eighteen or are married, whichever occurs first. [1973 1st ex.s. c 154 § 70; 1969 ex.s. c 209 § 29; 1965 ex.s. c 45 § 3; 1961 c 255 § 3; 1955 c 382 § 4.]

**\*Reviser's note:** The phrase "at the time of taking effect of this act or thereafter" first appears in the 1961 amendment which became effective at midnight June 7, 1961 (see preface, 1961 session laws). The basic act, 1955 c 382, became effective at midnight June 8, 1955 (see preface, 1955 session laws).

**Severability—1973 1st ex.s. c 154:** See note following RCW 2.12.030.

**Applicability—1969 ex.s. c 209:** RCW 41.18.102.

**Effective date—Severability—Construction—1969 ex.s. c 209:** See RCW 41.26.900 through 41.26.920.

**41.18.045 Pension benefits for widows or widowers of unretired, eligible firemen—Retroactive.** Upon the death of a fireman who is eligible to retire under RCW 41.18.040 as now or hereafter amended, but who has not

retired, a pension shall be paid to his widow or her widower at the same monthly rate that he or she was eligible to receive at the time of his or her death, if such widow or widower was his wife or her husband for a period of five years prior to his or her death. If there be no widow or widower, then such monthly payments shall be distributed to and divided among his or her children, share and share alike, until they reach the age of eighteen or are married, whichever comes first.

This section shall apply retroactively for the benefit of all widows or widowers and survivors of firemen who died after January 1, 1967, if such firemen were otherwise eligible to retire on the date of death. [1973 1st ex.s. c 154 § 71; 1969 ex.s. c 209 § 25.]

**Severability—1973 1st ex.s. c 154:** See note following RCW 2.12.030.

**Effective date—Severability—Construction—1969 ex.s. c 209:** See RCW 41.26.900 through 41.26.920.

**41.18.050 Disablement in line of duty—Retirement.** Every fireman who shall become disabled as a result of the performance of duty may be retired at the expiration of six months from the date of his disability, upon his written request filed with his retirement board. The board may, upon such request being filed, consult such medical advice as it sees fit, and may have the applicant examined by such physicians as it deems desirable. If from the reports of such physicians the board finds the applicant capable of performing his duties in the fire department, the board may refuse to recommend his retirement. If, after the expiration of six months from the date of his disability, the board deems it for the good of the fire department or the pension fund it may recommend the retirement of a fireman disabled as a result of the performance of duty without any request for the same by him, and after having been given by the board a thirty days' written notice of such recommendation he shall be retired. [1955 c 382 § 5.]

**41.18.060 Disablement in line of duty—Inactive period—Allowance—Medical, hospital, nursing care.** Whenever the retirement board, pursuant to examination by the board's physician and such other evidence as it may require, shall find a fireman has been disabled while in the performance of his duties it shall declare him inactive. For a period of six months from the time of such disability he shall draw from the pension fund a disability allowance equal to his basic monthly salary and, in addition, he shall be provided with medical, hospital and nursing care as long as the disability exists. If the board finds at the expiration of six months that the fireman is unable to return to and perform his duties, then he shall be retired at a monthly sum equal to fifty percent of the amount of his basic salary at any time thereafter attached to the rank which he held at the date of his retirement: *Provided*, That where, at the time of retirement hereafter for disability under this section, such fireman has served honorably for a period of more than twenty-five years as a member, in any capacity of the regularly constituted fire department of a municipality, he shall have his pension payable under this section increased by two percent of his basic salary per year for



each full year of additional service to a maximum of five additional years. [1969 ex.s. c 209 § 30; 1961 c 255 § 4; 1955 c 382 § 6.]

**Effective date—Severability—Construction—1969 ex.s. c 209:** See RCW 41.26.900 through 41.26.920.

**41.18.080 Payment upon disablement not in line of duty.** Any fireman who has completed his or her probationary period and has been permanently appointed, and sustains a disability not in the performance of his or her duty which renders him or her unable to continue his or her service, may request to be retired by filing a written request with his or her retirement board within sixty days from the date of his or her disability. The board may, upon such request being filed, consult such medical advice as it deems fit and proper. If the board finds the fireman capable of performing his or her duties, it may refuse to recommend retirement and order the fireman back to duty. If no request for retirement has been received after the expiration of sixty days from the date of his or her disability, the board may recommend retirement of the fireman. The board shall give the fireman a thirty day written notice of its recommendation, and he or she shall be retired upon expiration of said notice. Upon retirement he shall receive a pension equal to fifty percent of his or her basic salary. For a period of ninety days following such disability the fireman shall receive an allowance from the fund equal to his or her basic salary. He or she shall during said ninety days be provided with such medical, hospital, and nursing care as the board deems proper. No funds shall be expended for such disability if the board determines that the fireman was gainfully employed or engaged for compensation in other than fire department duty when the disability occurred, or if such disability was the result of dissipation or abuse. Whenever any fireman shall die as a result of a disability sustained not in the line of duty, his widow or her widower shall receive a monthly pension equal to one-third of his or her basic salary until remarried; if such widow or widower has dependent upon her or him for support a child or children of such deceased fireman, he or she shall receive an additional pension as follows: One child, one-eighth of the deceased's basic salary; two children, one-seventh; three or more children, one-sixth. If there be no widow or widower, monthly payments equal to one-third of the deceased fireman's basic salary shall be made to his or her child or children. The widow or widower may elect at any time in writing to receive a cash settlement, and if the board after hearing finds it financially beneficial to the pension fund, he or she may receive the sum of five thousand dollars cash in lieu of all future monthly pension payments, and other benefits, including benefits to any child and/or children. [1973 1st ex.s. c 154 § 72; 1965 c 109 § 1; 1961 c 255 § 5; 1955 c 382 § 9.]

**Severability—1973 1st ex.s. c 154:** See note following RCW 2.12.030.

**41.18.090 Examination of disability pensioners—Restoration to active duty.** The board shall require all firemen receiving disability pensions to be examined every six months: *Provided*, That no such examinations

shall be required if upon certification by physicians the board shall formally enter upon its records a finding of fact that the disability is and will continue to be of such a nature that return to active duty can never reasonably be expected. All examinations shall be made by physicians duly appointed by the board. If a fireman shall wilfully fail to present himself for examination, within thirty days after being ordered so to do, he shall forfeit all rights under this chapter. If such fireman, upon examination as aforesaid, shall be found fit for service, he shall be restored to duty in the same rank held at the time of his retirement, or if unable to perform the duties of said rank then, at his request, in such other like or lesser rank as may be or become open and available, the duties of which he is then able to perform. The board shall thereupon so notify the fireman and shall require him to resume his duties as a member of the fire department. If, upon being so notified, such member shall wilfully fail to report for employment within ten days, he shall forfeit all rights to any benefit under this chapter. [1955 c 382 § 15.]

**41.18.100 Payment on death in line of duty or while retired on account of service connected disability.** In the event a fireman is killed in the performance of duty, or in the event a fireman retired on account of service connected disability shall die from any cause, his widow or her widower shall receive a monthly pension under one of the following applicable provisions: (1) If a fireman is killed in the line of duty his widow or her widower shall receive a monthly pension equal to fifty percent of his or her basic salary at the time of his or her death; (2) if a fireman who has retired on account of a service connected disability dies, his widow or her widower shall receive a monthly pension equal to the amount of the monthly pension such retired fireman was receiving at the time of his or her death. If she or he at any time so elects in writing and the board after hearing finds it to be financially beneficial to the pension fund, he or she may receive in lieu of all future monthly pension and other benefits, including benefits to child or children, the sum of five thousand dollars in cash. If there be no widow or widower at the time of such fireman's death or upon the widow's or widower's death the monthly pension benefits hereinabove provided for shall be paid to and divided among his or her child or children share and share alike, until they reach the age of eighteen or are married, whichever occurs first. The widow's or widower's monthly pension benefit, including increased benefits to his or her children shall cease if and when he or she remarries: *Provided*, That no pension payable under the provisions of this section shall be less than that specified under RCW 41.18.200. [1975 1st ex.s. c 178 § 4; 1973 1st ex.s. c 154 § 73; 1969 ex.s. c 209 § 28; 1965 ex.s. c 45 § 4; 1955 c 382 § 8.]

**Construction—Severability—1975 1st ex.s. c 178:** See RCW 41.16.911, 41.16.921.

**Severability—1973 1st ex.s. c 154:** See note following RCW 2.12.030.

**Effective date—Severability—Construction—1969 ex.s. c 209:** See RCW 41.26.900 through 41.26.920.

**41.18.102 Applicability of RCW 41.18.040 and 41.18.100.** The provisions of RCW 41.18.040 and 41.18.100 shall be applicable to all firemen employed prior to March 1, 1970, but shall not apply to any former fireman who has terminated his employment prior to July 1, 1969. [1969 ex.s. c 209 § 32.]

**Effective date—Severability—Construction—1969 ex.s. c 209:** See RCW 41.26.900 through 41.26.920.

**41.18.104 Annual increase in benefits payable on retirement for service or disability—Appeals.** The amount of all benefits payable under the provisions of RCW 41.18.040, 41.18.080, 41.18.100 and 41.18.200 as now or hereafter amended, shall be increased annually as hereafter in this section provided. The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purpose of adjusting benefit allowances payable pursuant to the aforementioned sections. The local board shall determine the increase in the consumer price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which said board makes such determination by a dollar amount proportionate to the increase in the consumer price index: *Provided*, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.

Each year effective with the July payment all benefits specified herein, shall be increased as authorized by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative. The increased benefits authorized by this section shall not affect any benefit payable under the provisions of chapter 41.18 RCW in which the benefit payment is attached to a current salary of the rank held at time of retirement. A beneficiary of benefit increases provided for pursuant to this section is hereby authorized to appeal a decision on such increases or the failure of the local pension board to order such increased benefits or the amount of such benefits to the Washington law enforcement officers' and fire fighters' system retirement board provided for in RCW 41.26.050.

For the purpose of this section the term

"Consumer price index" shall mean, for any calendar year, the consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor. [1975-'76 2nd ex.s. c 44 § 2; 1975 1st ex.s. c 178 § 2; 1974 ex.s. c 190 § 2; 1970 ex.s. c 37 § 1; 1969 ex.s. c 209 § 33.]

**Construction—Severability—1975 1st ex.s. c 178:** See RCW 41.16.911, 41.16.921.

**Construction—1970 ex.s. c 37:** "This 1970 amendatory act shall be null and void and of no further force and effect if the 1970 extraordinary session of the Legislature does not pass legislation authorizing cities and counties to levy additional taxes or appropriate at least ten million dollars for distribution to cities and towns for the remainder of the 1969-71 fiscal biennium." [1970 ex.s. c 37 § 4.] This applies to the 1970 amendments to RCW 41.16.145, 41.18.104 and 41.26.250.

**Effective date—Severability—Construction—1969 ex.s. c 209:** See RCW 41.26.900 through 41.26.920.

**41.18.130 Payment on separation—With less than twenty-five years service or less than fifty years of age—Option to be classified as vested fireman.** Any fireman who shall have served for a period of less than twenty-five years, or who shall be less than fifty years of age, and shall resign, or be dismissed from the fire department for a reason other than conviction for a felony, shall be paid the amount of his contributions to the fund plus earned interest: *Provided*, That in the case of any fireman who has completed twenty years of service, such fireman, upon termination for any cause except for a conviction of a felony, shall have the option of electing, in lieu of recovery of his contributions as herein provided, to be classified as a vested fireman in accordance with the following provisions:

(1) Written notice of such election shall be filed with the board within thirty days after the effective date of such fireman's termination;

(2) During the period between the date of his termination and the date upon which he becomes a retired fireman as hereinafter provided, such vested fireman and his spouse or dependent children shall be entitled to all benefits available under chapter 41.18 RCW to a retired fireman and his spouse or dependent children with the exception of the service retirement allowance as herein provided for: *Provided*, That any claim for medical coverage under RCW 41.18.060 shall be attributable to service connected illness or injury;

(3) Any fireman electing to become a vested fireman shall be entitled at such time as he otherwise would have completed twenty-five years of service had he not terminated, to receive a service retirement allowance computed on the following basis: Two percent of the amount of salary attached to the position held by the vested fireman for the year preceding the date of his termination, for each year of service rendered prior to the date of his termination. [1969 ex.s. c 209 § 31; 1961 c 255 § 6; 1955 c 382 § 11.]

**Effective date—Severability—Construction—1969 ex.s. c 209:** See RCW 41.26.900 through 41.26.920.

**41.18.140 Funeral expenses.** The board shall pay from the firemen's pension fund upon the death of any active or retired fireman the sum of five hundred dollars, to assist in defraying the funeral expenses of such fireman. [1961 c 255 § 7; 1955 c 382 § 13.]

**41.18.150 Credit for military service.** Every person who was a member of the fire department at the time he entered and served in the armed forces of the United States in time of war, whether as a draftee, or inductee, and who shall have been discharged from such armed forces under conditions other than dishonorable, shall have added and accredited to his period of employment as a fireman his period of war or peacetime service in the armed forces: *Provided*, That such added and accredited service shall not as to any individual exceed five years. [1955 c 382 § 14.]

**41.18.160 Certain firemen may elect to be covered under other law.** Every fireman as defined in this chapter heretofore employed as a member of a fire department,

whether or not as a prior fireman as defined in chapter 41.16 RCW, who desires to make the contributions and avail himself of the pension and other benefits of said chapter 41.16 RCW, can do so by handing to and leaving with the firemen's pension board of his municipality a written notice of such intention within sixty days of the effective date of this chapter, or if he was on disability retirement under chapter 41.16 RCW, at the effective date of this chapter and has been recalled to active duty by the retirement board, shall give such notice within sixty days of his return to active duty, and not otherwise. [1955 c 382 § 17.]

**Reviser's note:** Effective date of chapter 41.18 RCW is midnight June 8, see preface 1955 session laws.

**41.18.165 Credit for membership in private organization acquired by municipality.** Every person who was a member of a fire-fighting organization operated by a private enterprise, which fire-fighting organization shall be hereafter acquired before September 1, 1959, by a municipality as its fire department as a matter of public convenience or necessity, where it is in the public interest to retain the trained personnel of such fire-fighting organization, shall have added and accredited to his period of employment as a fireman his period of service with said private enterprise, except that this shall apply only to those persons who are in the service of such fire-fighting organization at the time of its acquisition by the municipality and who remain in the service of that municipality until this chapter shall become applicable to such persons.

No such person shall have added and accredited to his period of employment as a fireman his period of service with said private enterprise unless he or a third party shall pay to the municipality his contribution for the period of such service with the private enterprise at the rate provided in RCW 41.18.030, or, if he shall be entitled to any private pension or retirement benefits as a result of such service with the private enterprise, unless he agrees at the time of his employment by the municipality to accept a reduction in the payment of any benefits payable under this chapter that are based in whole or in part on such added and accredited service by the amount of those private pension or retirement benefits received. For the purposes of RCW 41.18.030, the date of entry of service shall be deemed the date of entry into service with the private enterprise, which service is accredited by this section, and the amount of contributions for the period of accredited service shall be based on the wages or salary of such person during that added and accredited period of service with the private enterprise.

The city may receive payments for these purposes from a third party and shall make from such payments contributions with respect to such prior service as may be necessary to enable the fund to assume its obligations. [1959 c 69 § 1.]

**41.18.170 Application of chapter.** The provisions of this chapter governing contributions, pensions, and benefits shall have exclusive application (1) to firemen as defined in this chapter hereafter becoming members of a

fire department, (2) to firemen as defined in this chapter heretofore employed in a department who have not otherwise elected as provided for in RCW 41.18.160, and (3) to firemen on disability retirement under chapter 41.16 RCW, at the effective date of this chapter, who thereafter shall have been returned to active duty by the retirement board, and who have not otherwise elected as provided for in RCW 41.18.160 within sixty days after return to active duty. [1955 c 382 § 16.]

**41.18.180 Fireman contributor under prior law may obtain benefits of chapter—Refunds.** Any fireman who has made contributions under any prior act may elect to avail himself of the benefits provided by this chapter or under such prior act by filing written notice with the board within sixty days from the effective date of this 1961 amendatory act: *Provided*, That any fireman who has received refunds by reason of selecting the benefits of prior acts shall return the amount of such refunds as a condition to coverage under this 1961 amendatory act. [1961 c 255 § 12.]

**Reviser's note:** The 1961 amendatory act is codified as RCW 41.16.020, 41.16.050, 41.16.060, 41.18.010, 41.18.015, 41.18.030, 41.18.040, 41.18.060, 41.18.080, 41.18.130, 41.18.140 and 41.18.180, memorials to sections repealed by such act appear as RCW 41.18.070, 41.18.110 and 41.18.120, and all became effective at midnight June 7, 1961 (see preface, 1961 session laws).

**41.18.190 Transfer of membership authorized.** Any fireman as defined in RCW 41.18.010 who has prior to July 1, 1969 been employed as a member of a fire department and who desires to make contributions and avail himself of the pension and other benefits of chapter 41.18 RCW as now law or hereafter amended, may transfer his membership from any other pension fund, except the Washington law enforcement officers' and fire fighters' retirement system, to the pension fund provided in chapter 41.18 RCW: *Provided*, That such fireman transmits written notice of his intent to transfer to the pension board of his municipality prior to September 1, 1969. [1969 ex.s. c 209 § 41.]

**Effective date—Severability—Construction—1969 ex.s. c 209:** See RCW 41.26.900 through 41.26.920.

*Law enforcement officers' and fire fighters' retirement system: Chapter 41.26 RCW.*

**41.18.200 Minimum pension.** All retirees and survivors receiving a pension under the provisions of this chapter shall from and after April 25, 1973 receive a minimum pension of three hundred dollars per month. [1973 1st ex.s. c 181 § 2.]

**41.18.210 Transfer of credit from city employees' retirement system to firemen's pension system.** Any former employee of a department of a city of the first class, who (1) was a member of the employees' retirement system of such city, and (2) is now employed within the fire department of such city, may transfer his former membership credit from the city employees' retirement system to the fireman's pension system created by chapters 41.16 and 41.18 RCW by filing a written request with the board of administration and the municipal fireman's pension board, respectively.

Upon the receipt of such request, the transfer of membership to the city's fireman's pension system shall be made, together with a transfer of all accumulated contributions credited to such member. The board of administration shall transmit to the municipal fireman's pension board a record of service credited to such member which shall be computed and credited to such member as a part of his period of employment in the city's fireman's pension system. For the purpose of the transfer contemplated by this section, those affected individuals who have formerly withdrawn funds from the city employees' retirement system shall be allowed to restore contributions withdrawn from that retirement system directly to the fireman's pension system and receive credit in the fireman's pension system for their former membership service in the prior system.

Any employee so transferring shall have all the rights, benefits, and privileges that he would have been entitled to had he been a member of the city's fireman's pension system from the beginning of his employment with the city.

No person so transferring shall thereafter be entitled to any other public pension, except that provided by chapter 41.26 RCW or social security, which is based upon such service with the city.

The right of any employee to file a written request for transfer of membership as set forth in this section shall expire December 31, 1974. [1974 ex.s. c 148 § 1.]

### Chapter 41.20

## POLICE RELIEF AND PENSIONS IN FIRST CLASS CITIES

### Sections

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41.20.910 Severability—1959 c 6.

**41.20.005 Definitions.** As used in chapter 41.20 RCW:

(1) "Rank" means civil service rank.

(2) "Position" means the particular employment held at any particular time, which may or may not be the same as civil service rank.

(3) Words importing masculine gender shall extend to females also.

(4) "Salary" means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages. [1969 ex.s. c 209 § 39; 1959 c 78 § 1.]

**Effective date—Severability—Construction—1969 ex.s. c 209:** See RCW 41.26.900 through 41.26.920.

**41.20.010 Board of trustees—Composition.** (1) The mayor or his designated representative who shall be an elected official of the city, and the clerk, treasurer, president of the city council or mayor pro tem of each city of the first class, or in case any such city has no city council, the commissioner who has supervision of the police department, together with three members of the police department, to be elected as herein provided, in addition to the duties now required of them, are constituted a board of trustees of the relief and pension fund of the police department of each such city, and shall provide for the disbursement of the fund, and designate the beneficiaries thereof.

(2) The police department of each city of the first class shall elect three regularly appointed, qualified, and acting members of the department to act as members of the board. On the first election following adoption of this 1955 amendatory act [1955 c 69], one member shall be elected for a three year term, one for a two year term, and one for a one year term. Thereafter, one new member shall be elected each year for a three year term. Existing members shall continue in office until replaced as provided for in this section.

(3) Such election shall be held in the following manner. Not more than thirty nor less than fifteen days preceding the first day of June in each year, written notice of the nomination of any member of the department for membership on the board may be filed with the secretary of the board. Each notice of nomination shall be signed by not less than five members of the department, and nothing herein contained shall prevent any member of the department from signing more than one notice of nomination. The election shall be held on a date to be fixed by the secretary during the month of June. Notice of the dates upon which notice of nomination may be filed and of the date fixed for the election of such members of the board shall be given by the secretary of the board by posting written notices thereof in a prominent place in the police headquarters. For the purpose of such election, the secretary of the board shall prepare and furnish printed or typewritten ballots in the usual form, containing the names of all persons regularly nominated for membership and shall furnish a ballot box for the election. Each member of the police department shall be entitled to vote at the election for one nominee as a

member of the board except in the first election where each may cast three votes. The chief of the department shall appoint two members to act as officials of the election, who shall be allowed their regular wages for the day, but shall receive no additional compensation therefor. The election shall be held in the police headquarters of the department and the polls shall open at 7:30 a.m. and close at 8:30 p.m. The one nominee receiving the highest number of votes shall be declared elected to the board and his term shall commence on the first day of July succeeding the election. In the first election the nominee receiving the greatest number of votes shall be elected to the three year term, the second greatest to the two year term and the third greatest to the one year term. [1973 1st ex.s. c 16 § 1; 1955 c 69 § 1; 1911 c 18 § 1; 1909 c 39 § 1; RRS § 9579.]

**41.20.020 Officers of board—Annual report.** The mayor, or his designated representative, shall be ex officio chairman, the clerk shall be ex officio secretary, and the treasurer shall be ex officio treasurer of said board. The secretary of said board, at the time of making his annual reports as said city clerk, shall annually report the condition of said fund, the receipts and disbursements on account of the same, together with a complete list of the beneficiaries of said fund, and the amounts paid to each of them. [1973 1st ex.s. c 16 § 2; 1909 c 39 § 2; RRS § 9580.]

**41.20.030 Meetings—Disbursements of fund—Quorum.** The board herein provided for shall hold monthly meetings on the first Mondays of each month and upon the call of its president. It shall issue warrants, signed by its president and secretary, to the persons entitled thereto under provisions of this chapter other than RCW 41.20.050, 41.20.060, 41.20.080 and 41.20.085 for the amounts of money ordered paid to such persons from such fund by said board, which warrants shall state for what purpose such payments are made; it shall keep a record of its proceedings, which record shall be a public record; it shall, at each monthly meeting, send to the treasurer of such city a written or printed list of all persons entitled to payment under provisions of this chapter other than RCW 41.20.050, 41.20.060, 41.20.080 and 41.20.085 from the fund herein provided for, stating the amount of such payments and for what granted, which list shall be certified to and signed by the president and secretary of such board, attested under oath. The treasurer of such city shall thereupon enter a copy of said list upon a book to be kept for that purpose and which shall be known as "the police relief and pension fund book", and the said board shall direct payment of the amounts named therein to the persons entitled thereto, out of such fund. The treasurer shall prepare and enter into such book an additional list showing those persons entitled to payment under RCW 41.20.050, 41.20.060, 41.20.080 and 41.20.085 and shall on the last day of each month issue warrants in the appropriate amounts to such persons. A majority of all the members of said board herein provided for shall constitute a quorum, and have power to transact business. [1973 c 143 § 1; 1911 c 18 § 5; 1909 c 39 § 11; RRS § 9589.]

**41.20.040 Additional powers of board.** The board shall, in addition to other powers herein granted, have power:

(1) To compel witnesses to attend and testify before it upon all matters connected with the administration of this chapter, in the same manner as provided by law for the taking of testimony in courts of record in this state, and its president or any member of the board may administer oaths to such witnesses.

(2) To provide for the payment from the fund of all necessary expenses and printing.

No compensation or emolument shall be paid to any member of the board for any duty required or performed under this chapter.

Each board may make all needful rules and regulations for its guidance in the administration of and in conformity with the provisions of this chapter. [1955 c 69 § 2; 1909 c 39 § 12; RRS § 9590.]

**41.20.050 Pension on retirement for years of service.** Whenever a person has been duly appointed, and has served honorably for a period of twenty-five years, as a member, in any capacity, of the regularly constituted police department of a city subject to the provisions of this chapter, the board, after hearing, if one is requested in writing, may order and direct that such person be retired, and the board shall retire any member so entitled, upon his written request therefor. The member so retired hereafter shall be paid from the fund during his lifetime a pension equal to fifty percent of the amount of salary \*at any time hereafter attached to the position held by the retired member for the year preceding the date of his retirement: *Provided*, That, except as to a position higher than that of captain held for at least three calendar years prior to date of retirement, no such pension shall exceed an amount equivalent to fifty percent of the salary of captain, and all existing pensions shall be increased to not less than three hundred dollars per month as of April 25, 1973: *Provided further*, That a person \*hereafter retiring who has served as a member for more than twenty-five years, shall have his pension payable under this section increased by two percent of his salary per year for each full year of such additional service to a maximum of five additional years.

Any person who has served in a position higher than the rank of captain for a minimum of three years may elect to retire at such higher position and receive for his lifetime a pension equal to fifty percent of the amount of the salary \*at any time hereafter attached to the position held by such retired member for the year preceding his date of retirement: *Provided*, That such person make the said election to retire at a higher position by September 1, 1969 and at the time of making the said election, pay into the relief and pension fund in addition to the contribution required by RCW 41.20.130: (1) an amount equal to six percent of that portion of all monthly salaries previously received upon which a sum equal to six percent has not been previously deducted and paid into the police relief and pension fund; (2) and such person agrees to continue paying into the police relief and pension fund until the date of retirement, in

addition to the contributions required by RCW 41.20.130, an amount equal to six percent of that portion of monthly salary upon which a six percent contribution is not currently deducted pursuant to RCW 41.20.130.

Any person affected by this chapter who at the time of entering the armed services was a member of such police department and is a veteran as defined in RCW 41.04.005, shall have added to his period of employment as computed under this chapter, his period of war service in the armed forces, but such credited service shall not exceed five years and such period of service shall be automatically added to each member's service upon payment by him of his contribution for the period of his absence at the rate provided in RCW 41.20.130. [1973 1st ex.s. c 181 § 3; 1969 ex.s. c 269 § 6; 1969 ex.s. c 219 § 1; 1969 ex.s. c 209 § 36; 1969 c 123 § 1; 1961 c 191 § 1; 1959 c 78 § 3; 1959 c 6 § 1. Prior: 1957 c 84 § 1; 1955 c 69 § 3; 1945 c 45 § 1; 1937 c 24 § 1; 1915 c 40 § 2; 1911 c 18 § 2; 1909 c 39 § 4; Rem. Supp. 1945 § 9582.]

**\*Reviser's note:** The words "hereafter" and "at any time hereafter" first appear in the 1961 amendment.

**Severability—Effective date—1969 ex.s. c 219:** See notes following RCW 41.26.110.

**Effective date—Severability—Construction—1969 ex.s. c 209:** See RCW 41.26.900 through 41.26.920.

**41.20.060 Pension on retirement for disability.** Whenever any person, while serving as a policeman in any such city becomes physically disabled by reason of any bodily injury received in the immediate or direct performance or discharge of his duties as a policeman, or becomes incapacitated for service, such incapacity not having been caused or brought on by dissipation or abuse, of which the board shall be judge, the board may, upon his written request filed with the secretary, or without such written request, if it deems it to be for the benefit of the public, retire such person from the department, and order and direct that he be paid from the fund during his lifetime, a pension equal to fifty percent of the amount of salary \*at any time hereafter attached to the position which he held in the department at the date of his retirement, but not to exceed an amount equivalent to fifty percent of the salary of captain except as to a position higher than that of captain held for at least three calendar years prior to the date of retirement in which case as to such position the provisions of RCW 41.20.050 shall apply, and all existing pensions shall be increased to not less than three hundred dollars per month as of April 25, 1973: *Provided*, That where, at the time of retirement hereafter for disability under this section, such person has served honorably for a period of more than twenty-five years as a member, in any capacity, of the regularly constituted police department of a city subject to the provisions of this chapter, the foregoing percentage factors to be applied in computing the pension payable under this section shall be increased by two percent of his salary per year for each full year of such additional service to a maximum of five additional years.

Whenever such disability ceases, the pension shall cease, and such person shall be restored to active service

at the same rank he held at the time of his retirement, and at the current salary attached to said rank at the time of his return to active service.

Disability benefits provided for by this chapter shall not be paid when the policeman is disabled while he is engaged for compensation in outside work not of a police or special police nature. [1973 1st ex.s. c 181 § 4; 1969 ex.s. c 219 § 2; 1969 ex.s. c 209 § 37; 1969 c 123 § 2; 1961 c 191 § 2; 1959 c 78 § 4; 1959 c 6 § 2; 1957 c 84 § 2; 1955 c 69 § 5; 1937 c 24 § 2; 1911 c 18 § 3; 1909 c 39 § 5; RRS § 9583.]

**\*Reviser's note:** The words "at any time hereafter" first appear in the 1961 amendment.

**Severability—Effective date—1969 ex.s. c 219:** See notes following RCW 41.26.110.

**Effective date—Severability—Construction—1969 ex.s. c 209:** See RCW 41.26.900 through 41.26.920.

**41.20.061 Increase in presently payable benefits for service or disability authorized.** See RCW 41.26.250.

**41.20.070 Certificate of disability.** No person shall be retired, as provided in RCW 41.20.060, or receive any benefit from said fund, unless there shall be filed with said board certificate of his disability, which certificate shall be subscribed and sworn to by said person, and by the city physician (if there be one) and two regularly licensed and practicing physicians of such city, and such board may require other evidence of disability before ordering such retirement and payment as aforesaid. [1909 c 39 § 6; RRS § 9584.]

**41.20.080 Pension on death before or after retirement.** Whenever any member of the police department of any such city loses his life while actually engaged in the performance of duty, or as the proximate result thereof, leaving a surviving spouse or child or children under the age of eighteen years, upon satisfactory proof of such facts made to it, the board shall order and direct that a pension, equal to one-half of the amount of the salary \*at any time hereafter attached to the position which such member held in the police department at the time of his death, shall be paid to the surviving spouse for life, or if there is no surviving spouse, or if the surviving spouse shall die, then to the child or children until they are eighteen years of age: *Provided*, That if such spouse or child or children marry, the person so marrying shall thereafter receive no further pension from the fund: *Provided further*, That all existing pensions shall be increased to not less than three hundred dollars per month as of April 25, 1973.

If any member so losing his life, leaves no spouse, or child or children under the age of eighteen years, the board shall pay the sum of two hundred dollars toward the funeral expenses of such member. [1973 1st ex.s. c 181 § 5; 1961 c 191 § 3; 1959 c 78 § 5; 1959 c 6 § 3; 1957 c 84 § 3; 1955 c 69 § 6; 1937 c 24 § 3; 1915 c 40 § 3; 1909 c 39 § 7; RRS § 9585.]

**\*Reviser's note:** The words "at any time hereafter" first appear in the 1961 amendment.

**41.20.085 Pension on death before or after retirement—Surviving spouse not formerly covered—**  
**"Surviving spouse" defined.** Whenever any member of the police department of any such city shall die, or shall have heretofore died, or whenever any such member who has been heretofore retired or who is hereafter retired for length of service or a disability, shall have died, or shall die, leaving a surviving spouse or child or children under the age of eighteen years, upon satisfactory proof of such facts made to it, the board shall order and direct that a pension equal to one-third of the amount of salary at any time hereafter attached to the position held by such member in the police department at the time of his death or retirement, not to exceed one-third of the salary of captain, shall be paid to the surviving spouse during the surviving spouse's life, and in addition, to the child or children, until they are eighteen years of age, as follows: For one child, one-eighth of the salary on which such pension is based; for two children, a total of one-seventh of said salary; and for three or more children, a total of one-sixth of said salary: *Provided*, If such spouse or child or children marry, the person so marrying shall receive no further pension from the fund. In case there is no surviving spouse, or if the surviving spouse shall die, the child or children shall be entitled to the spouse's share in addition to the share specified herein until they reach eighteen years of age. No spouse shall be entitled to any payments on the death of a retired officer unless such surviving spouse has been married to such officer for a period of at least five years prior to the date of his retirement.

As of April 25, 1973, a surviving spouse not otherwise covered by the provisions of section 2, chapter 78, Laws of 1959, shall be entitled to a pension of three hundred dollars per month.

"Surviving spouse" as used in this section means surviving female or male spouse. [1973 1st ex.s. c 181 § 6; 1969 ex.s. c 209 § 26; 1961 c 140 § 1; 1959 c 78 § 2.]

**Effective date—Severability—Construction—1969 ex.s. c 209:** See RCW 41.26.900 through 41.26.920.

**41.20.086 Increase in certain presently payable death benefits authorized.** See RCW 41.26.260.

**41.20.090 Lump sum payment on death before or after retirement.** Whenever any member of the police department of such city shall, after five years of service in said department, die, his surviving spouse or, if there is no surviving spouse, the child or children under the age of eighteen years, or if there is no surviving spouse or child or children, then his parents or unmarried sister or sisters, minor brother or brothers, dependent upon him for support, shall be entitled to the sum of one thousand dollars from such fund. This section to apply to members who shall have been retired, for any reason, from active service under the provisions of this chapter. [1959 c 78 § 6; 1937 c 24 § 4; 1915 c 40 § 4; 1911 c 18 § 4; 1909 c 39 § 8; RRS § 9586.]

**Construction—1937 c 24:** "Nothing contained in this act shall affect or be construed as affecting the validity of any act done, obligation entered into, or rights accrued, or any proceedings had or pending

under the act of which this act is amendatory." [1937 c 24 § 6; RRS § 9592-1.]

**Severability—1937 c 24:** "If any section or part of this act shall be held to be unconstitutional and void, such holding shall not effect [affect] the remaining portions of the act." [1937 c 24 § 7; RRS § 9592-2.]

The foregoing annotations apply to RCW 41.20.090 and 41.20.110.

**41.20.100 Examination of disability pensioners—**  
**Emergency duty.** Any person retired for disability under this chapter may be summoned before the board herein provided for, at any time thereafter, and shall submit himself thereto for examination as to his fitness for duty, and shall abide the decision and order of said board with reference thereto; and all members of such police force who may be retired under the provisions of this chapter, shall report to the chief of police of such city where so retired on the first Mondays of April, July, October and January of each year; and in cases of emergency, may be assigned to and shall perform such duty as said chief of police may direct, and such persons shall have no claim against such city for payment for such duty so performed. [1909 c 39 § 9; RRS § 9587.]

**41.20.110 Withdrawal of pension—Grounds.** Whenever any person who shall have received any benefit from said fund shall be convicted of any felony, or shall become an habitual drunkard, or shall fail to report himself for examination for duty as required herein, unless excused by the board, or shall disobey the requirements of said board then such board shall order and direct that such pension or allowance that may have been granted to such person shall immediately cease, and such person shall receive no further pension or allowance or benefit under this chapter, but in lieu thereof the said pension or allowance or benefit may, at the discretion of the board, be paid to those immediately dependent upon him, or to his legally appointed guardian. [1937 c 24 § 5; 1909 c 39 § 10; RRS § 9588.]

**Construction—Severability—1937 c 24:** See note following RCW 41.20.090.

**41.20.120 Sick benefits.** Whenever any active member of the police department, or any member \*hereafter retired, on account of service, sickness or disability, not caused or brought on by dissipation or abuse, of which the board shall be judge, is confined in any hospital or in his home and, whether or not so confined, requires nursing, care, or attention, the board shall pay for such active member the necessary hospital, care, and nursing expenses of such member out of the fund; and the board may pay for such retired member hospital, care, and nursing expenses as are reasonable, in the board's discretion. The salary of such active member shall continue while he is necessarily confined to such hospital or home or elsewhere during the period of recuperation, as determined by the board, for a period not exceeding six months; after which period the other provisions of this chapter shall apply: *Provided*, That the board in all cases may have the active or retired member suffering from such sickness or disability examined at any time by a licensed physician or physicians, to be appointed by the board, for the purpose of ascertaining the nature and

extent of the sickness or disability, the physician or physicians to report to the board the result of the examination within three days thereafter. Any active or retired member who refuses to submit to such examination or examinations shall forfeit all his rights to benefits under this section: *Provided further*, That the board shall designate the hospital and medical services available to such sick or disabled policeman. [1961 c 191 § 4; 1959 c 78 § 7; 1955 c 69 § 7; 1915 c 40 § 5; 1911 c 18 § 6; 1909 c 39 § 13; RRS § 9591.]

**\*Reviser's note:** The words "hereafter retired" first appear in the 1961 amendment.

**41.20.130 Fund created.** There is created in each city subject to the provisions of this chapter a police relief and pension fund. The fund shall be constituted as follows:

A sum equal to six percent thereof shall be deducted monthly from the salary of each police officer by the city treasurer and placed in the fund, but the maximum deduction shall not exceed six percent of the monthly salary of captain.

At the time the annual tax levy of the city is made, the city council, or other legislative body, shall order the transfer of an amount of money into the fund, sufficient with the salary deductions, to meet the financial requirements thereof:

(1) From moneys collected or received from all licenses issued;

(2) From fines and forfeitures collected or received in money for violation of city ordinances. [1959 c 78 § 8; 1955 c 69 § 8; 1933 c 30 § 1; 1929 c 101 § 3; 1923 c 54 § 1; 1915 c 40 § 1; 1909 c 39 § 3; RRS § 9581.]

**41.20.140 Pension payments monthly—Surplus to general fund.** Payments provided for in this chapter shall be made monthly upon proper vouchers. If at any time there is more money in the fund provided for in this chapter than is necessary for the purposes of this chapter, then such surplus shall be transferred from such fund to the general fund of the city: *Provided*, That at all times enough money shall be kept in said fund to meet all payments provided for in this chapter. [1911 c 18 § 7; 1909 c 39 § 14; RRS § 9592.]

**41.20.150 Return of member's contributions—Option to be classified as vested member.** Whenever any member affected by this chapter terminates his employment prior to the completion of twenty-five years of service he shall receive seventy-five percent of his contributions made after \*the effective date of this act and he shall not receive any contributions made prior thereto: *Provided*, That in the case of any member who has completed twenty years of service, such member, upon termination for any cause except for a conviction of a felony, shall have the option of electing, in lieu of recovery of his contributions as herein provided, to be classified as a vested member in accordance with the following provisions:

(1) Written notice of such election shall be filed with the board within thirty days after the effective date of such member's termination;

(2) During the period between the date of his termination and the date upon which he becomes a retired member as hereinafter provided, such vested member and his spouse or dependent children shall be entitled to all benefits available under chapter 41.20 RCW to a retired member and his spouse or dependent children with the exception of the service retirement allowance as herein provided for: *Provided*, That any claim for medical coverage under RCW 41.20.120 shall be attributable to service connected illness or injury;

(3) Any member electing to become a vested member shall be entitled at such time as he otherwise would have completed twenty-five years of service had he not terminated, to receive a service retirement allowance computed on the following basis: Two percent of the amount of salary at any time hereafter attached to the position held by the vested member for the year preceding the date of his termination, for each year of service rendered prior to the date of his termination. At such time the vested member shall be regarded as a retired member and, in addition to the retirement allowance herein provided for, shall continue to be entitled to all such other benefits as are by chapter 41.20 RCW made available to retired members. [1969 c 123 § 3; 1955 c 69 § 4.]

**\*Reviser's note:** The words "the effective date of this act" first appear in 1955 c 69 § 4, which became effective June 8, 1955.

**41.20.155 Return of member's contributions—Applicability.** The provisions of RCW 41.20.050, 41.20.060 and 41.20.150 shall be applicable to all members employed on June 12, 1969, and to those who shall thereafter become members, but shall not apply to any former member who has terminated his employment prior to June 12, 1969. [1969 c 123 § 4.]

**41.20.160 Credit for membership in private organization acquired by city of first class.** Any person affected by this chapter who was a member of a police organization operated by a private enterprise which police organization shall be hereafter acquired before September 1, 1959, by a city of the first class as its police department as a matter of public convenience or necessity, where it is in the public interest to retain the trained personnel of such police organization, shall have added to his period of employment as computed under this chapter his period of service with said private enterprise, except that this shall apply only to those persons who are in the service of such police organization at the time of its acquisition by the city of the first class and who remain in the service of that city until this chapter shall become applicable to such persons.

No such person shall have added to his period of employment as computed under this chapter his period of service with said private enterprise unless he or a third party shall pay to the city his contribution for the period of such service with the private enterprise, or, if he shall be entitled to any private pension or retirement benefits as a result of such service with the private enterprise, unless he agrees at the time of his employment by the city to accept a reduction in the payment of any benefits payable under this chapter that are based in whole or in part on such added service by the amount of



those private pension or retirement benefits received. The rate of such contribution shall be two percent of the wage or salary of such person during that added period of service with the private enterprise before midnight, June 8, 1955, and four and one-half percent of such wage or salary after midnight, June 8, 1955. Such contributions shall be paid into the police relief and pension fund and shall be held subject to the provisions of RCW 41.20.150, except that all such contributions shall be deemed to have been made after June 8, 1955. Such contributions may be invested in investments permitted by RCW 35.39.040 and may be kept invested until required to meet payments of benefits to such persons.

The city may receive payments for these purposes from a third party and shall make from such payments contributions with respect to such prior service as may be necessary to enable the police relief and pension fund to assume its obligations. [1959 c 71 § 1.]

**Severability**—1959 c 71: "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." [1959 c 71 § 2.] This applies to 1959 c 71 § 1 (RCW 41.20.160).

**41.20.170 Transfer of membership.** Any former employee of a department of a city of the first class who (1) was a member of the employees' retirement system of such city, and (2) is now employed within the police department of such city, may transfer his membership from the city employees' retirement system to the city's police relief and pension fund system by filing a written request with the board of administration and the board of trustees, respectively, of the two systems.

Upon the receipt of such request, the transfer of membership to the city's police relief and pension fund system shall be made, together with a transfer of all accumulated contributions credited to such member. The board of administration of the city's employees' retirement system shall transmit to the board of trustees of the city's police relief and pension fund system a record of service credited to such member which shall be computed and credited to such member as a part of his period of employment in the city's police relief and pension fund system. For the purpose of the transfer contemplated by this section, the affected individuals shall be allowed to restore withdrawn contributions to the city employees' retirement system and reinstate their membership service records.

Any employee so transferring shall have all the rights, benefits and privileges that he would have been entitled to had he been a member of the city's police relief and pension fund system from the beginning of his employment with the city.

No person so transferring shall thereafter be entitled to any other public pension, except that provided by chapter 41.26 RCW or social security, which is based upon service with the city.

The right of any employee to file a written request for transfer of membership as set forth herein shall expire December 31, 1973. [1973 c 143 § 2; 1969 ex.s. c 209 § 27; 1963 c 82 § 1.]

**Effective date**—**Severability**—**Construction**—1969 ex.s. c 209: See RCW 41.26.900 through 41.26.920.

**41.20.175 Transfer of service credit from firemen's pension system to city's police pension system.** A former employee of a fire department of a city of the first class who (1) was a member of the fireman's pension system created by chapters 41.16 or 41.18 RCW, and (2) is now employed within the police department of such city, will be regarded as having received membership service credit for such service to the fire department in the city's police and relief pension system at the time he recovers such service credit by paying withdrawn contributions to the Washington law enforcement officers' and fire fighters' retirement system pursuant to RCW 41.26.030(14). [1974 ex.s. c 148 § 2.]

**41.20.180 Exemption from taxation and judicial process**—**Assignability.** The right of a person to a pension, an annuity, or retirement allowance, or disability allowance, or death benefits, or any optional benefit, or any other right accrued or accruing to any person under the provisions of this chapter, and any fund created hereby, and all moneys and investments and income thereof, are exempt from any state, county, municipal, or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, and shall be unassignable. [1965 c 33 § 1.]

**41.20.900 Construction**—1959 c 6—**Benefits retroactively authorized.** The provisions of \*this act are intended to be remedial and procedural and any benefits heretofore paid to recipients hereunder pursuant to any previous act are retroactively included and authorized as a part of \*this act. [1959 c 6 § 4.]

**\*Reviser's note:** "this act" appears in chapter 6, Laws of 1959 which reenacted RCW 41.20.050, 41.20.060, and 41.20.080. These sections were subsequently amended by chapter 78, Laws of 1959.

**41.20.910 Severability**—1959 c 6. 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. [1959 c 6 § 5.]

**Chapter 41.24**

**VOLUNTEER FIREMEN'S RELIEF AND PENSIONS**

Sections

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**Prior acts relating to volunteer firemen's relief and pensions:**

- (1) 1935 c 121 (repealed by 1945 c 261 § 27).
- (2) Benefits extended to volunteer firemen of fire protection districts: 1943 c 137.

*Fire protection districts: Title 52 RCW.*

*Firemen's relief and pensions: Chapters 41.16, 41.18 RCW.*

**41.24.010 Definitions.** As used in this chapter:

"Municipal corporation" or "municipality" includes any city or town, fire protection district, or any water, irrigation, or other district, authorized by law to afford protection to life and property within its boundaries from fire.

"Fire department" means any regularly organized fire department consisting wholly of volunteer firemen, or any part-paid and part-volunteer fire department duly organized and maintained by any municipality: *Provided*, That any such municipality wherein a part-paid fire department is maintained may by appropriate legislation permit the full-paid members of its department to come under the provisions of chapter 41.16 RCW

"Firemen" includes any fireman who is a member of any fire department of any municipality but shall not include full time, paid fire fighters who are members of the Washington law enforcement officers' and fire fighters' retirement system, with respect to periods of service rendered in such capacity.

"Performance of duty" shall be construed to mean and include any work in and about company quarters or any fire station or any other place under the direction or general orders of the chief or other officer having authority to order such member to perform such work; responding to, working at, or returning from an alarm of fire; drill; or any work performed of an emergency

nature in accordance with the rules and regulations of the fire department.

"State board" means the state board for volunteer firemen created herein.

"Appropriate legislation" means an ordinance when an ordinance is the means of legislating by any municipality, and resolution in all other cases. [1970 ex.s. c 6 § 18; 1955 c 263 § 1; 1945 c 261 § 1; Rem. Supp. 1945 § 9578-15.]

**Construction—Saving—1955 c 263:** "Any provisions of chapter 41.24 RCW inconsistent with the provisions of this act are hereby repealed: *Provided*, That such repeal shall not affect any act or proceeding had or pending, under such provision repealed, but the same shall be construed and prosecuted as though such provision had not been repealed." [1955 c 263 § 12.] This applies to RCW 41.24.010, 41.24.080, 41.24.120 and 41.24.250 through 41.24.310.

**Severability—1945 c 261:** "If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, subsection, clause and phrase thereof irrespective of the fact that any one or more of the other sections, subsections, sentences, clauses and phrases be declared unconstitutional." [1945 c 261 § 26.]

**Construction—Saving—1945 c 261:** "Chapter 121, Laws of 1935 (sections 9578-1 to 9578-11, inclusive, Remington's Revised Statutes, also Pierce's Perpetual Code 773-37 to -57), is hereby repealed: *Provided*, That such repeal shall not be construed as affecting any act done or right acquired, or obligation incurred, or proceedings had or pending, under said act repealed, but the same shall be continued and prosecuted as though such act had not been repealed." [1945 c 261 § 27.]

The two foregoing annotations apply to RCW 41.24.010 through 41.24.240.

*Fire protection district having full paid fire department: RCW 41.16.240.*

**41.24.020 Enrollment of firemen—Death, disability, retirement benefits.** (1) Every municipal corporation maintaining and operating a regularly organized fire department shall make provision by appropriate legislation for the enrollment of every fireman under the relief and compensation provisions of this chapter for the purpose of providing protection for all its firemen and their families from death or disability arising in the performance of their duties as firemen: *Provided*, That nothing herein shall prohibit any municipality from providing such additional protection for relief and compensation, or death benefit as it may deem proper.

(2) Any municipal corporation maintaining and operating a regularly organized fire department may make provision by appropriate legislation whereby any fireman may enroll under the pension provisions of this chapter for the purpose of enabling any fireman, so electing, to avail himself of the retirement provisions of this chapter.

(3) Every municipal corporation shall make provisions for the collection and payment of the fees as herein provided, and shall continue to make such provisions for all firemen who come under this chapter as long as they shall continue to be members of its fire department. [1945 c 261 § 2; Rem. Supp. 1945 § 9578-16.]

**41.24.030 State trust fund created—Composition—Investment—Use—Treasurer's report.**

There is created in the state treasury a trust fund for the benefit of the firemen of the state covered by this chapter, which shall be designated the volunteer firemen's relief and pension fund and shall consist of:

(1) All bequests, fees, gifts, emoluments, or donations given or paid to the fund.

(2) An annual fee for each member of its fire department to be paid by each municipal corporation for the purpose of affording the members of its fire department with protection from death or disability as herein provided as follows:

(a) three dollars for each volunteer or part-paid member of its fire department;

(b) a sum equal to one-half of one percent of the annual salary attached to the rank of each full-paid member of its fire department, prorated for 1970 on the basis of services prior to March 1, 1970.

(3) Where a municipal corporation has elected to make available to the members of its fire department the retirement provisions as herein provided, an annual fee of thirty dollars for each of its firemen electing to enroll therein, ten dollars of which shall be paid by the municipality and twenty dollars of which shall be paid by the fireman.

(4) Forty percent of all moneys received by the state from its tax on fire insurance premiums shall be paid into the state treasury and credited to the fund.

(5) The state finance committee, upon request of the state treasurer shall invest such portion of the amounts credited to the fund as is not, in the judgment of the treasurer, required to meet current withdrawals. Such investments may be made in such bonds, notes or other obligations now or hereafter authorized as an investment for the funds of the state employees' retirement system.

(6) All bonds or other obligations purchased according to subdivision (5) shall be forthwith placed in the custody of the state treasurer, and he shall collect the principal thereof and interest thereon when due.

The state finance committee may sell any of the bonds or obligations so acquired and the proceeds thereof shall be paid to the state treasurer.

The interest and proceeds from the sale and redemption of any bonds or other obligations held by the fund shall be credited to and form a part of the fund.

All amounts credited to the fund shall be available for making the payments required by this chapter.

The state treasurer shall make an annual report showing the condition of the fund. [1973 1st ex.s. c 170 § 1; 1970 ex.s. c 6 § 19; 1967 c 160 § 2; 1957 c 116 § 1; 1955 c 223 § 1; 1945 c 261 § 3; Rem. Supp. 1945 § 9578-17. Prior: 1935 c 121 § 1; RRS § 9578-1.]

**Effective date**—1973 1st ex.s. c 170: "This 1973 amendatory act shall take effect on July 1, 1973." [1973 1st ex.s. c 170 § 5.] This applies to the amendments to RCW 41.24.030, 41.24.170, 41.24.180 and 41.24.200 by 1973 1st ex.s. c 170.

**41.24.031 Additional fees.** In addition to the fees prescribed in RCW 41.24.030(2) the following fees shall be collected to finance the additional benefits conferred by \*this 1965 amendatory act:

(1) Two dollars per year for each volunteer or part-paid member of its fire department; and

(2) A sum equal to one-half of one percent of the annual salary attached to the rank of each full-paid member of its fire department prorated for 1970 on the basis of services prior to March 1, 1970.

These fees shall be paid into the volunteer firemen's relief and pension fund by each municipal corporation on behalf of the members of its fire department. [1970 ex.s. c 6 § 20; 1965 c 86 § 4.]

**\*Reviser's note:** "this 1965 amendatory act" is codified as RCW 41.24.031, 41.24.150, 41.24.160 and 41.24.220.

**Severability**—1965 c 86: "If any provision of this 1965 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the 1965 amendatory act, or the application of the provision to other persons or circumstances is not affected." [1965 c 86 § 5.]

**Effective date**—1965 c 86: "The effective date of this 1965 amendatory act is July 1, 1965." [1965 c 86 § 6.] The foregoing annotations apply to RCW 41.24.031 and the 1965 amendments of RCW 41.24.150, 41.24.160 and 41.24.220.

**41.24.040 Fees, when payable—Interest—Effect of nonpayment.** On or before the first day of March of each year, every municipal corporation shall pay such amount as shall be due from it to said fund, together with the amounts collected from the firemen of its fire department: *Provided*, That no fireman shall forfeit his right to participate in the relief and compensation provisions of this chapter by reason of nonpayment: *Provided further*, That no fireman shall forfeit his right to participate in the retirement provisions of this chapter until after March 1st of such year: *And provided further*, That where a municipality has failed to pay or remit the annual fees required within the time provided such delinquent payment shall bear interest at the rate of one percent per month from March 1st until paid: *And provided further*, That where a fireman has forfeited his right to participate in the retirement provisions of this chapter he may be reinstated so as to participate to the same extent as if all fees had been paid by the payment of all back fees with interest at the rate of one percent per month provided he has at all times been otherwise eligible. [1945 c 261 § 4; Rem. Supp. 1945 § 9578-18. Prior: 1935 c 121 § 10; RRS § 9578-10.]

**41.24.050 Limitation of membership of volunteer fire departments—Emergency first aid and ambulance service personnel.** Each municipal corporation shall by appropriate legislation limit the membership of its volunteer fire department to not to exceed twenty-five firemen for each one thousand population or fraction thereof: *Provided*, That any fire department maintaining and operating an emergency first aid and ambulance service requiring emergency medical training under chapter 18.73 RCW shall be permitted to increase its membership by the number of firemen obtaining and maintaining such qualification: *Provided further*, That no person serving as an emergency medical technician or first aid vehicle operator under chapter 18.73 RCW shall be permitted to join the law enforcement officers' and fire fighters' retirement system solely on the basis of such service: *Provided further*, That in no case shall the membership of any fire department coming under the provisions of this chapter be limited to less than fifteen

firemen. [1975-'76 2nd ex.s. c 67 § 1; 1945 c 261 § 5; Rem. Supp. 1945 § 9578-19. Prior: 1935 c 121 § 9; RRS § 9578-9.]

**41.24.060 Board of trustees—How constituted.** In every municipal corporation maintaining a regularly organized fire department there is hereby created and established a board of trustees for the administration of this chapter. Such board shall consist of the mayor, city clerk or comptroller, and one councilman of such municipality, the chief of the fire department, and one member of the fire department to be elected by the members of such fire department for a term of one year and annually thereafter. Where a municipality is governed by a board, the chairman, one member of the board and the secretary or clerk thereof shall serve as members of said board in lieu of the mayor, clerk or comptroller and councilman. [1945 c 261 § 6; 1943 c 137 § 2; Rem. Supp. 1945 § 9578-20. Prior: 1935 c 121 § 2; RRS § 9578-2.]

**41.24.070 Officers of board—Record of proceedings—Forms.** The mayor or chairman of the board or commission of any such municipality shall be chairman of the board of trustees, and the clerk or comptroller or secretary of any such municipality, board or commission shall be the secretary-treasurer of the board of trustees. The secretary shall keep a public record of all proceedings, of all receipts and disbursements made by the board of trustees and shall make an annual report of its expenses and disbursements with a full list of the beneficiaries of said fund in such municipality, such record to be placed on file in such municipality. Such forms as shall be necessary for the proper administration of this fund and of making the reports required hereunder shall be provided by the state board. [1969 c 118 § 1; 1945 c 261 § 7; Rem. Supp. 1945 § 9578-21. Prior: 1935 c 121 § 3; RRS § 9578-3.]

**41.24.080 Duties of board and state board—Disbursements.** The board of trustees of each municipal corporation shall provide for enrollment of all members of its fire department under the death and disability provisions hereof; receive all applications for the enrollment under the retirement provisions hereof when the municipality has elected to enroll thereunder; provide for disbursements of relief and compensation; determine the eligibility of firemen for pensions; and pass on all claims and direct payment thereof from the volunteer firemen's relief and pension fund to those entitled thereto. Vouchers shall be issued to the persons entitled thereto by the board. It shall send to the state board, after each meeting, a voucher for each person entitled to payment from the fund, stating the amount of such payment and for what granted, which voucher shall be certified and signed by the chairman and secretary of the board. The state board, after review and approval shall cause a warrant to be issued on the fund for the amount specified and approved on each voucher: *Provided*, That in pension cases after the applicant's eligibility for pension is verified the state board shall authorize the regular

issuance of monthly warrants in payment thereof without further action of the board of trustees of any such municipality. [1969 c 118 § 2; 1955 c 263 § 9; 1945 c 261 § 8; Rem. Supp. 1945 § 9578-22. Prior: 1935 c 121 § 2; RRS § 9578-2.]

**41.24.090 Meetings.** Said board of trustees shall meet on the call of its chairman on a regular monthly meeting day when there is business to come before it. The chairman shall be required to call a meeting on any regular meeting day at the request of any member of the fund or his beneficiary claiming any relief, compensation or pension therefrom. [1945 c 261 § 9; Rem. Supp. 1945 § 9578-23.]

**41.24.100 Compelling attendance of witnesses—Oaths—Rules and regulations.** The board of trustees herein, in addition to other powers herein granted, shall have power to compel the attendance of witnesses to testify before it on all matters connected with the operation of this chapter, and its chairman or any member of said board may administer oaths to such witnesses; to make all necessary rules and regulations for its guidance in conformity with the provisions of this chapter: *Provided, however*, That no compensation or emoluments shall be paid to any member of said board of trustees for any duties performed under this chapter as such trustees. [1945 c 261 § 10; Rem. Supp. 1945 § 9578-24. Prior: 1935 c 121 § 2; RRS § 9578-2.]

**41.24.110 Employment of examining physician.** The board shall make provisions for the employment of a regularly licensed practicing physician for the examination of members of fire departments making application for membership. Such appointed physician shall visit and examine all sick and injured firemen, perform such services and operations and render all medical aid and care necessary for the recovery of firemen on account of sickness or disability received while in the performance of duties. Such appointed physician shall be paid his fees from said fund but not in excess of the schedule of fees for like services approved by the director of labor and industries under Title 51 RCW. No physician or surgeon, not approved by the board, shall receive or be entitled to any compensation from said fund as the private or attending physician of any fireman. No person shall have any right of action against the board of trustees of said fund for the negligence of any physician or surgeon employed by it. Any physician employed by the board to attend upon any fireman shall report his findings in writing to said board. [1953 c 253 § 6; 1949 c 145 § 1; 1945 c 261 § 11; Rem. Supp. 1949 § 9578-25. Prior: 1935 c 121 § 2; RRS § 9578-2.]

**41.24.120 Hearing of application for benefits—Appeal to state board.** The local board shall initially hear and decide all applications for relief or compensation and pensions under this chapter, subject to review by, or appeal by the proper person to, the state board where decision on such review or appeal shall be final and conclusive. [1969 c 118 § 3; 1955 c 263 § 10; 1945 c

261 § 12; Rem. Supp. 1945 § 9578-27. Prior: 1935 c 121 § 2; RRS § 9578-2.]

**41.24.130 Quorum—Vote on allowance of claims.** A majority of the board of trustees shall constitute a quorum, and no business shall be transacted when a majority is not present, and no claim shall be allowed where a majority of the board has not voted favorably thereon. [1945 c 261 § 13; Rem. Supp. 1945 § 9578-27. Prior: 1935 c 121 § 2; RRS § 9578-2.]

**41.24.140 Guardian may be appointed.** Said board of trustees shall have the power and authority to ask for the appointment of a guardian whenever and wherever the claim of a fireman or his beneficiary would, in the opinion of the board, be best served thereby. The board shall have full power to make and direct the payments herein provided for to any person entitled thereto without the necessity of any guardianship or administration proceedings, when in its judgment, it shall determine it to be for the best interests of the beneficiary. [1945 c 261 § 14; Rem. Supp. 1945 § 9578-28. Prior: 1935 c 121 § 2; RRS § 9578-2.]

**41.24.150 Disability payments.** Whenever a fireman serving in any capacity as a member of his own fire department subject to the provisions of this chapter becomes physically or mentally disabled, or sick, in consequence or as the result of the performance of his or her duties, so as to be wholly prevented from engaging in each and every duty of his or her regular occupation, business or profession, he or she shall be paid from the fund monthly, the sum of seven hundred fifty dollars for a period of not to exceed six months, or twenty-five dollars per day for such period as is part of a month, after which period, if the member is incapacitated to such an extent that he or she is thereby prevented from engaging in any occupation or performing any work for compensation or profit, he or she shall be entitled to draw from the fund monthly, the sum of three hundred seventy-five dollars so long as the disability continues, except as hereinafter provided: *Provided*, That if the member has a wife or husband and/or a child or children unemancipated or under eighteen years of age, he or she shall be entitled to draw from the fund monthly the additional sums of seventy-five dollars because of the fact of his wife or her husband, thirty-seven dollars and fifty cents because of the fact of his or her youngest or only child unemancipated or under eighteen years of age, and thirty dollars because of the fact of each additional child unemancipated or under eighteen years of age, all to a total maximum amount of seven hundred fifty dollars. The board may at any time reopen the grant of such disability pension if the pensioner is gainfully employed, and may reduce it in the proportion that the annual income from such gainful employment bears to the annual income received by the pensioner at the time of his disability: *Provided*, That where a fireman sustains a permanent partial disability the state board may provide that such injured fireman shall receive a lump sum compensation therefor to the same extent as is provided for

permanent partial disability under the workmen's compensation act under Title 51 RCW in lieu of such monthly disability payments. [1975-'76 2nd ex.s. c 76 § 1; 1969 c 118 § 4; 1965 c 86 § 1; 1957 c 159 § 1; 1953 c 253 § 1; 1945 c 261 § 15; Rem. Supp. 1945 § 9578-29. Prior: 1935 c 121 § 4; RRS § 9578-4.]

**41.24.160 Death benefits.** Whenever a fireman dies as the result of injuries received, or sickness contracted in consequence or as the result of the performance of his or her duties, the board of trustees shall order and direct the payment of the sum of one thousand five hundred dollars to his widow or her widower, or if there be no widow or widower, then to his or her dependent child or children, or if there be no dependent child or children, then to his or her parents or either of them, and the sum of one hundred fifty dollars per month to his widow or her widower during his or her life together with the additional monthly sums of thirty-seven dollars and fifty cents for the youngest or only child and thirty dollars for each additional child of the member, unemancipated or under eighteen years of age, dependent upon the member for support at the time of his or her death, to a maximum total of three hundred dollars per month: *Provided*, That if there is no widow or widower, or the widow or widower dies while there are children, unemancipated or under eighteen years of age, then the amount of one hundred fifty dollars per month shall be paid for the youngest or only child together with an additional thirty dollars per month for each additional of such children to a maximum of three hundred dollars per month until they become emancipated or reach the age of eighteen years; and if there are no widow or widower, child or children entitled thereto, then to his or her parents or either of them the sum of one hundred fifty dollars per month for life, if it is proved to the satisfaction of the board that the parents, or either of them, were dependent on the deceased for their support at the time of his or her death: *Provided*, That if the widow or widower, child or children, or the parents, or either of them, marry while receiving such pension the person so marrying shall thereafter receive no further pension from the fund.

In the case provided for herein, the monthly payment provided may be converted in whole or in part, into a lump sum payment, not in any case to exceed ten thousand dollars, equal or proportionate, as the case may be, to the value of the annuity then remaining, to be fixed and certified by the state insurance commissioner, in which event the monthly payments shall cease in whole or in part accordingly or proportionately. Such conversion may be made either upon written application to the state board and shall rest in the discretion of the state board; or the state board is authorized to make, and authority is hereby given it to make, on its own motion, lump sum payments, equal or proportionate, as the case may be, to the value of the annuity then remaining in full satisfaction of claims due to dependents. Within the rule aforesaid the amount and value of the lump sum payment may be agreed upon between the applicant and the state board. Any person receiving a monthly payment hereunder at the time of \*the effective date of this

act may elect, within two years, to convert such payments into a lump sum payment as herein provided. [1975-'76 2nd ex.s. c 76 § 2; 1973 1st ex.s. c 154 § 74; 1965 c 86 § 2; 1961 c 57 § 1; 1957 c 159 § 2; 1953 c 253 § 2; 1951 c 103 § 2; 1945 c 261 § 16; Rem. Supp. 1945 § 9578-30. Prior: 1935 c 121 § 6; RRS § 9578-6.]

**\*Reviser's note:** The language "the effective date of this act" first appears in 1961 c 57 which became effective at midnight June 29, 1961; see preface 1961 session laws.

**Severability**—1973 1st ex.s. c 154: See note following RCW 2.12.030.

**41.24.170 Retirement pensions.** Whenever any fireman has been a member and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in this state, and which municipality and fireman are enrolled under the retirement provisions, and the fireman has reached the age of sixty-five years, the board of trustees shall order and direct that he be retired and be paid a monthly pension as provided in this section.

Whenever a fireman has been a member, and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in this state, and he has reached the age of sixty-five years, and the annual retirement fee has been paid for a period of twenty-five years, the board of trustees shall order and direct that he be retired and such fireman be paid a monthly pension of one hundred dollars from the fund for the balance of his life.

Whenever any fireman has been a member, and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in this state, and the fireman has reached the age of sixty-five years, and the annual retirement fee has been paid for a period of less than twenty-five years, the board of trustees shall order and direct that he be retired and that such fireman shall receive a minimum monthly pension of twenty-five dollars increased by the sum of three dollars each month for each year the annual fee has been paid, but not to exceed the maximum monthly pension herein provided, for the balance of his life.

No pension herein provided shall become payable before the sixty-fifth birthday of the fireman, nor for any service less than twenty-five years: *Provided, however, That:*

(1) Any fireman, upon completion of twenty-five years' service and attainment of age sixty, may irrevocably elect, in lieu of the pension to which he would be entitled hereunder at age sixty-five, to receive for the balance of his life a monthly pension equal to sixty percent of such pension.

(2) Any fireman, upon completion of twenty-five years' service and attainment of age sixty-two, may irrevocably elect, in lieu of the pension to which he would be entitled hereunder at age sixty-five, to receive for the balance of his life a monthly pension equal to seventy-five percent of such pension. [1973 1st ex.s. c 170 § 2; 1969 c 118 § 5; 1961 c 57 § 2; 1953 c 253 § 3;

1951 c 103 § 1; 1945 c 261 § 17; Rem. Supp. 1945 § 9578-31.]

**Effective date**—1973 1st ex.s. c 170: See note following RCW 41.24.030.

**41.24.175 Disability or retirement payments**—**Computation according to latest legislative expression.** Payments to persons who are now receiving, or who may hereafter receive any disability or retirement payments under the provisions of chapter 41.24 RCW shall be computed in accordance with the last act enacted by the legislature relative thereto: *Provided however,* That nothing herein contained shall be construed as reducing the amount of any pension to which any fireman shall have been eligible to receive under the provisions of section 1, chapter 103, Laws of 1951. [1959 c 9 § 1.]

**41.24.176 Disability or retirement payments**—**Construction.** The provisions of \*this act are intended to be remedial and procedural and any benefits heretofore paid to recipients hereunder pursuant to any previous act are retroactively included and authorized as part of \*this act. [1959 c 9 § 2.]

**\*Reviser's note:** "this act" appears in chapter 9, Laws of 1959 codified as RCW 41.24.175 and 41.24.176.

**41.24.180 Lump sum payments.** The board of trustees of any municipal corporation shall direct payment in lump sums from said fund in the following cases:

(1) To any volunteer fireman, upon his or her request, upon attaining the age of sixty-five years, who, for any reason, is not qualified to receive the monthly retirement pension herein provided and who was enrolled in said fund and on whose behalf annual fees for retirement pension were paid, an amount equal to the amount paid by himself or herself.

(2) If any fireman dies before attaining the age at which a pension shall be payable to him or her under the provisions of this chapter, there shall be paid to his widow or her widower, or if there be no widow or widower to his or her child or children, or if there be no widow or widower or child or children then to his or her heirs at law as may be determined by the board of trustees or to his or her estate if it be administered and there be no heirs as above determined, an amount equal to the amount paid into said fund by himself or herself.

(3) If any fireman dies after beginning to receive the pension provided for in this chapter, and before receiving an amount equal to the amount paid by himself or herself and the municipality or municipalities in whose department he or she shall have served, there shall be paid to his widow or her widower, or if there be no widow or widower then to his or her child or children, or if there be no widow or widower or child or children then to his or her heirs at law as may be determined by the board of trustees, or to his or her estate if it be administered and there be no heirs as above determined, an amount equal to the difference between the amount paid into said fund by himself or herself and the municipality or municipalities in whose department he or she shall have served and the amount received by him or her as a pensioner.

(4) If any volunteer fireman retires from the fire service before attaining the age of sixty-five years, he or she may make application for the return of the amount paid into said fund by himself or herself. [1975-'76 2nd ex.s. c 76 § 3; 1974 ex.s. c 26 § 1. Prior: 1973 1st ex.s. c 170 § 3; 1973 1st ex.s. c 154 § 75; 1961 c 57 § 3; 1945 c 261 § 18; Rem. Supp. 1945 § 9578-22.]

**Effective date**—1973 1st ex.s. c 170: See note following RCW 41.24.030.

**Severability**—1973 1st ex.s. c 154: See note following RCW 2.12.030.

*Conversion of death benefits to lump sum: RCW 41.24.160.*

**41.24.190 Proof of service.** The filing of reports of enrollment shall be prima facie evidence of the service of the firemen therein listed for the year of such report as to service rendered subsequent to July 6, 1945. Proof of service of firemen prior to that date shall be by documentary evidence, or such other evidence reduced to writing and sworn to under oath, as shall be submitted to the state board and certified by it as sufficient. [1969 c 118 § 6; 1953 c 253 § 4; 1945 c 261 § 19; Rem. Supp. 1945 § 9578-33.]

**41.24.200 Service need not be continuous nor in a single department.** The aggregate term of service of any fireman need not be continuous nor need it be confined to a single fire department nor a single municipality in this state to entitle such fireman to a pension: *Provided*, That he has been duly enrolled in a fire department of a municipality which has elected to make provisions for the retirement of its firemen at the time he becomes eligible for such pension as in this chapter provided, and has paid all fees prescribed. To be eligible to the full pension a fireman must have an aggregate of twenty-five years service, have made twenty-five annual payments into the fund, and be sixty-five years of age at the time he commences drawing the pension provided for by this chapter, all of which twenty-five years service must have been in the fire department of a municipality or municipalities which have elected to make provisions for the retirement of its volunteer firemen: *Provided, however*, That nothing herein contained shall require any fireman having twenty-five years active service to continue as a fireman and no fireman who has completed twenty-five years of active service for which annual pension fees have been paid and who continues as a fireman shall be required to pay any additional annual pension fees. [1973 1st ex.s. c 170 § 4; 1961 c 57 § 4; 1953 c 253 § 5; 1945 c 261 § 20; Rem. Supp. 1945 § 9578-34.]

**Effective date**—1973 1st ex.s. c 170: See note following RCW 41.24.030.

**41.24.210 Report of accident—Time limitation for filing report and claim.** No fireman shall receive any disability pension from the fund, or be entitled to receive any relief or compensation for sickness or injuries received in the performance of his duties, unless there is filed with the board of trustees a report of accident, which report shall be subscribed to by the claimant, the fire chief, and the authorized attending physician, if there is one. No claim for benefits arising from sickness

or injuries incurred in consequence or as a result of the performance of duties shall be allowed by the state board unless there has been filed with it a report of accident within ninety days after its occurrence and a claim based thereon within one year after the occurrence of the accident on which such claim is based. The board may require such other or further evidence as it deems advisable before ordering any relief, compensation, or pension. [1969 c 118 § 7; 1957 c 159 § 3; 1945 c 261 § 21; Rem. Supp. 1945 § 9578-35.]

**41.24.220 Hospitalization, surgery, etc.** Whenever any fireman becomes disabled or sick in consequence or as the result of the performance of his or her duties by reason of which he or she is confined to any hospital an amount not exceeding the daily ward rate of the hospital shall be allowed and paid from said fund toward such hospital expenses: *Provided*, That this allowance shall not be in lieu of but in addition to any other allowance in this chapter provided: *Provided further*, That costs of surgery, medicine, laboratory fees, x-ray, special therapies, and similar additional costs shall be paid in addition thereto: *Provided further*, That when extended treatment, not available in the injured fireman's home area, is required, such fireman may be reimbursed for actual mileage to and from the place of extended treatment pursuant to RCW 43.03.060 as now existing or hereafter amended. [1975-'76 2nd ex.s. c 76 § 4; 1965 c 86 § 3; 1961 c 57 § 5; 1957 c 159 § 4; 1953 c 253 § 7; 1951 c 103 § 3; 1949 c 145 § 2; 1945 c 261 § 22; Rem. Supp. 1949 § 9578-36. Prior: 1935 c 121 § 5; RRS § 9578-5.]

**41.24.230 Funeral and burial expenses.** Upon the death of any fireman resulting from injuries or sickness in consequence or as the result of the performance of his or her duties, the board of trustees shall authorize the issuance of a voucher for the sum of seven hundred fifty dollars, and upon the death of any fireman who is receiving any disability pension provided for in this chapter, the board of trustees shall authorize the issuance of a voucher for the sum of two hundred fifty dollars, to help defray the funeral expenses and burial of such fireman, which voucher shall be paid in the manner provided for payment of other charges against the fund. [1975-'76 2nd ex.s. c 76 § 5; 1961 c 57 § 6; 1957 c 159 § 5; 1951 c 103 § 4; 1945 c 261 § 23; Rem. Supp. 1945 § 9578-37. Prior: 1935 c 121 § 7; RRS § 9578-7.]

**41.24.240 Benefits not transferable or subject to legal process—Chapter not exclusive.** The right of any person to any future payment under the provisions of this chapter shall not be transferable or assignable at law or in equity, and none of the moneys paid or payable or the rights existing under this chapter, shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law. Nothing in this chapter shall be construed to deprive any fireman, eligible to receive a pension hereunder, from receiving a pension under any other act to which he may become eligible by reason of services other than or in addition to his services as a fireman under this

chapter. [1957 c 159 § 6; 1945 c 261 § 24; Rem. Supp. 1945 § 9578-38.]

**41.24.250 State board for volunteer firemen—Composition—Terms—Vacancies—Oath.** There is established a state board for volunteer firemen to consist of three members of a fire department covered by this chapter, no two of whom shall be from the same congressional district, to be appointed by the governor to serve overlapping terms of six years. Of members first appointed, one shall be appointed for a term of six years, one for four years, and one for two years. Upon the expiration of a term, a successor shall be appointed by the governor for a term of six years. Any vacancy shall be filled by the governor for the unexpired term. Each member of the state board, before entering on the performance of his duties, shall take an oath that he will not knowingly violate or willingly permit the violation of any provision of law applicable to this chapter, which oath shall be filed with the secretary of state. [1955 c 263 § 2.]

**41.24.260 State board for volunteer firemen—Meetings—Quorum.** The state board shall hold regular semiannual meetings in April and October of each year, and special meetings not more than once monthly at such times and places as may be called by the chairman or by two of its members. No action shall be taken by the state board without the approval of two members. [1955 c 263 § 3.]

**41.24.270 State board for volunteer firemen—Compensation—Travel expenses.** Each member of the state board shall receive twenty-five dollars per day for each day actually spent in attending meetings of the state board. Each member shall also receive travel expenses, including going to and from meetings of the state board or other authorized business of the state board, in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [1975-'76 2nd ex.s. c 34 § 87; 1969 c 118 § 8; 1955 c 263 § 4.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**41.24.280 State board for volunteer firemen—Attorney general is legal advisor.** The attorney general shall be the legal advisor for the board. [1955 c 263 § 5.]

**41.24.290 State board for volunteer firemen—Powers and duties.** The state board shall:

(1) Generally supervise and control the administration of this chapter;

(2) Promulgate, amend, or repeal rules and regulations not inconsistent with this chapter for the purpose of effecting a uniform and efficient manner of carrying out the provisions of this chapter and the purposes to be accomplished thereby, and for the government of boards of trustees of the municipalities of this state in the discharge of their functions under this chapter;

(3) Review any action, and hear and determine any appeal which may be taken from the decision of the

board of trustees of any municipality made pursuant to this chapter;

(4) Take such action as may be necessary to secure compliance of the municipalities governed by this chapter and to provide for the collection of all fees and penalties which are, or may be, due and delinquent from any such municipality;

(5) Review the action of the board of trustees of any municipality authorizing any pension as provided by this chapter; and authorize the regular issuance of monthly warrants in payment thereof without further action of the board of trustees of such municipality;

(6) Require periodic reports from the recipient of any benefits under this chapter for the purpose of determining their continued eligibility therefor;

(7) Maintain such records as may be necessary and proper for the proper maintenance and operation of the volunteer firemen's relief and pension fund and provide all necessary forms to enable local boards of trustees to effectively carry out their duties as provided by this chapter;

(8) Compel the taking of testimony from witnesses under oath before the state board, or any member or the secretary thereof, or before the local board of trustees or any member thereof, for the purpose of obtaining evidence, at any time, in connection with any claim or pension pending or authorized for payment. For such purpose the state board shall have the same power of subpoena as prescribed in RCW 51.52.100. Failure of any claimant to appear and give any testimony as herein provided shall suspend any rights or eligibility to receive payments for the period of such failure to appear and testify;

(9) Appoint a secretary to hold office at the pleasure of the state board, fix his compensation at such sum as it shall deem appropriate, and prescribe his duties not otherwise provided by this chapter. [1955 c 263 § 6.]

**41.24.300 State board for volunteer firemen—Vouchers, warrants.** All expenses incurred by the state board shall be accomplished by vouchers signed by two members of the state board and issued to the persons entitled thereto and sent to the proper state agency. The proper state agency shall issue a warrant on the fund for the amount specified. [1969 c 118 § 9; 1955 c 263 § 7.]

**41.24.310 State board for volunteer firemen—Secretary, duties, compensation.** The secretary shall maintain an office at Olympia at a place to be provided, wherein he shall

(1) keep a record of all proceedings of the state board, which shall be public,

(2) maintain a record of all members of the pension fund, including such pertinent information relative thereto as may be required by law or regulation of the state board,

(3) receive and promptly remit to the state treasurer all moneys received for the volunteer firemen's relief and pension fund,



(4) transmit periodically to the proper state agency for payment all claims payable from the volunteer firemen's relief and pension fund, stating the amount and purpose of such payment,

(5) certify monthly for payment a list of all persons approved for pensions and the amount to which each is entitled,

(6) perform such other and further duties as shall be prescribed by the state board.

The secretary shall receive such compensation as shall be fixed by the state board, together with travel expenses in carrying out his duties authorized by the state board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [1975-'76 2nd ex.s. c 34 § 88; 1969 c 118 § 10; 1955 c 263 § 8.]

Effective date—Severability—1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

**Chapter 41.26  
LAW ENFORCEMENT OFFICERS' AND FIRE  
FIGHTERS' RETIREMENT SYSTEM**

Sections

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Reviser's note: Throughout chapter 41.26 RCW the phrase "this act" has been changed to "this chapter" 1969 ex.s. c 209 consists of this chapter, RCW 41.16.145, 41.18.010, 41.18.040, 41.18.045, 41.18.060, 41.18.100, 41.18.102, 41.18.104, 41.18.130, 41.18.190, 41.20.005, 41.20.085, 41.20.170, and 41.20.050 and 41.20.060, subsequently amended by 1969 ex.s. c 219.

Emergency medical technician or first aid vehicle operator prohibited from joining system solely on basis of such service: RCW 41.24.050.

**41.26.010 Short title.** This chapter shall be known and cited as the "Washington Law Enforcement Officers' and Fire Fighters' Retirement System Act" [1969 ex.s. c 209 § 1.]

**41.26.020 Purpose of chapter.** The purpose of this chapter is to provide for an actuarial reserve system for the payment of death, disability, and retirement benefits to law enforcement officers and fire fighters, and to beneficiaries of such employees, thereby enabling such employees to provide for themselves and their dependents in case of disability or death, and effecting a system of retirement from active duty. [1969 ex.s. c 209 § 2.]

**41.26.030 Definitions.** As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the "Washington law enforcement officers' and fire fighters' retirement system" provided herein.

(2) "Employer" means the legislative authority of any city, town, county or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the fire fighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or fire fighters as defined in this chapter.

(3) "Law enforcement officer" means any person who is serving on a full time, fully compensated basis as a county sheriff or deputy sheriff, including sheriffs or deputy sheriffs serving under a different title pursuant to a county charter, city police officer, or town marshal or deputy marshal, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination

for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers; and

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended) if such individual has five years previous membership in the retirement system established in chapter 41.20 RCW.

(4) "Fire fighter" means:

(a) any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for fire fighter, or fireman if this title is used by the department, and who is actively employed as such;

(b) anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination;

(c) supervisory fire fighter personnel;

(d) any full time executive secretary of an association of fire protection districts authorized under chapter 52.08 RCW;

(e) the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW;

(f) any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for fireman or fire fighter; and

(g) any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971 was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW.

(5) "Retirement board" means the Washington public employees' retirement system board established in chapter 41.40 RCW, including two members of the retirement system and two employer representatives as provided for in RCW 41.26.050. The retirement board shall be called the Washington law enforcement officers' and fire fighters' retirement board and may enter in legal relationships in that name. Any legal relationships entered into in that name prior to the adoption of \*this 1972 amendatory act are hereby ratified.

(6) "Surviving spouse" means the surviving widow or widower of a member. The word shall not include the divorced spouse of a member.

(7) "Child" or "children" whenever used in this chapter means every natural born child, posthumous child, child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter, stepchild and illegitimate child legitimized prior to the date any benefits are payable under this chapter, all while unmarried, and either under the age of eighteen years or mentally or physically handicapped as determined by the retirement board except a handicapped person in the full time care of a state institution. A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(8) "Member" means any fire fighter, law enforcement officer, or other person as would apply under subsections (3) or (4) of this section whose membership is transferred to the Washington law enforcement officers' and fire fighters' retirement system on or after March 1, 1970, and every law enforcement officer and fire fighter who is employed in that capacity on or after such date.

(9) "Retirement fund" means the "Washington law enforcement officers' and fire fighters' retirement system fund" as provided for herein.

(10) "Employee" means any law enforcement officer or fire fighter as defined in subsections (3) and (4) above.

(11) "Beneficiary" means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(12) "Final average salary" means (a) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (b) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (c) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (d) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(13) "Basic salary" means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(14) "Service" means all periods of employment for an employer as a fire fighter or law enforcement officer, for which compensation is paid, together with periods of

suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all months of service rendered by a member from and after his initial commencement of employment as a fire fighter or law enforcement officer, during which he worked for ten days or more, or the equivalent thereof, or was on disability leave or disability retirement. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. In addition to the foregoing, for members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall include (a) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under his particular prior pension act, and (b) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act: *Provided*, That if such member's prior service is not creditable due to the withdrawal of his contributions plus accrued interest thereon from a prior pension system, such member shall be credited with such prior service, as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to that which was withdrawn from the prior system by such member, as a law enforcement officer or fire fighter: *Provided further*, That if such member's prior service is not creditable because, although employed in a position covered by a prior pension act, such member had not yet become a member of the pension system governed by such act, such member shall be credited with such prior service as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to the employer's contributions which would have been required under the prior act when such service was rendered if the member had been a member of such system during such period: *And provided further*, That where a member is employed by two employers at the same time, he shall only be credited with service to one such employer for any month during which he rendered such dual service.

(15) "Accumulated contributions" means the employee's contributions made by a member plus accrued interest credited thereon.

(16) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay his future benefits during the period of his retirement.

(17) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) "Disability board" means either the county disability board or the city disability board established in RCW 41.26.110.

(19) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to his full salary prior to the commencement of disability retirement.

(20) "Disability retirement" means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(21) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(22) "Medical services" shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses", provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopath licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic x-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when he is injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW. [1974 ex.s. c 120 § 1; 1972 ex.s. c 131 § 1; 1971 ex.s. c 257 § 6; 1970 ex.s. c 6 § 1; 1969 ex.s. c 209 § 3.]

**\*Reviser's note:** The effective date of "this 1972 amendatory act" [1972 ex.s. c 131] was February 25, 1972.

**Reviser's note:** The term "this 1970 amendatory act" has been changed to "this chapter" wherever the term occurs in the 1970 amendments to chapter 41.26 RCW. "This 1970 amendatory act" [1970 ex.s. c 6] consists of the 1970 amendments to this section and to RCW 41.26.040, 41.26.050, 41.26.090-41.26.200, 41.26.240, 41.24.010, 41.24.030, 41.24.031 and section 44, chapter 209, Laws of 1969 ex.s. [uncodified].

**Severability—1974 ex.s. c 120:** "If any provision of this 1974 amendatory 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." [1974 ex.s. c 120 § 15.]

**Severability—1972 ex.s. c 131:** "If any provision of this 1972 amendatory 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." [1972 ex.s. c 131 § 12.]

**Purpose—1971 ex.s. c 257:** "It is the purpose of this act to provide minimum medical and health standards for membership coverage into the Washington law enforcement officers' and fire fighters' retirement system act, for the improvement of the public service, and to safeguard the integrity and actuarial soundness of their pension systems, and to improve their retirement and pension systems and related provisions." [1971 ex.s. c 257 § 1.]

**Severability—1971 ex.s. c 257:** "If any provision of this 1971 amendatory 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." [1971 ex.s. c 257 § 22.]

The foregoing annotations apply to RCW 41.16.146, 41.18.105, 41.26.030, 41.26.035, 41.26.045, 41.26.046, 41.26.047, 41.26.050, 41.26.090, 41.26.100, 41.26.150, 41.26.160, 41.26.180, 41.26.200, 41.26.270, 41.26.280, 41.26.290, 41.48.030 and 41.48.050.

**41.26.035 "Minimum medical and health standards" defined.** The term "minimum medical and health standards" means minimum medical and health standards adopted by the retirement board pursuant to this chapter. [1971 ex.s. c 257 § 2.]

**Reviser's note:** "this act" translated to "this chapter"; 1971 ex.s. c 257 consists of RCW 41.16.146, 41.18.105, 41.26.035, 41.26.045, 41.26.046, 41.26.047, 41.26.270, 41.26.280, 41.26.290, and amendments to RCW 41.26.030, 41.26.050, 41.26.090, 41.26.100, 41.26.150, 41.26.160, 41.26.180, 41.26.200, 41.48.030 and 41.48.050.

**Purpose—Severability—1971 ex.s. c 257:** See notes following RCW 41.26.030.

**41.26.040 System created—Membership—Funds, transfers—Amortization of unfunded liabilities.** The Washington law enforcement officers' and fire fighters' retirement system is hereby created for fire fighters and law enforcement officers.

(1) All fire fighters and law enforcement officers employed as such on or after March 1, 1970, on a full time fully compensated basis in this state shall be members of the retirement system established by this chapter with respect to all periods of service as such, to the exclusion of any pension system existing under any prior act except as provided in subsection (2) of this section.

(2) Any employee serving as a law enforcement officer or fire fighter on March 1, 1970, who is then making retirement contributions under any prior act shall have his membership transferred to the system established by this chapter as of such date. Upon retirement for service or for disability, or death, of any such employee, his retirement benefits earned under this chapter shall be computed and paid. In addition, his benefits under the prior retirement act to which he was making contributions at the time of this transfer shall be computed as if he had not transferred. For the purpose of such computations, the employee's creditability of service and eligibility for service or disability retirement and survivor and all other benefits shall continue to be as provided in such prior retirement act, as if transfer of membership had not occurred. The excess, if any, of the benefits so computed, giving full value to survivor benefits, over the benefits payable under this chapter shall be paid whether or not the employee has made application under the prior act. If the employee's prior retirement system was the Washington public employees' retirement system, payment of such excess shall be made by that system; if the employee's prior retirement system was the state-wide city employees' retirement system, payment of such excess shall be made by the employer which was the member's employer when his transfer of membership occurred: *Provided*, That any death in line of duty lump sum benefit payment shall continue to be the obligation of that system as provided in RCW 41.44.210; in the case of all other prior retirement systems, payment of such excess shall be made by the employer which was the member's employer when his transfer of membership occurred.

(3) All funds held by any firemen's or policemen's relief and pension fund shall remain in that fund for the purpose of paying the obligations of the fund. The municipality shall continue to levy the dollar rate as provided in RCW 41.16.060, and this dollar rate shall be used for the purpose of paying the benefits provided in chapters 41.16 and 41.18 RCW. The obligations of chapter 41.20 RCW shall continue to be paid from whatever financial sources the city has been using for this purpose.

(4) Any member transferring from the Washington public employees' retirement system or the state-wide city employees' retirement system shall have transferred from the appropriate fund of the prior system of membership, a sum sufficient to pay into the Washington law enforcement officers' and fire fighters' retirement system fund the amount of the employees' and employers' contributions plus credited interest in the prior system for all service, as defined in this chapter, from the date of the employee's entrance therein until March 1, 1970. Except as provided for in subsection (2), such transfer of funds shall discharge said state retirement systems from

any further obligation to pay benefits to such transferring members with respect to such service.

(5) All unfunded liabilities created by this or any other section of this chapter shall be computed by the actuary in his biennial evaluation. Such computation shall provide for amortization of the unfunded liabilities over a period of not more than forty years from March 1, 1970. The amount thus computed as necessary shall be reported to the governor by the board of the retirement system for inclusion in the budget. The legislature shall make the necessary appropriation to fund the unfunded liability from the state general fund beginning with the 1971-1973 biennium. [1974 ex.s. c 120 § 7; 1973 1st ex.s. c 195 § 44; 1970 ex.s. c 6 § 2; 1969 ex.s. c 209 § 4.]

**Reviser's note:** See note following RCW 41.26.030.

**Severability—1974 ex.s. c 120:** See note following RCW 41.26.030.

**Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195:** See notes following RCW 84.52.043.

**41.26.045 Minimum medical and health standards.** Notwithstanding any other provision of law after February 19, 1974 no law enforcement officer or fire fighter, may become eligible for coverage in the pension system established by this chapter, until he has met and has been certified as having met minimum medical and health standards: *Provided*, That an elected sheriff shall not be required to meet the age standard: *Provided further*, That in cities and towns having not more than two law enforcement officers and/or not more than two fire fighters and if one or more of such persons do not meet the minimum medical and health standards as required by the provisions of this chapter, then such person or persons may join any other pension system that the city has available for its other employees: *And provided further*, That for one year after February 19, 1974 any such medical or health standard now existing or hereinafter adopted, insofar as it establishes a maximum age beyond which an applicant is to be deemed ineligible for coverage, shall be waived as to any applicant for employment or reemployment who is otherwise eligible except for his age, who has been a member of any one or more of the retirement systems created by chapter 41.20 of the Revised Code of Washington and who has restored all contributions which he has previously withdrawn from any such system or systems. [1974 ex.s. c 120 § 8; 1971 ex.s. c 257 § 3.]

**Reviser's note:** "this 1971 act" translated to "this chapter" [1971 ex.s. c 257] consists of RCW 41.16.146, 41.18.105, 41.26.035, 41.26.045, 41.26.046, 41.26.047, 41.26.270, 41.26.280, 41.26.290, and amendments to RCW 41.26.030, 41.26.050, 41.26.090, 41.26.100, 41.26.150, 41.26.160, 41.26.180, 41.26.200, 41.48.030 and 41.48.050.

**Severability—1974 ex.s. c 120:** See note following RCW 41.26.030.

**Purpose—Severability—1971 ex.s. c 257:** See notes following RCW 41.26.035.

**41.26.046 Minimum medical and health standards—Board to adopt—Publication and distribution—Employer certification procedures.** By July 31, 1971, the retirement board shall adopt minimum medical and health standards for membership coverage into

the Washington law enforcement officers' and fire fighters' retirement system act. In adopting such standards the retirement board shall consider existing standards recommended by the international association of chiefs of police and the international association of fire fighters, and shall adopt equal or higher standards, together with appropriate standards and procedures to insure uniform compliance with this chapter. The standards when adopted shall be published and distributed to each employer, and each employer shall adopt certification procedures and such other procedures as are required to insure that no law enforcement officer or fire fighter receives membership coverage unless and until he has actually met minimum medical and health standards: *Provided*, That an elected sheriff shall not be required to meet the age standard. The retirement board may amend the minimum medical and health standards as experience indicates, even if the standards as so amended are lower or less rigid than those recommended by the international associations mentioned above. The cost of the medical examination contemplated by this section is to be paid by the employer. [1974 ex.s. c 120 § 12; 1972 ex.s. c 131 § 2; 1971 ex.s. c 257 § 4.]

**Reviser's note:** "this 1971 act" translated to "this chapter" [1971 ex.s. c 257] consists of RCW 41.16.146, 41.18.105, 41.26.035, 41.26.045, 41.26.046, 41.26.047, 41.26.270, 41.26.280, 41.26.290, and amendments to RCW 41.26.030, 41.26.050, 41.26.090, 41.26.100, 41.26.150, 41.26.160, 41.26.180, 41.26.200, 41.48.030 and 41.48.050.

**Severability—1974 ex.s. c 120:** See note following RCW 41.26.030.

**Severability—1972 ex.s. c 131:** See note following RCW 41.26.030.

**Purpose—Severability—1971 ex.s. c 257:** See notes following RCW 41.26.030.

**41.26.047 Minimum medical and health standards—Exemptions—Employer may adopt higher standards.** Nothing in RCW 41.26.035, 41.26.045 and 41.26.046 shall apply to any fire fighters or law enforcement officers who are employed as such on or before August 1, 1971, as long as they continue in such employment; nor to promotional appointments after becoming a member in the police or fire department of any employer nor to the reemployment of a law enforcement officer or fire fighter by the same or a different employer within six months after the termination of his employment, nor to the reinstatement of a law enforcement officer or fire fighter who has been on military or disability leave, disability retirement status, or leave of absence status. Nothing in this chapter shall be deemed to prevent any employer from adopting higher medical and health standards than those which are adopted by the retirement board. [1972 ex.s. c 131 § 3; 1971 ex.s. c 257 § 5.]

**Reviser's note:** "this act" translated to "this chapter"; 1971 ex.s. c 257 consist of RCW 41.16.146, 41.18.105, 41.26.035, 41.26.045, 41.26.046, 41.26.047, 41.26.270, 41.26.280, 41.26.290, and amendments to RCW 41.26.030, 41.26.050, 41.26.090, 41.26.100, 41.26.150, 41.26.160, 41.26.180, 41.26.200, 41.48.030 and 41.48.050.

**Severability—1972 ex.s. c 131:** See note following RCW 41.26.030.

**Purpose—Severability—1971 ex.s. c 257:** See notes following RCW 41.26.030.

**41.26.050 Public employees' retirement board to administer system—Additional members, election, terms.** The retirement board shall be composed of the members of the public employees' retirement board established in RCW 41.40.030 as now or hereafter amended. Their terms of office shall be the same as their term of office with the public employees' retirement board. The members of the retirement system shall elect two additional members to the board who shall be members of the Washington law enforcement officers' and fire fighters' retirement system. One board member shall be a fire fighter and shall be elected by the fire fighter members and one shall be a law enforcement officer elected by the law enforcement members. Both shall serve two years unless they cease to be members of the retirement system by separating from service (except when on disability leave), vesting or retiring. In such case there shall be elected in the same manner another member from the same service to fill out the remaining part of the term. Two additional representatives of counties and cities shall be added to the retirement board. One of these representatives shall be appointed by the Washington state association of counties and the other shall be appointed by the association of Washington cities. In case of a vacancy in these county and city representative positions, a new appointee will be designated by the appropriate organization to fill out the unexpired term. The additional elected and appointed board members shall serve on the retirement board for the purpose of administering this chapter and chapter 41.40 RCW. The appointed board members shall serve two year terms. All administrative services of this system shall be performed by the director and staff of the public employees' retirement system with the cost of administration as determined by the retirement board charged against the Washington law enforcement officers' and fire fighters' retirement fund as provided in this chapter from funds appropriated for this purpose. The retirement board provided by this section shall be entitled the Washington law enforcement officers' and fire fighters' retirement board and may enter legal relationships in that name. Legal relationships entered into in that name prior to February 25, 1972 are hereby ratified. [1974 ex.s. c 120 § 2; 1972 ex.s. c 131 § 4; 1971 ex.s. c 257 § 7; 1970 ex.s. c 6 § 3; 1969 ex.s. c 209 § 5.]

**Severability—1974 ex.s. c 120:** See note following RCW 41.26.030.

**Severability—1972 ex.s. c 131:** See note following RCW 41.26.030.

**Purpose—Severability—1971 ex.s. c 257:** See notes following RCW 41.26.030.

**41.26.060 Public employees' retirement board to administer system—Duties—Liability of board members.** The administration of this system is hereby vested in the board of the Washington public employees' retirement system pursuant to RCW 41.26.050 and the board shall:

(1) Keep in convenient form such data as shall be deemed necessary for actuarial evaluation purposes;

(2) As of March 1, 1970, and at least every two years thereafter, through its actuary, make an actuarial valuation as to the mortality and service experience of the beneficiaries under this chapter and the various accounts created for the purpose of showing the financial status of the retirement fund;

(3) Adopt for the retirement system the mortality tables and such other tables as shall be deemed necessary;

(4) Keep a record of all its proceedings, which shall be open to inspection by the public;

(5) From time to time adopt such rules and regulations not inconsistent with this chapter, for the administration of the provisions of this chapter, for the administration of the fund created by this chapter and the several accounts thereof, and for the transaction of the business of the board;

(6) Provide for investment, reinvestment, deposit and withdrawal of funds;

(7) Prepare and publish annually a financial statement showing the condition of the fund and the various accounts thereof, and setting forth such other facts, recommendations and data as may be of use in the advancement of knowledge concerning the Washington law enforcement officers' and fire fighters' retirement system, and furnish a copy thereof to each employer, and to such members as may request copies thereof;

(8) Serve without compensation but shall be reimbursed for expense incident to service as individual members thereof;

(9) Perform such other functions as are required for the execution of the provisions of this chapter;

(10) No member of the board shall be liable for the negligence, default or failure of any employee or of any other member of the board to perform the duties of his office and no member of the board shall be considered or held to be an insurer of the funds or assets of the retirement system but shall be liable only for his own personal default or individual failure to perform his duties as such member and to exercise reasonable diligence in providing for the safeguarding of the funds and assets of the system;

(11) Fix the amount of interest to be credited at a rate which shall be based upon the net annual earnings of the fund for the preceding twelve-month period and from time to time make any necessary changes in such rate;

(12) Pay from the retirement system expense fund the expenses incurred in administration of the retirement system from those funds appropriated for that purpose;

(13) Perform any other duties prescribed elsewhere in this chapter: *Provided*, That all disability claims shall be submitted and approved or disapproved by the disability boards established by this chapter and the retirement board shall have authority to approve or disapprove disability retirement requests only;

(14) Issue decisions relating to appeals initiated pursuant to RCW 41.16.145 and 41.18.104 as now or hereafter amended and shall be authorized to order increased benefits pursuant to RCW 41.16.145 and 41.18.104 as now or hereafter amended. [1975-'76 2nd ex.s. c 44 § 3; 1971 ex.s. c 216 § 1; 1969 ex.s. c 209 § 6.]

**Effective date**—1971 ex.s. c 216: See RCW 41.26.070(8).

**Severability**—1971 ex.s. c 216: "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." [1971 ex.s. c 216 § 4.] This applies to RCW 41.26.060, 41.26.070 and 41.26.085.

**41.26.070 Washington law enforcement officers' and fire fighters' retirement fund—Created—Trustees—Custodian—Retirement system expense fund—Employer reimbursement—Legislative appropriation.** A fund is hereby created and established in the state treasury to be known as the Washington law enforcement officers' and fire fighters' retirement fund, and shall consist of all moneys paid into it in accordance with the provisions of this chapter, whether such moneys shall take the form of cash, securities, or other assets. The members of the retirement board shall be the trustees of these funds created by this chapter and the retirement board shall have full power to invest or reinvest these funds in the securities authorized by RCW 43.84-.150 and 41.40.072: *Provided*, That the board shall authorize the state finance committee to execute all transactions in connection with the purchase, sale, or exchange of any investment that it has authorized pursuant to its statutory authority.

(1) The state treasurer shall be the custodian of all funds of the retirement system and all disbursements therefrom shall be paid by the state treasurer upon vouchers duly authorized by the retirement board and bearing the signature of the duly authorized officer of the retirement board.

(2) The state treasurer is hereby authorized and directed to deposit any portion of the funds of the retirement system not needed for immediate use in the same manner and subject to all the provisions of law with respect to the deposit of state funds by such treasurer, and all interest earned by such portion of the retirement system's funds as may be deposited by the state treasurer in pursuance of authority herewith given shall be collected by him and placed to the credit of the retirement fund or the retirement system expense fund.

(3) Into the retirement system fund shall be paid all moneys received by the retirement board, and paid therefrom shall be all refunds, adjustments, retirement allowances and other benefits provided for herein. All contributions by employers for the expense of operating the retirement system as provided for herein shall be transferred by the state treasurer from the retirement system fund to the retirement system expense fund upon authorization of the retirement board.

(4) There is hereby utilized for the purposes of this chapter, the retirement system expense fund, as provided for in RCW 41.40.080 and from which shall be paid the expenses of the administration of this retirement system.

(5) In order to reimburse the retirement system expense fund on an equitable basis the retirement board shall ascertain and report to each employer the sum necessary to defray its proportional share of the entire expense of the administration of this chapter during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount

directly proportional to the estimated entire expense of the said administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(6) The retirement board shall compute and bill each employer at the end of each month for the amount due for that month to the retirement system expense fund and the same shall be paid as are its other obligations. Such computation as to each such employer shall be made on a percentage rate of salary established by the board: *Provided*, That the retirement board may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(7) For the purpose of providing amounts to be used to defray the cost of such administration, the retirement board shall ascertain at the beginning of each biennium and request from the legislature an appropriation from the retirement system expense fund sufficient to cover estimated expenses for the said biennium.

(8) RCW 41.26.060, 41.26.070 and 41.26.085 shall take effect commencing on January 1, 1972. [1973 1st ex.s. c 103 § 2; 1971 ex.s. c 216 § 2; 1969 ex.s. c 209 § 7.]

**Severability**—1973 1st ex.s. c 103: See note following RCW 2.10.080.

**Severability**—1971 ex.s. c 216: See note following RCW 41.26.060.

**41.26.080 Funding total liability of system.** The total liability of this system shall be funded as follows:

(1) Every member shall have deducted from each payroll a sum equal to six percent of his basic salary for each pay period.

(2) Every employer shall contribute monthly a sum equal to six percent of the basic salary of each employee who is a member of this retirement system. The employer shall transmit the employee and employer contributions with a copy of the payroll to the retirement system monthly.

(3) The biennial actuarial evaluation required by RCW 41.26.060(2) shall establish the total liability for this system. This liability shall be divided into current service liability and prior service liability. The contributions required by (1) and (2) above shall be applied toward the current service liability with the balance of the current service liability to be appropriated from the state general fund. The prior service liability shall be amortized over a period of not more than forty years from March 1, 1970. The amount thus computed shall be added to the current service liability to be appropriated from the state general fund.

This total amount shall be reported to the governor by the director of the retirement system, upon approval of the board, for inclusion in the budget. The legislature shall make the necessary appropriation from the state general fund to the Washington law enforcement officers' and fire fighters' retirement fund after considering the estimates as prepared and submitted. The transfer of

funds from the state general fund to the retirement system shall be at a rate determined by the board of trustees on the basis of the latest actuarial valuation. The total amount of such transfers for a biennium shall not exceed the total amount appropriated by the legislature.

(4) Every member shall be deemed to consent and agree to the contribution made and provided for herein, and shall receipt in full for his salary or compensation. Payment less said contributions shall be a complete discharge of all claims and demands whatsoever for the services rendered by such person during the period covered by such payments, except his claim to the benefits to which he may be entitled under the provisions of this chapter. [1969 ex.s. c 209 § 8.]

**41.26.085 Employee contributions to retirement system expense fund.** Each employee who is a member of the retirement system on January 1, 1972 or thereafter, shall contribute two dollars and fifty cents per annum to the retirement system expense fund. Beginning January 1, 1972, and thereafter each employee entering membership shall contribute the sum of one dollar and twenty-five cents to the retirement system expense fund for the fractional portion of the semiannual period during which he enters or reenters membership: *Provided*, That beginning January 1, 1972, the expense fund contributions, as set forth in this section, shall be transferred, from each employee's accumulated contributions, to the retirement expense fund account. [1972 ex.s. c 131 § 5; 1971 ex.s. c 216 § 3.]

**Severability**—1972 ex.s. c 131: See note following RCW 41.26.030.

**Effective date**—1971 ex.s. c 216: See RCW 41.26.070(8).

**Severability**—1971 ex.s. c 216: See note following RCW 41.26.060.

**41.26.090 Retirement for service.** Retirement of a member for service shall be made by the board as follows:

(1) Any member having five or more years of service and having attained the age of fifty years shall be eligible for a service retirement allowance and shall be retired upon his written request effective the first day following the date upon which the member is separated from service.

(2) Any member having five or more years of service, who terminates his employment with any employer, may leave his contributions in the fund. Any employee who so elects, upon attaining age fifty, shall be eligible to apply for and receive a service retirement allowance based on his years of service, commencing on the first day following his attainment of age fifty. This section shall also apply to a person who rendered service as a law enforcement officer or fire fighter, as those terms are defined in RCW 41.26.030, on or after July 1, 1969, but who was not employed as a law enforcement officer or fire fighter on March 1, 1970, by reason of his having been elected to a public office. Any member selecting this optional vesting with less than twenty years of service shall not be covered by the provisions of RCW 41.26.150, and his survivors shall not be entitled to the benefits of RCW 41.26.160 unless his death occurs after he has attained

the age of fifty years. Those members selecting this optional vesting with twenty or more years service shall not be covered by the provisions of RCW 41.26.150 until the attainment of the age of fifty years: *Provided*, That a member selecting this option, with less than twenty years of service credit, who shall die prior to attaining the age of fifty years, shall have paid from the Washington law enforcement officers' and fire fighters' retirement fund, to such member's surviving spouse, if any, otherwise to such beneficiary as the member shall have designated in writing, or if no such designation has been made, to the personal representative of his estate, a lump sum which is equal to the amount of such member's accumulated contributions plus accrued interest: *Provided further*, That if the vested member has twenty or more years of service credit the surviving spouse or children shall then become eligible for the benefits of RCW 41.26.160 regardless of his age at the time of his death, to the exclusion of the lump sum amount provided by this subsection.

(3) Any member who has attained the age of sixty years shall be retired on the first day of the calendar month next succeeding that in which said member shall have attained the age of sixty and may not thereafter be employed as a law enforcement officer or fire fighter: *Provided*, That for any member who is elected or appointed to the office of sheriff, his election or appointment shall be considered as a waiver of the age sixty provision for retirement and nonemployment for whatever number of years remain in his present term of office and any succeeding periods for which he may be so elected or appointed: *Provided further*, That the provisions of this subsection shall not apply to any member who is employed as a law enforcement officer or fire fighter on March 1, 1970. [1972 ex.s. c 131 § 6; 1971 ex.s. c 257 § 8; 1970 ex.s. c 6 § 4; 1969 ex.s. c 209 § 9.]

**Severability**—1972 ex.s. c 131: See note following RCW 41.26.030.

**Purpose**—**Severability**—1971 ex.s. c 257: See notes following RCW 41.26.030.

**41.26.100 Allowance on retirement for service.** A member upon retirement for service shall receive a monthly retirement allowance computed according to his completed creditable service as follows: Five years but under ten years, one-twelfth of one percent of his final average salary for each month of service; ten years but under twenty years, one-twelfth of one and one-half percent of his final average salary for each month of service; and twenty years and over one-twelfth of two percent of his final average salary for each month of service: *Provided*, That the recipient of a retirement allowance who shall return to service as a law enforcement officer or fire fighter shall be considered to have terminated his retirement status and he shall immediately become a member of the retirement system with the status of membership he had as of the date of his retirement. Retirement benefits shall be suspended during the period of his return to service and he shall make contributions and receive service credit. Such a member shall have the right to again retire at any time and his retirement allowance shall be recomputed, and paid,



based upon additional service rendered and any change in final average salary: *Provided further*, That no retirement allowance paid pursuant to this section shall exceed sixty percent of final average salary, except as such allowance may be increased by virtue of RCW 41.26.240, as now or hereafter amended. [1974 ex.s. c 120 § 3; 1972 ex.s. c 131 § 7; 1971 ex.s. c 257 § 9; 1970 ex.s. c 6 § 5; 1969 ex.s. c 209 § 10.]

**Severability**—1974 ex.s. c 120: See note following RCW 41.26.030.

**Severability**—1972 ex.s. c 131: See note following RCW 41.26.030.

**Purpose**—**Severability**—1971 ex.s. c 257: See notes following RCW 41.26.030.

**41.26.110 City and county disability boards authorized—Composition—Terms—Reimbursement for travel expenses—Duties.** (1) All claims for disability shall be acted upon and either approved or disapproved by either type of disability board hereafter authorized to be created.

(a) Each city having a population of twenty thousand or more shall establish a disability board having jurisdiction over all members employed by said cities and composed of the following five members: Two members of the city legislative body to be appointed by the mayor, one fire fighter to be elected by the fire fighters employed by the city, one law enforcement officer to be elected by the law enforcement officers employed by the city and one member from the public at large who resides within the city to be appointed by the other four appointed members heretofore designated in this subsection. Beginning with the next election following February 19, 1974, the law enforcement officer member shall serve a one year term and the fire fighter member shall serve a two year term. Thereafter each of the elected members shall serve a two year term. The members appointed pursuant to this subsection shall serve for two year terms: *Provided*, That cities of the first class only, shall retain existing firemen's pension boards established pursuant to RCW 41.16.020 and existing boards of trustees of the relief and pension fund of the police department as established pursuant to RCW 41.20.010 which such boards shall have authority to act upon and approve or disapprove claims for disability by fire fighters' or law enforcement officers' as provided under the Washington law enforcement officers' and fire fighters' retirement system act.

(b) Each county shall establish a disability board having jurisdiction over all members residing in the county and not employed by a city in which a disability board is established. The county disability board so created shall be composed of five members to be chosen as follows: One member of the legislative body of the county to be appointed by the county legislative body, one member of a city or town legislative body located within the county which does not contain a city disability board established pursuant to subsection (1)(a) of this section to be chosen by a majority of the mayors of such cities and towns within the county which does not contain a city disability board, one fire fighter to be elected by the fire fighters subject to the jurisdiction of the county disability

board, one law enforcement officer to be elected by the law enforcement officers subject to the jurisdiction of the county disability board, and one member from the public at large who resides within the county but does not reside within a city in which a city disability board is established, to be appointed by the other four appointed members heretofore designated in this subsection. All members appointed or elected pursuant to this subsection shall serve for two year terms.

(2) The members of both the county and city disability boards shall not receive compensation for their service upon the boards but said members shall be reimbursed by their respective county or city for all expenses incidental to such service as to the amount authorized by law.

(3) The disability boards authorized for establishment by this section shall perform all functions, exercise all powers, and make all such determinations as specified in this chapter. [1974 ex.s. c 120 § 9; 1970 ex.s. c 6 § 6; 1969 ex.s. c 219 § 3; 1969 ex.s. c 209 § 11.]

**Severability**—1974 ex.s. c 120: See note following RCW 41.26.030.

**Severability**—1969 ex.s. c 219: "If any provision of this 1969 amendatory 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." [1969 ex.s. c 219 § 5.]

**Effective date**—1969 ex.s. c 219: "This 1969 amendatory 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 on July 1, 1969." [1969 ex.s. c 219 § 6.]

**41.26.120 Retirement for disability.** Any member, regardless of his age or years of service may be retired by the disability board, subject to approval by the retirement board as hereinafter provided, for any disability which has been continuous since his discontinuance of active service and which renders him unable to continue his service, whether incurred in the line of duty or not. No disability retirement allowance shall be paid until the expiration of a period of six months after the disability is incurred during which period the member, if found to be physically or mentally unfit for duty by the disability board following receipt of his application for disability retirement, shall be granted a disability leave by the disability board and shall receive an allowance equal to his full monthly salary and shall continue to receive all other benefits provided to active employees from his employer for such period. However, if, at any time during the initial six-month period, the disability board finds the beneficiary is no longer disabled, his disability leave allowance shall be canceled and he shall be restored to duty in the same rank or position, if any, held by the beneficiary at the time he became disabled. Applications for disability retirement shall be processed in accordance with the following procedures:

(1) Any member who believes he is or is believed to be physically or mentally disabled shall be examined by such medical authority as the disability board shall employ, upon application of said member, or a person acting in his behalf, stating that said member is disabled, either physically or mentally: *Provided*, That no such application shall be considered unless said member

or someone in his behalf, in case of the incapacity of a member, shall have filed the application within a period of one year from and after the discontinuance of service of said member.

(2) If the examination shows, to the satisfaction of the disability board, that the member is physically or mentally disabled from the further performance of duty, and that such disability has been continuous from the discontinuance of active service, the disability board shall enter its written decision and order, accompanied by appropriate findings of fact and by conclusions evidencing compliance with this chapter as now or hereafter amended, granting the member a disability retirement allowance; otherwise, if the member is not found by the disability board to be so disabled, the application shall be denied pursuant to a similar written decision and order, subject to appeal to the retirement board in accordance with RCW 41.26.200: *Provided*, That the disability board shall make a finding of whether or not the disability was incurred in line of duty.

(3) Every order of a disability board granting a disability retirement allowance shall forthwith be reviewed by the retirement board for the purposes of determining (a) whether the facts as found by the disability board are supported by substantial evidence in the record, except the finding of whether or not the disability was incurred in line of duty; and (b) whether the order is in accordance with law on the basis of such facts. If an affirmative determination is made by the retirement board on both of the aspects of the decision and order, it shall be affirmed; otherwise, it shall be reversed and remanded to the disability board for such further proceedings as the retirement board may direct.

(4) Every member who can establish, to the disability board, that he is physically or mentally disabled from the further performance of duty and that such disability will be in existence for a period of at least six months may waive the six-month period of disability leave and be immediately granted a disability retirement allowance, subject to the approval of the state board as provided in subsection (3) above. [1974 ex.s. c 120 § 10; 1972 ex.s. c 131 § 8; 1970 ex.s. c 6 § 7; 1969 ex.s. c 209 § 12.]

**Severability—1974 ex.s. c 120:** See note following RCW 41.26.030.

**Severability—1972 ex.s. c 131:** See note following RCW 41.26.030.

**41.26.130 Allowance on retirement for disability.** (1) Upon retirement for disability a member shall be entitled to receive a monthly retirement allowance computed as follows: (a) A basic amount of fifty percent of final average salary at time of disability retirement, and (b) an additional five percent of final average salary for each child as defined in RCW 41.26.030(7), (c) the combined total of subsections (1)(a) and (1)(b) of this section shall not exceed a maximum of sixty percent of final average salary.

(2) A disabled member shall begin receiving his disability retirement allowance as of the expiration of his six month period of disability leave or, if his application was filed after the sixth month of disability but prior to the

one year time limit, the member's disability retirement allowance shall be retroactive to the end of the sixth month.

(3) Benefits under this section will be payable until the member recovers from the disability or dies. If at the time that the disability ceases the member is over the age of fifty, he shall then receive either his disability retirement allowance or his retirement for service allowance, whichever is greater.

(4) Benefits under this section for a disability that is incurred while in other employment will be reduced by any amount the member receives or is entitled to receive from workmen's compensation, social security, group insurance, other pension plan, or any other similar source provided by another employer on account of the same disability.

(5) A member retired for disability shall, at the discretion of the disability board, be subject to a semiannual medical examination by a physician approved by the disability board prior to his attainment of age fifty. [1970 ex.s. c 6 § 8; 1969 ex.s. c 209 § 13.]

**41.26.140 Semiannual reexamination of disability beneficiaries—Reentry.** (1) Upon the basis of a semiannual reexamination of members on disability retirement, the disability board shall determine whether such disability beneficiary is still unable to perform his duties either physically or mentally for service in the department where he was employed.

(2) If the disability board shall determine that the beneficiary is not so incapacitated his retirement allowance shall be canceled and he shall be restored to duty in the same civil service rank, if any, held by the beneficiary at the time of his retirement or if unable to perform the duties of said rank, then, at his request, in such other like or lesser rank as may be or become open and available, the duties of which he is then able to perform. In no event, shall a beneficiary previously drawing a disability allowance be returned or be restored to duty at a salary or rate of pay less than the current salary attached to the rank or position held by the said beneficiary at the date of his retirement for disability. If the disability board determines that the beneficiary is able to return to service he shall be entitled to notice and a hearing, both the notice and the hearing shall comply with the requirements of chapter 34.04 RCW, as now or hereafter amended.

(3) Should a disability beneficiary reenter service and be eligible for membership in the retirement system, his retirement allowance shall be canceled and he shall immediately become a member of the retirement system.

(4) Should any disability beneficiary under age fifty refuse to submit to medical examination, his retirement allowance shall be discontinued until his withdrawal of such refusal, and should such refusal continue for one year or more, his retirement allowance shall be canceled.

(5) Should the disability retirement allowance of any disability beneficiary be canceled for any cause other than reentrance into service or retirement for service, he shall be paid the excess, if any, of his accumulated contributions at the time of his retirement over all payments

made on his behalf under this chapter. [1974 ex.s. c 120 § 4; 1970 ex.s. c 6 § 9; 1969 ex.s. c 209 § 14.]

**Severability**—1974 ex.s. c 120: See note following RCW 41.26.030.

**41.26.150 Sick or disability benefits—Medical services.** (1) Whenever any active member, or any member hereafter retired, on account of service, sickness or disability, not caused or brought on by dissipation or abuse, of which the disability board shall be judge, is confined in any hospital or in his home, and whether or not so confined, requires medical services, the employer shall pay for such active or retired member the necessary medical services not payable from some other source as provided for in subsection (2). In the case of active or retired fire fighters the employer may make the payments provided for in this section from the firemen's pension fund established pursuant to RCW 41.16.050 where such fund had been established prior to March 1, 1970: *Provided*, That in the event the pension fund is depleted, the employer shall have the obligation to pay all benefits payable under chapters 41.16 and 41.18 RCW: *Provided further*, That the disability board in all cases may have the active or retired member suffering from such sickness or disability examined at any time by a licensed physician or physicians, to be appointed by the disability board, for the purpose of ascertaining the nature and extent of the sickness or disability, the physician or physicians to report to the disability board the result of the examination within three days thereafter. Any active or retired member who refuses to submit to such examination or examinations shall forfeit all his rights to benefits under this section for the period of such refusal: *And provided further*, That the disability board shall designate the medical services available to any sick or disabled member.

(2) The medical services payable under this section will be reduced by any amount received or eligible to be received by the member under workmen's compensation, social security including the changes incorporated under Public Law 89-97 as now or hereafter amended, insurance provided by another employer, other pension plan, or any other similar source. Failure to apply for coverage if otherwise eligible under the provisions of Public Law 89-97 as now or hereafter amended shall not be deemed a refusal of payment of benefits thereby enabling collection of charges under the provisions of this chapter.

(3) Upon making such payments as are provided for in subsection (1), the employer shall be subrogated to all rights of the member against any third party who may be held liable for the member's injuries or for the payment of the cost of medical services in connection with a member's sickness or disability to the extent necessary to recover the amount of payments made by the employer.

(4) Any employer under this chapter, either singly, or jointly with any other such employer or employers through an association thereof as provided for in chapter 48.21 RCW, may provide for all or part of one or more plans of group hospitalization and medical aid insurance to cover any of its employees who are members of the Washington law enforcement officers' and fire fighters'

retirement system, and/or retired former employees who were, before retirement, members of said retirement system, through contracts with regularly constituted insurance carriers or with health care service contractors as defined in chapter 48.44 RCW. Benefits payable under any such plan or plans shall be deemed to be amounts received or eligible to be received by the active or retired member under subsection (2) of this section. [1974 ex.s. c 120 § 11; 1971 ex.s. c 257 § 10; 1970 ex.s. c 6 § 10; 1969 ex.s. c 219 § 4; 1969 ex.s. c 209 § 15.]

**Severability**—1974 ex.s. c 120: See note following RCW 41.26.030.

**Purpose**—**Severability**—1971 ex.s. c 257: See notes following RCW 41.26.030.

**Severability**—**Effective date**—1969 ex.s. c 219: See notes following RCW 41.26.110.

**41.26.160 Death benefits.** (1) In the event of the death of any member who is in active service, or who has vested under the provisions of RCW 41.26.090 with twenty or more years of service, or who is on disability leave or retired, whether for disability or service, his surviving spouse shall become entitled to receive a monthly allowance equal to fifty percent of his final average salary at the date of death if active, or the amount of retirement allowance the vested member would have received at age fifty, or the amount of the retirement allowance such retired member was receiving at the time of his death if retired for service or disability. The amount of this allowance will be increased five percent of final average salary for each child as defined in RCW 41.26.030(7), as now or hereafter amended, subject to a maximum combined allowance of sixty percent of final average salary: *Provided*, That if the child or children is or are in the care of a legal guardian, payment of the increase attributable to each child will be made to the child's legal guardian.

(2) If at the time of the death of a vested member with twenty or more years service as provided above or a member retired for service or disability, the surviving spouse has not been lawfully married to such member for one year prior to his retirement or separation from service if a vested member, the surviving spouse shall not be eligible to receive the benefits under this section: *Provided*, That if a member dies as a result of a disability incurred in the line of duty, then if he was married at the time he was disabled, his surviving spouse shall be eligible to receive the benefits under this section.

(3) If there be no surviving spouse eligible to receive benefits at the time of such member's death, then the child or children of such member shall receive a monthly allowance equal to thirty percent of final average salary for one child and an additional ten percent for each additional child subject to a maximum combined payment, under this subsection, of sixty percent of final average salary. When there cease to be any eligible children as defined in RCW 41.26.030(7), as now or hereafter amended, there shall be paid to the legal heirs of said member the excess, if any, of accumulated contributions of said member at the time of his death over all payments made to his survivors on his behalf under this chapter: *Provided*, That payments under this subsection

to children shall be prorated equally among the children, if more than one.

(4) In the event that there is no surviving spouse eligible to receive benefits under this section, and that there be no child or children eligible to receive benefits under this section, then the accumulated contributions shall be paid to the estate of said member.

(5) If a surviving spouse receiving benefits under the provisions of this section thereafter dies or remarries and there are children as defined in RCW 41.26.030(7), as now or hereafter amended, payment to the spouse shall cease and the child or children shall receive the benefits as provided in subsection (3) above.

(6) The payment provided by this section shall become due the day following the date of death and payments shall be retroactive to that date. [1974 ex.s. c 120 § 5; 1972 ex.s. c 131 § 9; 1971 ex.s. c 257 § 11; 1970 ex.s. c 6 § 12; 1969 ex.s. c 209 § 17.]

**Severability—1974 ex.s. c 120:** See note following RCW 41.26.030.

**Severability—1972 ex.s. c 131:** See note following RCW 41.26.030.

**Purpose—Severability—1971 ex.s. c 257:** See notes following RCW 41.26.030.

**41.26.170 Refund of contributions on discontinuance of service—Reentry.** (1) Should service of a member be discontinued except by death, disability or retirement, he shall, upon application therefor, be paid his accumulated contributions within sixty days after the day of application and his rights to all benefits as a member shall cease: *Provided*, That any member with at least five years' service may elect the provisions of RCW 41.26.090(2).

(2) Any member whose contributions have been paid to him in accordance with subsection (1) of this section and who reenters the service of an employer within ten years of the date of his separation shall upon the restoration of all withdrawn contributions, which restoration must be completed within a total period of five years of service following resumption of employment, then receive credit toward retirement for the period of previous service which these contributions are to cover. [1970 ex.s. c 6 § 14; 1969 ex.s. c 209 § 22.]

**41.26.180 Exemption from judicial process, taxes—Deduction for insurance upon request.** The right of a person to a retirement allowance, disability allowance, or death benefit, to the return of accumulated contributions, the retirement, disability or death allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter, are hereby exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or any other process of law whatsoever, and shall be unassignable: *Provided*, That on the written request of any person eligible to receive benefits under this section, the board may deduct from such payments the premiums for life, health, or other insurance. The request on behalf of any child or

children shall be made by the legal guardian of such child or children. The board may provide for such persons one or more plans of group insurance, through contracts with regularly constituted insurance carriers or health care service contractors. [1971 ex.s. c 257 § 12; 1970 ex.s. c 6 § 15; 1969 ex.s. c 209 § 23.]

**Purpose—Severability—1971 ex.s. c 257:** See notes following RCW 41.26.030.

**41.26.190 Credit for military service.** Each person affected by this chapter who at the time of entering the armed services was a member of this system, and has honorably served in the armed services of the United States, shall have added to his period of service as computed under this chapter, his period of service in the armed forces: *Provided*, That such credited service shall not exceed five years. [1970 ex.s. c 6 § 13; 1969 ex.s. c 209 § 18.]

**41.26.200 Appeal to retirement board.** (1) Any person feeling aggrieved by any order or determination of a disability board denying disability leave or disability retirement, or canceling a previously granted disability retirement allowance, shall have the right to appeal the said order or determination to the retirement board. The said retirement board shall have no jurisdiction to entertain the appeal unless a notice of appeal is filed with the said retirement board within thirty days following the rendition of the order by the applicable disability board. A copy of the notice of appeal shall be served upon the applicable disability board and, within ninety days thereof, the disability board shall certify its decision and order which shall include findings of fact and conclusions of law, together with a transcript of all proceedings in connection therewith, to the retirement board for its review. Upon its review of the record, the retirement board may affirm the order of the disability board or it may remand the case for such further proceedings as it may direct, in accordance with such rules of procedure as the retirement board shall promulgate.

(2) The said appeal authorized by this section shall be governed by the provisions of RCW 41.26.210 and 41.26.220. [1974 ex.s. c 120 § 6; 1971 ex.s. c 257 § 13; 1970 ex.s. c 6 § 11; 1969 ex.s. c 209 § 16.]

**Severability—1974 ex.s. c 120:** See note following RCW 41.26.030.

**Purpose—Severability—1971 ex.s. c 257:** See notes following RCW 41.26.030.

**41.26.210 Notice for hearing required prior to petitioning for judicial review.** Any person aggrieved by any final decision of the retirement board must, before petitioning for judicial review, file with the director of the retirement system by mail or personally within sixty days from the day such decision was communicated to such person, a notice for a hearing before the retirement board. The notice of hearing shall set forth in full detail the grounds upon which such person considers such decision unjust or unlawful and shall include every issue to be considered by the retirement board, and it must contain a detailed statement of facts upon which such person relies in support thereof. Such persons shall be

deemed to have waived all objections or irregularities concerning the matter on which such appeal is taken other than those specifically set forth in the notice of hearing or appearing in the records of the retirement system. [1969 ex.s. c 209 § 19.]

**41.26.220 Hearing—Conduct.** A hearing shall be held by members of the retirement board, or its duly authorized representatives, in the county of the residence of the claimant at a time and place designated by the retirement board. Such hearing shall be de novo and shall conform to the provisions of chapter 34.04 RCW, as now or hereafter amended. The retirement board shall be entitled to appear in all such proceedings and introduce testimony in support of the decision. Judicial review of any final decision by the retirement board shall be governed by the provisions of chapter 34.04 RCW as now law or hereafter amended. [1969 ex.s. c 209 § 20.]

**41.26.230 No bond required on appeal to court.** No bond of any kind shall be required of a claimant appealing to the superior court, the court of appeals, or the supreme court from a finding of the retirement board affecting such claimant's right to retirement or disability benefits. [1971 c 81 § 103; 1969 ex.s. c 209 § 21.]

**41.26.240 Increases or decreases in retirement allowances to be determined by retirement board in accordance with consumer price index.** For purposes of this section of this chapter:

(1) "Index" shall mean, for any calendar year, that year's average Consumer Price Index—Seattle, Washington area for urban wage earners and clerical workers, all items (1957–1959=100), compiled by the Bureau of Labor Statistics, United States Department of Labor;

(2) "Retirement allowance" shall mean the retirement allowance provided for in RCW 41.26.100 and 41.26.130, and the monthly allowance provided for in RCW 41.26.160.

Effective April 1 of 1971, and of each succeeding year, every retirement allowance which has been in effect for more than one year shall be adjusted to that dollar amount which exceeds its original dollar amount by the percentage difference which the board finds to exist between the index for the previous calendar year and the index for the calendar year prior to the effective retirement date of the person to whom, or on behalf of whom, such retirement allowance is being paid.

For the purposes of this section, basic allowance shall mean that portion of a total retirement allowance, and any cost of living adjustment thereon, attributable to a member (individually) and shall not include the increased amounts attributable to the existence of a child or children. In those cases where a child ceases to be qualified as an eligible child, so as to lessen the total allowance, the allowance shall, at that time, be reduced to the basic allowance plus the amount attributable for the appropriate number of eligible children. In those cases where a child qualifies as an eligible child subsequent to the retirement of a member so as to increase the total allowance payable, such increased allowance

shall at the time of the next and appropriate subsequent cost of living adjustments, be considered the original dollar amount of the allowance. [1974 ex.s. c 120 § 13; 1970 ex.s. c 6 § 16; 1969 ex.s. c 209 § 24.]

**Severability—1974 ex.s. c 120:** See note following RCW 41.26.030.

**41.26.250 Increase in presently payable benefits for service or disability authorized.** All benefits presently payable pursuant to the provisions of RCW 41.20.050, 41.20.060 and 41.20.080 as such RCW sections existed prior to the effective date of the amendment of such RCW sections by sections 1, 2, 3, chapter 191, Laws of 1961 to persons who retired prior to the effective date of the said 1961 amendatory act, shall be increased annually as hereafter in this section provided. The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purpose of adjusting benefit allowances payable pursuant to the aforementioned sections. The local board shall determine the increase in the consumer price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which said board makes such determination by a dollar amount proportionate to the increase in the consumer price index: *Provided*, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.

Each year effective with the July payment all benefits specified herein, shall be increased as authorized by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative.

For the purpose of this section the term

"Consumer price index" shall mean, for any calendar year, the consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor. [1975 1st ex.s. c 178 § 3; 1974 ex.s. c 190 § 3; 1970 ex.s. c 37 § 2; 1969 ex.s. c 209 § 34.]

**Construction—Severability—1975 1st ex.s. c 178:** See RCW 41.16.911, 41.16.921.

**Construction—1970 ex.s. c 37:** See note following RCW 41.18.104.

**41.26.260 Increase in certain presently payable death benefits authorized.** All benefits presently payable pursuant to the provisions of RCW 41.20.085 which are not related to the amount of current salary attached to the position held by the deceased member, shall be increased annually in the same manner and to the same extent as provided for pursuant to RCW 41.26.250. [1974 ex.s. c 190 § 4; 1969 ex.s. c 209 § 35.]

**41.26.270 Declaration of policy respecting benefits for injury or death—Civil actions abolished.** The legislature of the state of Washington hereby declares that the relationship between members of the law enforcement officers' and fire fighters' retirement system and their governmental employers is similar to that of workmen to their employers and that the sure and certain

relief granted by this chapter is desirable, and as beneficial to such law enforcement officers and fire fighters as workmen's compensation coverage is to persons covered by Title 51 RCW. The legislature further declares that removal of law enforcement officers and fire fighters from workmen's compensation coverage under Title 51 RCW necessitates the (1) continuance of sure and certain relief for injuries, which the legislature finds to be accomplished by the provisions of this chapter and (2) protection for the governmental employer from actions at law; and to this end the legislature further declares that the benefits and remedies conferred by this chapter upon law enforcement officers and fire fighters covered hereunder, shall be to the exclusion of any other remedy, proceeding, or compensation for personal injuries, caused by the governmental employer except as otherwise provided by this chapter; and to that end all civil actions and civil causes of actions by such law enforcement officers and fire fighters against their governmental employers for personal injuries are hereby abolished, except as otherwise provided in this chapter. [1971 ex.s. c 257 § 14.]

**Purpose—Severability—1971 ex.s. c 257:** See notes following RCW 41.26.030.

**41.26.280 Cause of action for injury or death, when.** If injury or death results to a member from the intentional or negligent act or omission of his governmental employer, the member, the widow, widower, child, or dependent of the member shall have the privilege to benefit under this chapter and also have cause of action against the governmental employer as otherwise provided by law, for any excess of damages over the amount received or receivable under this chapter. [1971 ex.s. c 257 § 15.]

**Purpose—Severability—1971 ex.s. c 257:** See notes following RCW 41.26.030.

**41.26.290 Adjustment of payments when record error.** Should any change or error in the records result in any member or beneficiary receiving from the retirement system more or less than he would have been entitled to receive had the records been correct, the retirement board shall correct such error, and, as far as practicable, shall adjust the payment in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid. [1971 ex.s. c 257 § 16.]

**Purpose—Severability—1971 ex.s. c 257:** See notes following RCW 41.26.030.

**41.26.300 Falsification—Penalty.** Any employer, member or beneficiary who shall knowingly make false statements or shall falsify or permit to be falsified any record or records of the retirement system in an attempt to defraud the retirement system, shall be guilty of a felony. [1972 ex.s. c 131 § 10.]

**Severability—1972 ex.s. c 131:** See note following RCW 41.26.030.

**41.26.310 Transfer of service credit from firemen's pension system to city's police pension system.** See RCW 41.20.175.

**41.26.900 Severability—1969 ex.s. c 209.** If any provision of \*this 1969 amendatory 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. [1969 ex.s. c 209 § 42.]

**\*Reviser's note:** "this 1969 amendatory act", see note following chapter 41.26 RCW digest.

**41.26.910 Act to control inconsistencies.** To the extent that the provisions of \*this 1969 amendatory act are inconsistent with the provisions of any other law, the provisions of \*this 1969 amendatory act shall be controlling. [1969 ex.s. c 209 § 43.]

**\*Reviser's note:** "this 1969 amendatory act", see note following chapter 41.26 RCW digest.

**41.26.920 Effective date—1969 ex.s. c 209.** \*This 1969 amendatory 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 on July 1, 1969. [1969 ex.s. c 209 § 45.]

**\*Reviser's note:** "This 1969 amendatory act", see note following chapter 41.26 RCW digest.

**Appropriation—1969 ex.s. c 209:** "There is appropriated and transferred to the Washington law enforcement officers' and fire fighters' retirement system fund from the general fund the sum of one million, seven hundred thousand dollars to carry out the purposes of this 1969 amendatory act. Of this amount two hundred fifty thousand dollars shall be available for costs of administration during the 1969-1971 fiscal biennium and said sum is hereby appropriated from the retirement fund for that purpose." [1969 ex.s. c 209 § 44.]

## Chapter 41.28 RETIREMENT OF PERSONNEL IN CERTAIN FIRST CLASS CITIES

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- 41.28.910 Repeal.
- 41.28.920 Effective date—1939 c 207.

*Investment of pension funds: RCW 35.39.040.*

*State-wide city employees retirement system: Chapter 41.44 RCW.*

**41.28.005 Establishment of retirement and pension systems authorized.** Any city attaining the status of a first class city after July 1, 1939, is empowered by this chapter to establish retirement and pension systems for superannuated or totally and permanently disabled officers and employees of cities of the first class. [1939 c 207 § 1; RRS § 9592-101. Formerly RCW 41.28.020, part.]

**41.28.010 Definitions.** Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Retirement system" shall mean "employees' retirement system", provided for in RCW 41.28.020.

(2) "Employee" shall mean any regularly appointed officer or regularly appointed employee of a first class city as described in RCW 41.28.005, whose compensation in such employment is paid wholly by that city.

(3) "Member" shall mean any person included in the membership of the retirement system as provided in RCW 41.28.030.

(4) "City" shall mean any city of the first class as described in RCW 41.28.005.

(5) "Board" shall mean "board of administration" as provided in RCW 41.28.080.

(6) "Retirement fund" shall mean "employees' retirement fund" as created and established in RCW 41.28.070.

(7) "City service" shall mean service rendered to city for compensation, and for the purpose of this chapter, a member shall be considered as being in city service only while he is receiving compensation from the city for such service.

(8) "Prior service" shall mean the service of a member for compensation rendered to the city prior to July 1, 1939, and shall also include military or naval service of a member to the extent specified in RCW 41.28.050.

(9) "Continuous service" shall mean uninterrupted employment by that city, except that discontinuance of city service of a member caused by layoff, leave of absence, suspension, or dismissal, followed by reentrance into city service within one year, shall not count as a break in the continuity of service: *Provided*, That for the purpose of establishing membership in the retirement system continuous service shall mean six months' service in any one year.

(10) "Beneficiary" shall mean any person in receipt of a pension, annuity, retirement allowance, disability allowance, or any other benefit provided in this chapter.

(11) "Compensation" shall mean the compensation payable in cash, plus the monetary value, as determined by the board of administration, of any allowance in lieu thereof.

(12) "Compensation earnable" by a member shall mean the average compensation as determined by the board of administration upon the basis of the average period of employment of members in the same group or class of employment and at the same rate of pay.

(13) "Final compensation" means the annual average of the greatest compensation earnable by a member during any consecutive five-year period of service for which service credit is allowed.

(14) "Normal contributions" shall mean contributions at the rate provided for in RCW 41.28.040(1).

(15) "Additional contributions" shall mean the contributions provided for in RCW 41.28.040(4).

(16) "Regular interest", unless changed by the board of administration as provided in RCW 41.28.060, shall mean interest at four percent per annum, compounded annually.

(17) "Accumulated normal contribution" shall mean the sum of all normal contributions, deducted from the compensation of a member, standing to the credit of his individual account, together with regular interest thereon.

(18) "Accumulated additional contributions" shall mean the sum of all the additional contributions, deducted from the compensation of a member, standing to the credit of his individual account, together with regular interest thereon.

(19) "Accumulated contributions" shall mean accumulated normal contributions plus accumulated additional contributions.

(20) "Pension" shall mean payments derived from contributions made by the city as provided for in RCW 41.28.130 and 41.28.150.

(21) "Annuity" shall mean payments derived from contributions made by a member as provided in RCW 41.28.130 and 41.28.150.

(22) "Retirement allowance" shall mean the pension plus the annuity.

(23) "Fiscal year" shall mean any year commencing with January 1st, and ending with December 31st, next following.

(24) "Creditable service" shall mean such service as is evidenced by the record of normal contributions received from the employee plus prior service if credit for same is still intact or not lost through withdrawal of accumulated normal contributions as provided in RCW 41.28.110. [1967 c 185 § 1; 1963 c 91 § 1; 1939 c 207 § 2; RRS § 9592-102.]

**41.28.020 Retirement system created—Adoption by cities.** A retirement system is hereby created and established in each city of the first class in each first class county to be known as the "employees' retirement system". This chapter shall become effective as to any such city when by ordinance of the city duly enacted its terms are expressly accepted and made applicable thereto. This section shall not be construed as preventing performance before July 1, 1939, of any preliminary

work which any city council, city commission or board of administration shall deem necessary. [1939 c 207 § 3; RRS § 9592-103. FORMER PART OF SECTION: 1939 c 207 § 1; RRS § 9592-101 now codified as RCW 41.28.005.]

**41.28.030 Employees within or excluded from system.** (1) With the exception of those employees who are excluded from membership as herein provided, all employees shall become members of the retirement system as follows:

(a) Every employee in city service as defined in this chapter, on July 1, 1939, shall become a member of the retirement system on that date.

(b) Every employee who enters or reenters city service after July 1, 1939, shall become a member of the retirement system upon the completion of six months of continuous service.

(2) The following shall be specifically exempted from the provisions of this chapter:

(a) Members of the police departments who are entitled to the benefits of the police relief and pension fund as established by state law.

(b) Members of the fire departments who are entitled to the benefits of the firemen's relief and pension fund as established by state law.

(3) It shall be the duty of the head of each office or department to give immediate notice in writing to the board of administration of the change in status of any member of his office or department, resulting from transfer, promotion, leave of absence, resignation, reinstatement, dismissal or death. The head of each office or department shall furnish such other information concerning any member as the board may require.

(4) Each member shall be subject to all the provisions of this chapter and to all the rules and regulations adopted by the board of administration. Should the service of any member, in any period of ten consecutive years, amount to less than five years, or should he withdraw more than one quarter of his accumulated contributions, or should he die or be retired, he shall thereupon cease to be a member. [1939 c 207 § 4; RRS § 9592-104.]

**41.28.040 Rates of contribution—Deduction and payment into fund.** (1) The normal rate of contribution of members shall be those adopted by the board of administration, subject to the approval of the city council or city commission, and for the first five-year period such rates shall be based on sex and on age of entry into the retirement system, which age shall be the age at the birthday nearest the time of entry into the system. The rates so adopted shall remain in full force and effect until revised or changed by the board of administration in the manner provided in RCW 41.28.060. The normal rates of contribution shall be so fixed as to provide an annuity which, together with the pension provided by the city, shall give as nearly as may be a retirement allowance at the age of sixty-two years of one and one-third percent of the final compensation multiplied by the number of years of service of the retiring employee. The normal rate established for age sixty-one shall be the

rate for any member who has attained a greater age before entry into the retirement system. The normal rate of contribution for age twenty shall be the rate for any member who enters the retirement system at an earlier age.

(2) Subject to the provision of this chapter, the board of administration shall adopt rules and regulations governing the making of deductions from the compensation of employees and shall certify to the head of each office or department the normal rate of contribution for each member provided for in subdivision (1) of this section. The head of the department shall apply such rate of contribution, and shall certify to the city comptroller on each and every payroll the amount to be contributed and shall furnish immediately to the board a copy of each and every payroll; and each of said amounts shall be deducted by the city comptroller and shall be paid into the retirement fund, hereinafter provided for, and shall be credited by the board together with regular interest to an individual account of the member for whom the contribution was made.

Every member shall be deemed to consent and agree to the contribution made and provided for herein, and shall receipt in full for his salary or compensation. Payment less said contribution shall be a full and complete discharge of all claims and demands whatsoever for the service rendered by such person during the period covered by such payment, except his claim to the benefits to which he may be entitled under the provisions of this chapter.

(3) At the end of each payroll period, the board shall determine the aggregate amount of the normal contributions for such period, and shall certify such aggregate to the city comptroller, who shall thereupon transfer to the retirement fund, hereinafter provided for, from the money appropriated for that purpose in the budget for the fiscal year, an amount equal to the aggregate normal contributions for the period received from members.

(4) Any member may elect to contribute at rates in excess of those provided for in subdivision (1) of this section, for the purpose of providing additional benefits, but the exercise of this privilege by a member shall not place on the city any additional financial obligation. The board of administration, upon application, shall furnish to such member information concerning the nature and amount of additional benefits to be provided by such additional contribution. [1967 c 185 § 2; 1939 c 207 § 5; RRS 9592-105.]

**41.28.050 Allowance of service credit.** (1) Subject to the following and all other provisions of this chapter, including such rules and regulations as the board shall adopt in pursuance thereof, the board, subject to the approval of the city council or city commission, shall determine and may modify allowance for service.

Time during which a member is absent on leave without pay shall not be allowed in computing service: *Provided, however,* That any member shall be given credit for any period served by him in the national guard, or in the United States army, navy, or marine corps, upon the call of the president, if at the time of such service such member was a regular employee under leave of absence.



Certificate of honorable discharge from and/or documentary evidence of such service shall be submitted to the board in order to obtain credit for such service.

Each member shall file with the board such information affecting his status as a member of the retirement system as the board may require.

(2) The board shall grant credit for prior service to each member entering the retirement system on July 1, 1939, and to each member entering after that date, if such entry is within one year after rendering service prior to July 1, 1939: *Provided, however,* That the board may grant credit for prior service to those entering the retirement system after July 1, 1939, where the employee, because of sickness or other disability, has been on leave of absence, regularly granted, since discontinuance of city service, regardless of the length of such leave. No prior service credit shall be used as a basis for retirement or other benefit unless the membership continues until retirement on a retirement allowance or until the granting of other benefits. [1939 c 207 § 6; RRS § 9592-106.]

**41.28.060 Board of administration to administer system—Powers and duties—Actuarial investigations and valuations—Reports, records, and accounts.** The administration of the retirement system is hereby vested in the board of administration created in RCW 41.28.080. The board shall exercise the powers and duties conferred upon it by said section, and in addition thereto:

(1) The board shall keep in convenient form such data as shall be necessary for the actuarial valuation of the retirement fund created by this chapter. At the end of the five-year period beginning with the year 1939, and at the end of every five-year period thereafter, the board shall cause to be made an actuarial investigation into the mortality, service and compensation experience of the members, and beneficiaries as defined by this chapter; and shall further cause to be made an actuarial valuation of the assets and liabilities of the retirement fund, and upon the basis of such investigation and valuation and subject to the approval of the city council or city commission, shall:

(a) Make any necessary changes in the rate of interest;

(b) Adopt for the retirement system such mortality, service and other tables as shall be necessary;

(c) Revise or change the rates of contribution by members on the basis of such mortality, service and other tables.

(2) The board shall promptly transmit to the city council or city commission a report covering the actuarial investigation and actuarial valuation provided for in subdivision (1) of this section.

(3) In addition to other records and accounts, the board shall keep such detailed reports and accounts as shall be necessary to show the financial condition of the retirement fund at all times.

(4) The board shall annually transmit to the city council or city commission a report showing the financial condition of the fund established by this chapter. [1939 c 207 § 7; RRS § 9592-107.]

**41.28.070 Employees' retirement fund created—Composition.** A fund is hereby created and established in all cities of the first class as under this chapter provided to be known as the "employees' retirement fund" and shall consist of all the moneys paid into it in accordance with the provisions of this chapter, whether such moneys shall take the form of cash, securities, or other assets. [1939 c 207 § 8; RRS § 9592-108.]

**41.28.080 Board of administration—Members—Duties—Fiscal affairs.** (1) There is hereby created and established a board of administration in each city coming under this chapter, which shall, under the provisions of this chapter and the direction of the city council or city commission, administer the retirement system and the retirement fund created by this chapter. Under and pursuant to the direction of the city council or city commission, the board shall provide for the proper investment of the moneys in the said retirement fund.

(2) The board of administration shall consist of seven members, as follows: Three members appointed by the regular appointing authority of the city, and three employees who are eligible to membership in the retirement system, to be elected by the employees. The above six members shall appoint the seventh member.

(3) The investment of all or any part of the retirement fund shall be subject to RCW 35.39.040 or as amended or supplemented from time to time.

(4) Subject to such provisions as may be prescribed by law for the deposit of municipal funds in banks, cash belonging to the retirement fund may be deposited in any licensed national bank or in any bank, banks or corporations authorized or licensed to do a banking business and organized under the laws of the state of Washington.

(5) The city treasurer shall be the custodian of the retirement fund. All payments from said fund shall be made by the city treasurer but only upon warrant duly executed by the city comptroller.

(6) Except as herein provided, no member and no employee of the board of administration shall have any interest, direct or indirect, in the making of any investments from the retirement fund, or in the gains or profits accruing therefrom. And no member or employee of said board, directly or indirectly, for himself or as an agent or partner of others, shall borrow any of its funds or deposits or in any manner use the same except to make such current and necessary payments as are authorized by said board; nor shall any member or employee of said board become an endorser or surety or become in any manner an obligor for moneys invested by the board. [1969 ex.s. c 211 § 2; 1939 c 207 § 9; RRS § 9592-109.]

**41.28.085 Legislative intent—Investments.** In order that the intent of the legislature may be made clear with respect to investments, but without restricting the necessary flexibility that must exist for successful investing of the retirement and pension funds, the legislature makes this declaration of its desire that the investment authority shall give primary consideration to dealing with brokerage firms which maintain offices in

the state of Washington so that the investment programs may make a meaningful contribution to the economy of the state. It is further the desire of the legislature that the retirement and pension funds shall be used as much as reasonably possible to benefit and expand the business and economic climate within the state of Washington so long as such use would be consistent with sound investment policy. [1969 ex.s. c 211 § 3.]

**41.28.090 Contributions by city.** (1) There shall be paid into the retirement fund by contributions of the city, the amounts necessary to pay all pensions and all other benefits allowable under this chapter to members on account of prior service, and minimum allowances provided for in RCW 41.28.130. Until the amount accumulated in the retirement fund becomes at least as large as the present value of all amounts thereafter payable from said fund the amount annually due to the said fund under this section shall be the amount payable from said fund in the ensuing fiscal year on account of prior service and minimum allowances. [1939 c 207 § 10; RRS § 9592-110.]

**41.28.100 City obligated to contribute.** The payments of the city due the retirement fund as provided for in this chapter are hereby made obligations of the city as defined in this chapter. The board shall annually, on or before the tenth day of July each year, prepare and submit to the city council or city commission an estimate of the amounts necessary to meet such obligations, and the city council or city commission shall provide for the raising of such amounts as are necessary to make such payments. [1939 c 207 § 11; RRS § 9592-111.]

**41.28.110 Payments on discontinuance of service—Reemployment—Redeposit.** (1) Should the service of a member be discontinued, except by death or retirement, he shall be paid not later than six months after the day of discontinuance such part of his accumulated contributions as he shall demand: *Provided, however,* That a member may appeal to the board and by unanimous vote, the board may grant a request for immediate withdrawal of contributions. If in the opinion of the board said member is permanently separated from service by reason of such discontinuance he shall be paid forthwith all of his accumulated contributions with interest: *And provided also,* That the board may, in its discretion, withhold for not more than one year after a member last rendered service all or part of his accumulated normal contributions if after a previous discontinuance of service he withdrew all or part of his accumulated normal contributions and failed to redeposit such withdrawn amount in the retirement fund as provided in this section: *Provided further,* That the city shall receive credit for the full amount deposited by the city in the retirement fund for such member's benefit plus interest. Any member may redeposit in the retirement fund an amount equal to that which he previously withdrew therefrom at the last termination of his membership, such redeposit to be paid into the retirement fund in accordance with rules established by the board. If a member upon reentering the retirement system after

a termination of his membership shall not make such a redeposit as hereinabove provided, the rate of his contributions for future years shall be the normal rate provided for in RCW 41.28.040(1) at his age of reentrance; otherwise his rate of contribution for future years shall be the same as his rate prior to the termination of his membership. In the event such redeposit is made by a member, an amount equal to the accumulated normal contributions so redeposited shall again be held for the benefit of said member, and shall no longer be included in the amounts available to meet the obligations of the city on account of benefits that have been granted or liabilities that have been assumed on account of prior service of members, and the city shall reinstate the prior service credit for such member. [1939 c 207 § 12; RRS § 9592-112.]

**41.28.120 Retirement for service.** Retirement of member for service shall be made by the board of administration as follows:

(1) Each member in the city service on June 8, 1967, who, on or before such effective date, has attained the age of sixty-five years or over, shall be forthwith retired on the first day of the calendar month next succeeding the month in which the employee shall have attained the age of sixty-five: *Provided,* That none of such members shall be subject to compulsory retirement for a period of five years following said effective date, but during such period any member having attained the age of sixty-five may voluntarily retire after attaining such age. Members attaining the age of sixty-five after June 8, 1967 shall be retired on the first day of the calendar month next succeeding the month in which the member shall have attained the age of sixty-five, but none of such members shall be subject to compulsory retirement until five years after said effective date: *Provided, further,* That any member attaining the age of seventy years during said five year period shall be forthwith retired on the first day of the calendar month next succeeding the month in which the employee shall have attained the age of seventy years, except as otherwise provided in this chapter. The board shall extend the time of retirement for any member hired prior to June 8, 1967 so as to enable said member to qualify for retirement benefits under this chapter, but in no event should such extension extend beyond the age of seventy years.

(2) Any member in the city service may retire by filing with the board a written application, stating when he desires to be retired, such application to be made at least thirty days prior to date of retirement: *Provided, however,* That said member, at the time specified for his retirement, shall have completed ten years of city service as defined in this chapter, and shall have attained the age of fifty-seven years, or shall have completed thirty years of city service as defined in this chapter. Permanent discontinuance of city service after age of fifty-seven shall entitle the member to his retirement allowance: *Provided,* That such employee has had at least ten years of city service to his credit: *And provided further,* That permanent discontinuance of city service after the completion of thirty years of city service shall entitle the

member to his retirement allowance. [1967 c 185 § 3; 1939 c 207 § 13; RRS § 9592-113.]

**41.28.130 Service retirement allowances.** (1) A member, upon retirement from service, shall receive a retirement allowance subject to the provisions of paragraph (2) of this section, which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement.

(b) A pension purchased by the contributions of the city, equal to the annuity purchased by the accumulated normal contributions of the member.

(c) For any member having credit for prior service an additional pension, purchased by the contributions of the city equal to one and one-third percent of the final compensation, multiplied by the number of years of prior service credited to said member, except that if a member shall retire before attaining the age of sixty-two years, the additional pension shall be reduced to an amount which shall be equal to a lesser percentage of final compensation, multiplied by the number of years of prior service credited to said member, which lesser percentage shall be applied to the respective ages of retirement in accordance with the following tabulation:

Retirement age	Percentage
62 .....	1.333
61 .....	1.242
60 .....	1.158
59 .....	1.081
58 .....	1.010
57 .....	0.945
56 .....	0.885
55 .....	0.829
54 .....	0.778
53 .....	0.731
52 .....	0.687
51 .....	0.646
50 .....	0.608

(2) If the retirement allowance of the member as provided in this section, exclusive of any annuity purchased by his accumulated additional contributions, is in excess of two-thirds of his final salary, the pension of the member, purchased by the contributions of the city, shall be reduced to such an amount as shall make the member's retirement allowance, exclusive of any annuity purchased by his accumulated additional contributions, equal to two-thirds of his final salary, and the actuarial equivalent of such reduction shall remain in the retirement fund to the credit of the city: *Provided*, That the retired member will be granted a cost of living increase, in addition to the allowance provided in this section, of one percent commencing January 1, 1968 and an additional one percent on the first day of each even-numbered year thereafter if the U.S. Bureau of Labor Statistics' Cost of Living Index has increased one percent or more since the last cost of living increase in the member's retirement allowance; such increases shall apply only to retirement allowances approved on or after January 1, 1967.

(3) Any member, who enters the retirement system on July 1, 1939, or who enters after that date and who is given the credit for prior service, and who is retired by reason of attaining the age of seventy years, shall receive such additional pension on account of prior service, purchased by the contributions of the city, as will make his total retirement allowance not less than four hundred twenty dollars per year.

(4) Any member who, at the time of his retirement, has at least ten years of creditable service, as defined in this chapter, and who has attained the age of sixty-five years or over, shall receive such additional pension, purchased by the contributions of the city, as will make his total retirement allowance not less than nine hundred sixty dollars per year. [1969 c 31 § 1; 1967 c 185 § 4; 1961 c 260 § 1; 1939 c 207 § 14; RRS § 9592-114.]

**Validation**—1969 c 31: "Any action effected in accordance with the provisions of the last two paragraphs of section 1 of this 1969 amendatory act during the period of from June 8, 1967 until the effective date of this 1969 amendatory act is hereby declared valid." [1969 c 31 § 2.] "Section 1 of this 1969 amendatory act" refers to RCW 41.28.130 above; "the effective date of this 1969 amendatory act" is March 18, 1969.

**41.28.140 Retirement for disability.** Any member while in city service may be retired by the board of administration for permanent and total disability, either ordinary or accidental, upon examination, as follows:

(1) Any member who has not attained the age of sixty-five years and who has at least ten years of city service as defined in this chapter, to his credit: *Provided*, That the required ten years of city service shall have been credited to the member over a period of not to exceed fifteen years immediately preceding retirement, within three months after the discontinuance of city service, or while physically or mentally incapacitated for the performance of duty, if such incapacity has been continuous from discontinuance of city service, shall be examined by a physician or surgeon, appointed by the board of administration upon the application of the head of the office or department in which said member is employed, or upon application of said member, or a person acting in his behalf, stating that said member is permanently and totally incapacitated, either physically or mentally, for the performance of duty and ought to be retired. If such medical examination shows, to the satisfaction of the board, that the said member is permanently and totally incapacitated either physically or mentally for the performance of duty and ought to be retired, the board shall retire the said member for disability forthwith.

(2) The board shall secure such medical services and advice as it may deem necessary to carry out the purpose of this section and of RCW 41.28.160, and shall pay for such medical services and advice such compensation as the board shall deem reasonable. [1939 c 207 § 15; RRS § 9592-115.]

**41.28.150 Disability retirement allowances**—**Grounds for denial.** (1) Upon retirement for disability, as hereinabove provided: *Provided*, The disability is not due to intemperance, wilful misconduct or violation of law,

of which the board shall be the judge, a member shall receive a retirement allowance which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement.

(b) A pension purchased by the contributions of the city, which, together with his annuity provided by his accumulated normal contributions, shall make the retirement allowance, exclusive of the annuity provided by his additional contributions equal to (i) one and one-fourth percent of his final compensation multiplied by the number of years of service which would be creditable to him were his services to continue until attainment by him of age sixty-two. The minimum disability retirement allowance shall be nine hundred sixty dollars per year.

(2) If disability is due to intemperance, wilful misconduct or violation of law on the part of the member, the board of administration in its discretion may pay to said member in one lump sum, his accumulated contributions, in lieu of a retirement allowance, and such payment shall constitute full satisfaction of all obligations of the city to such member, and upon receipt of such payment he shall cease to be a member of the retirement system.

(3) Upon the death of a member while in receipt of a disability retirement allowance, his accumulated contributions, as they were at the date of his retirement, less any annuity payments made to him, shall be paid to his estate, or to such persons having an insurable interest in his life as he shall have nominated by written designation duly executed and filed with the board. [1963 c 91 § 2; 1961 c 260 § 2; 1939 c 207 § 16; RRS § 9592-116.]

**41.28.160 Physical examination of disabled members—Reentry.** (1) The board of administration may at its pleasure require any disability beneficiary under age sixty-two years to undergo medical examination to be made by a physician or surgeon appointed by the board, at a place to be designated by the board. Upon the basis of such examination the board shall determine whether such disability beneficiary is still totally and permanently incapacitated either mentally or physically for service in the office or department of the city where he was employed or in any other city service for which he is qualified. If the board of administration shall determine that said beneficiary is not so incapacitated, his retirement allowance shall be canceled and he shall be reinstated forthwith in the city service.

(2) Should a disability beneficiary reenter the city service and be eligible for membership in the retirement system in accordance with RCW 41.28.030(1), his retirement allowance shall be canceled and he shall immediately become a member of the retirement system, his rate of contribution for future years being that established for his age at the time of reentry. His individual account shall be credited with his accumulated contributions less the annuity payments made to him. An amount equal to the accumulated normal contributions so credited to him shall again be held for the benefit of said member and shall no longer be included in the amounts available to meet the obligations of the city

on account of benefits that have been granted and on account of prior service of members. Such member shall receive credit for prior service in the same manner as if he had never been retired for disability.

(3) Should any disability beneficiary under age sixty-two years refuse to submit to medical examination, his pension may be discontinued until his withdrawal of such refusal, and should refusal continue for one year, his retirement allowance may be canceled. Should said disability beneficiary, prior to attaining age sixty-two years, engage in a gainful occupation not in city service, or should he reenter the city service and be ineligible for membership in the retirement system in accordance with RCW 41.28.030(2), the board of administration shall reduce the amount of his retirement allowance to an amount, which when added to the compensation earned by him in such occupation shall not exceed the amount of the final compensation on the basis of which his retirement allowance was determined. Should the earning capacity of such beneficiary be further altered, the board may further alter his retirement allowance to an amount which shall not exceed the amount upon which he was originally retired, but which, subject to such limitation shall equal, when added to the compensation earned by him, the amount of his final compensation on the basis of which his retirement allowance was determined. When said disability beneficiary reaches the age of sixty-two years, his retirement allowance shall be made equal to the amount upon which he was originally retired, and shall not again be modified for any cause except as provided in RCW 41.28.220.

(4) Should the retirement allowance of any disability beneficiary be canceled for any cause other than reentrance into the city service he shall be paid his accumulated contributions, less annuity payments made to him. [1939 c 207 § 17; RRS § 9592-117.]

**41.28.170 Optional allowances.** A member may elect to receive, in lieu of the retirement allowance provided for in RCW 41.28.130, its actuarial equivalent in the form of a lesser retirement allowance, payable in accordance with the terms and conditions of one of the options set forth below in this section. Election of any option must be made by written application filed with the board of administration at least thirty days in advance of retirement as provided in RCW 41.28.120, and shall not be effective unless approved by the board prior to retirement of the member.

Option A. The lesser retirement allowance shall be payable to the member throughout his life: *Provided*, That if he die before he receive in annuity payments referred to in RCW 41.28.130(1)(a), a total amount equal to the amount of his accumulated contributions as it was at the date of his retirement, the balance of such accumulated contributions shall be paid in one sum to his estate or to such person having an insurable interest in his life as he shall nominate by written designation duly executed and filed with the board.

Option B. The lesser retirement allowance shall be payable to a member throughout his life: *Provided*, That if he die before he receive in annuity payments referred to in RCW 41.28.130(1)(a), a total amount equal to the

amount of his accumulated contributions as it was at the date of his retirement, the said annuity payments resulting from his accumulated contributions shall be continued and paid to his estate or such person, having an insurable interest in his life, as he shall nominate by written designation duly executed and filed with the board until the total amount of annuity payments shall equal the amount of his accumulated contributions as it was at the date of his retirement.

Option C. The member shall elect a "guaranteed period" of any number of years. If he dies before the lesser retirement allowance has been paid to him for the number of years elected by him as the "guaranteed period", the lesser retirement allowance shall be continued to the end of the "guaranteed period", and during such continuation shall be paid to his estate or to such person having an insurable interest in his life as he shall nominate by written designation duly executed and filed with the board.

Option D. The lesser retirement allowance shall be payable to the member throughout life, and after the death of the member, one-half of the lesser retirement allowance shall be continued throughout the life of and paid to the wife or husband of the member.

Option E. The lesser retirement allowance shall be payable to the member throughout life, and after death of the member it shall be continued throughout the life of and paid to the wife or husband of the member. [1967 c 185 § 5; 1963 c 91 § 3; 1939 c 207 § 18; RRS § 9592-118.]

**41.28.180 Payments on death of unretired members.** Upon the death of any person who has not been retired, pursuant to the provisions of this chapter, there shall be paid to his estate, or to such persons having an insurable interest in his life as he shall have nominated by written designation duly executed and filed with the board, his accumulated contributions less any payments therefrom already made to him, if any. [1939 c 207 § 19; RRS § 9592-119.]

**41.28.190 Payments to be made monthly.** A pension annuity or a retirement allowance granted under the provisions of this chapter, unless otherwise specified herein, shall be payable in monthly installments, and each installment shall cover for the current calendar month. [1939 c 207 § 20; RRS § 9592-120.]

**41.28.200 Exemption from process—Rights not assignable.** The right of a person to a pension, an annuity or a retirement allowance, to the return of contributions, the pension, annuity or retirement allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter shall not be subject to execution, garnishment, attachment, or any other process whatsoever and shall be unassignable except as in this chapter specifically provided. [1939 c 207 § 21; RRS § 9592-121.]

**41.28.210 Estimates of service, compensation, or age.** If it shall be impracticable for the board of administration to determine from the records the length of service, the compensation, or the age of any member, the said board may estimate for the purpose of this chapter, such length of service, compensation or age. [1939 c 207 § 22; RRS § 9592-122.]

**41.28.220 Suspension of allowances during other public aid.** The payment of any retirement allowance to a member who has been retired from service shall be suspended during the time that the beneficiary is in receipt of other pension or of other compensation for state or public service paid from direct or indirect state or municipal taxes or revenues of publicly owned utilities, except as to the amount by which such retirement allowance may exceed such compensation for the same period. [1939 c 207 § 23; RRS § 9592-123.]

**41.28.230 Administrative expense.** The city council or city commission shall appropriate annually from the retirement fund the amount it deems necessary for the purpose of paying the expenses of administering the retirement system. The board of administration shall annually submit to the city council or city commission its estimate of the amount necessary to pay such expenses. The preliminary cost of establishment of said retirement system, such as clerical help and actuarial survey costs, etc., shall be paid by the department or departments affected. [1939 c 207 § 24; RRS § 9592-124.]

**41.28.240 Existing systems preserved.** Nothing in this chapter shall repeal, supersede, alter, amend or be regarded as a substitute for any existing retirement or pension system, duly established by city ordinance. [1939 c 207 § 28; RRS § 9592-128.]

**41.28.900 Severability—1939 c 207.** If any one or more sections, subsections, subdivisions, sentences, clauses or phrases of this chapter are for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this chapter, but the same shall remain in full force and effect. [1939 c 207 § 25; RRS § 9592-125.]

**41.28.910 Repeal.** All laws and parts of laws in conflict herewith be and the same are hereby repealed. [1939 c 207 § 26.]

**41.28.920 Effective date—1939 c 207.** The retirement system shall become effective on July 1, 1939, as provided in RCW 41.28.020. [1939 c 207 § 27.]

## Chapter 41.32 TEACHERS' RETIREMENT

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- Prior acts relating to teachers' retirement:**  
 (1) 1943 c 116; 1941 c 97; 1939 c 86, 40; 1937 c 221 (repealed by 1947 c 80 § 70).  
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- Community college faculties and nonacademic personnel, retention of pension rights and benefits: RCW 28B.50.570.*  
*Teachers in state penal reformatory institutions as members of teachers' retirement fund: RCW 72.01.200.*
- 41.32.010 Definitions.** As used in this chapter, unless a different meaning is plainly required by the context:  
 (1) "Accumulated contributions" means the sum of all regular annuity contributions together with regular interest thereon less cost of operation.  
 (2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the board of trustees and regular interest.  
 (3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.  
 (4) "Annuity fund" means the fund in which all of the accumulated contributions of members are held.

(5) "Annuity reserve fund" means the fund to which all accumulated contributions are transferred upon retirement.

(6) "Beneficiary" means any person in receipt of a retirement allowance or other benefit provided for by the teachers' retirement law.

(7) "Contract" means any agreement for service and compensation between a member and an employer.

(8) "Creditable service" means membership service plus prior service for which credit is allowable.

(9) "Dependent" means receiving one-half or more of support from a member.

(10) "Disability allowance" means monthly payments during disability.

(11) "Earnable compensation" means all salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year. In all cases where compensation includes maintenance the board of trustees shall fix the value of that part of the compensation not paid in money: *Provided*, That if a leave of absence, without pay, is taken by a member for the purpose of serving as a member of the state legislature, and such member has served in the legislature five or more years, the salary which would have been received for the position from which the leave of absence was taken shall be considered as compensation earnable if the employee's contribution thereon is paid by the employee. In addition, where a member has been a member of the state legislature for five or more years, earnable compensation for his two highest compensated consecutive years of service shall include a sum not to exceed thirty-six hundred dollars for each of such two consecutive years, regardless of whether or not legislative service was rendered during those two years.

(12) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(13) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(14) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(15) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(16) "Member" means any teacher included in the membership of the retirement system. Also, any other employee of the public schools who, on July 1, 1947, had not elected to exempt himself from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the annuity fund.

(17) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system: *Provided*, That where a member is employed by two or more employers during any calendar year he shall not receive more than a total of twelve months of service credit during any such calendar year.

(18) "Pension" means the moneys payable per year during life from the pension fund.

(19) "Pension fund" means a fund from which all pension obligations are to be paid.

(20) "Pension reserve fund" is a fund in the state treasury in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system.

(21) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable.

(22) "Prior service contributions" means contributions made by a member to secure credit for prior service.

(23) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(24) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to his individual account in the annuity fund.

(25) "Regular interest" means the interest on funds of the retirement system for the current school year and such other earnings as may be applied thereon by the board of trustees.

(26) "Retirement allowance" means the sum of annuity and pension or any optional benefits payable in lieu thereof.

(27) "Retirement system" means the Washington state teachers' retirement system.

(28) "Service" means the time during which a member has been employed by an employer for compensation: *Provided*, That where a member is employed by two or more employers during any calendar year he shall not receive more than a total of twelve months of service credit during any such calendar year.

(29) "Survivors' benefit fund" means the fund from which survivor benefits are paid to dependents of deceased members.

(30) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity, including state, educational service district, city superintendents and their assistants and certificated employees; and in addition thereto any qualified school librarian, any registered nurse or any full time school doctor who is employed by a public school and renders service of an instructional or educational nature. [1975 1st ex.s. c 275 § 149; 1974 ex.s. c 199 § 1; 1969 ex.s. c 176 § 95; 1967 c 50 § 11; 1965 ex.s. c 81 § 1; 1963 ex.s. c 14 § 1; 1955 c 274 § 1; 1947 c 80 § 1; Rem. Supp. 1947 § 4995-20. Prior: 1941 c 97 § 1; 1939 c 86 § 1; 1937 c 221 § 1; 1931 c 115 § 1; 1923 c 187 § 1; 1917 c 163 § 1; Rem. Supp. 1941 § 4995-1.]

**Emergency**—1974 ex.s. c 199: "This 1974 amendatory 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 immediately." [1974 ex.s. c 199 § 7.]

**Severability**—1974 ex.s. c 199: "If any provision of this 1974 amendatory 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." [1974 ex.s. c 199 § 8.]

The above annotations apply to RCW 41.32.010, 41.32.260, 41.32.4945, 41.32.497, and 41.32.498.

**Construction—1974 ex.s. c 199:** "(1) Subsection (3) of section 4 of this 1974 amendatory act relating to elected and appointed officials shall be retroactive to January 1, 1973.

(2) Amendatory language contained in subsection (11) of section 1 relating to members as members of the legislature and in provisos (2) and (3) of section 2 of this 1974 amendatory act shall only apply to those members who are serving as a state senator, state representative or state superintendent of public instruction on or after the effective date of this 1974 amendatory act.

(3) Notwithstanding any other provision of this 1974 amendatory act, RCW 41.32.497 as last amended by section 2, chapter 189, Laws of 1973 1st ex. sess. shall be applicable to any member serving as a state senator, state representative or superintendent of public instruction on the effective date of this 1974 amendatory act." [1974 ex.s. c 199 § 5.]

(1) "Subsection (3) of section 4 of this 1974 amendatory act" is codified as RCW 41.32.498(3).

(2) Amendatory language contained in sections 1 and 2 of this 1974 amendatory act [1974 ex.s. c 199] [Substitute House Bill No. 779] reads as follows:

"Section 1. Section 1, chapter 80, Laws of 1947 as last amended by section 95, chapter 176, Laws of 1969 ex. sess. and RCW 41.32.010 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Accumulated contributions" means the sum of all regular annuity contributions together with regular interest thereon less cost of operation.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the board of trustees and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Annuity fund" means the fund in which all of the accumulated contributions of members are held.

(5) "Annuity reserve fund" means the fund to which all accumulated contributions are transferred upon retirement.

(6) "Beneficiary" means any person in receipt of a retirement allowance or other benefit provided for by the teachers' retirement law.

(7) "Contract" means any agreement for service and compensation between a member and an employer.

(8) "Creditable service" means membership service plus prior service for which credit is allowable.

(9) "Dependent" means receiving one-half or more of support from a member.

(10) "Disability allowance" means monthly payments during disability.

(11) "Earnable compensation" means all salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year. In all cases where compensation includes maintenance the board of trustees shall fix the value of that part of the compensation not paid in money: Provided, That if a leave of absence, without pay, is taken by a member for the purpose of serving as a member of the state legislature, and such member has served in the legislature 5 or more years, the salary which would have been received for the position from which the leave of absence was taken shall be considered as compensation earnable if the employee's contribution thereon is paid by the employee. In addition, where a member has been a member of the state legislature for 5 or more years, earnable compensation for his two highest compensated consecutive years of service shall include a sum not to exceed thirty-six hundred dollars for each of such two consecutive years, regardless of whether or not legislative service was rendered during those two years.

(12) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(13) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(14) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(15) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(16) "Member" means any teacher included in the membership of the retirement system. Also, any other employee of the public schools

who, on July 1, 1947, had not elected to exempt himself from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the annuity fund.

(17) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system: Provided, That where a member is employed by two or more employers during any calendar year he shall not receive more than a total of twelve months of service credit during any such calendar year.

(18) "Pension" means the moneys payable per year during life from the pension fund.

(19) "Pension fund" means a fund from which all pension obligations are to be paid.

(20) "Pension reserve fund" is a fund in the state treasury in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system.

(21) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable.

(22) "Prior service contributions" means contributions made by a member to secure credit for prior service.

(23) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(24) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to his individual account in the annuity fund.

(25) "Regular interest" means the interest on funds of the retirement system for the current school year and such other earnings as may be applied thereon by the board of trustees.

(26) "Retirement allowance" means the sum of annuity and pension or any optional benefits payable in lieu thereof.

(27) "Retirement system" means the Washington state teachers' retirement system.

(28) "Service" means the time during which a member has been employed by an employer for compensation: Provided, That where a member is employed by two or more employers during any calendar year he shall not receive more than a total of twelve months of service credit during any such calendar year.

(29) "Survivors' benefit fund" means the fund from which survivor benefits are paid to dependents of deceased members.

(30) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity, including state, intermediate school district, city superintendents and their assistants and certificated employees; and in addition thereto any qualified school librarian, any registered nurse or any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

Sec. 2. Section 26, chapter 80, Laws of 1947 as last amended by section 1, chapter 189, Laws of 1973 1st ex. sess. and RCW 41.32.260 are each amended to read as follows:

Any member whose public school service is interrupted by active service to the United States as a member of its military, naval or air service, or to the state of Washington, as a member of the legislature, may upon becoming reemployed in the public schools, receive credit for such service upon presenting satisfactory proof, and contributing to the annuity fund, either in a lump sum or installments, such amounts as shall be determined by the board of trustees: Provided (1), That no such military service credit in excess of five years shall be established or reestablished after July 1, 1961, unless the service was actually rendered during time of war: *Provided further* (2), That a member of the retirement system who is a member of the state legislature or a state official eligible for the combined pension and annuity provided by RCW 41.32.497, or 41.32.498, as now or hereafter amended shall have deductions taken from his salary in the amount of ~~(((seven and one-half)))~~ <sup>v</sup> ~~(((seven and one-half)))~~ <sup>v</sup> six percent of earnable compensation and that service credit shall be established with the retirement system while such deductions are reported to the retirement system, unless he has by reason of his employment become a contributing member of another public retirement system in the state of Washington: *And provided further* (3), That such elected official who has retired or otherwise terminated his public school service may then elect to terminate his membership in the retirement system and receive retirement benefits while continuing to serve as an elected official: *And, provided further* (4), That a member of the retirement system who had previous service as an elected or appointed official, for which he did not contribute to the retirement system, may receive credit for such legislative service unless he has



received credit for that service in another state retirement system, upon making contributions in such amounts as shall be determined by the board of trustees."

**Reviser's note:** The change above in proviso (2) was vetoed by the governor, thus retaining the seven and one-half percent figure; see veto message as attached to chapter 199, Laws of 1974 ex. sess.

(3) (a) "this 1974 amendatory act" is codified in RCW 41.32.010, 41.32.260, 41.32.497, 41.32.498 and 41.32.4945.

(b) "the effective date of this 1974 amendatory act" [1974 ex. s. c 199] is May 6, 1974.

**Effective date—1969 ex.s. c 176:** The effective date of this section and RCW 41.32.420 is April 25, 1969.

**Effective date—1967 c 50:** "This 1967 amendatory act shall take effect on July 1, 1967." [1967 c 50 § 12.]

**Severability—1967 c 50:** "If any provision of this 1967 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1967 amendatory act, or the application of the provision to other persons or circumstances is not affected." [1967 c 50 § 13.]

The foregoing annotations apply to the 1967 amendments of RCW 41.32.010, 41.32.250, 41.32.260, 41.32.280, 41.32.420, 41.32.430, 41.32.500, 41.32.520, 41.32.522, 41.32.523, and 41.32.550.

**Severability—1965 ex.s. c 81:** "If any provision of this act is held to be invalid the remainder of this act shall not be affected." [1965 ex.s. c 81 § 9.]

**Effective date—1965 ex.s. c 81:** "The effective date of this act is July 1, 1965." [1965 ex.s. c 81 § 10.]

The foregoing annotations apply to the 1965 amendments of RCW 41.32.010, 41.32.200, 41.32.240, 41.32.470, 41.32.500, 41.32.520, 41.32.523, and 41.32.310.

**Saving—1963 ex.s. c 14:** "The amendment of any section by this 1963 act shall not be construed as impairing any existing right acquired or any liability incurred by any member under the provisions of the section amended; nor shall it affect any vested right of any former member who reenters public school employment or becomes reinstated as a member subsequent to the effective date of such act." [1963 ex.s. c 14 § 23.]

**Severability—1963 ex.s. c 14:** "If any provision of this act is held to be invalid the remainder of the act shall not be affected." [1963 ex.s. c 14 § 24.]

**Effective date—1963 ex.s. c 14:** "The effective date of this act is July 1, 1964." [1963 ex.s. c 14 § 26.]

The foregoing annotations apply to the 1963 amendments of RCW 41.32.010, 41.32.030, 41.32.200, 41.32.240, 41.32.300, 41.32.320, 41.32.350, 41.32.360, 41.32.410, 41.32.420, 41.32.430, 41.32.470, 41.32.510, 41.32.540, 41.32.550; also to the 1963 repeals of RCW 41.32.270, 41.32.400 and 41.32.450; also to RCW 41.32.365, 41.32.401, 41.32.497, 41.32.522 and 41.32.523.

**41.32.020 Name of system.** The name of the retirement system provided for in this chapter shall be the "Washington State Teachers' Retirement System" and by this name all of its business shall be transacted and all of its funds invested and all of its cash, securities and other property held. [1947 c 80 § 2; Rem. Supp. 1947 § 4995-21. Prior: 1937 c 221 § 2; Rem. Supp. 1941 § 4995-2.]

**41.32.030 Retirement system funds.** All of the assets of the retirement system shall be credited according to the purposes for which they are held, to one of two funds to be maintained in the state treasury, namely, the teachers' retirement pension reserve fund and the teachers' retirement fund. In the records of the teachers' retirement system the teachers' retirement fund shall be subdivided into the annuity fund, the annuity reserve fund, the survivors' benefit fund, the pension fund, the disability reserve fund, the death benefit fund, the income fund, the expense fund, and such other funds as

may from time to time be created by the board of trustees for the purpose of the internal accounting record. [1969 ex.s. c 150 § 1; 1963 ex.s. c 14 § 2; 1955 c 274 § 2; 1947 c 80 § 3; Rem. Supp. 1947 § 4995-28. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; 1923 c 187 § 5, part; Rem. Supp. 1941 § 4995-3, part.]

**Effective date—1969 ex.s. c 150:** "The provisions of sections 1 through 20 of this 1969 amendatory act shall take effect on July 1, 1969." [1969 ex.s. c 150 § 21.] This applies to RCW 41.32.030, 41.32.070, 41.32.100, 41.32.120, 41.32.180, 41.32.200, 41.32.203, 41.32.220, 41.32.310, 41.32.330, 41.32.340, 41.32.405, 41.32.410, 41.32.480, 41.32.497, 41.32.500, 41.32.510, 41.32.522, 41.32.523 and 41.32.550.

*Certain moneys payable during 1973-1975 biennium to be from interest earnings: RCW 41.32.4982.*

**41.32.040 Board of trustees—Composition—Terms.** The general administration and responsibility for the proper operation of the retirement system are vested in a board of trustees; the members of the board of trustees shall be the state superintendent of public instruction, ex officio, the state insurance commissioner, ex officio, five members of the retirement system to be chosen by the state board of education for a term of three years, at least three of whom shall be classroom teachers; and two additional members who shall be former members of the retirement system who are drawing retirement benefits from the system for service or disability. These two are to be selected by the state board of education. One such retirement member will serve an initial term of two years and the other will serve an initial term of three years. Thereafter each such retirement member shall serve for a term of three years. [1975 1st ex.s. c 17 § 1; 1947 c 80 § 4; Rem. Supp. 1947 § 4995-23. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; 1923 c 187 § 3, part; 1917 c 163 § 3, part; Rem. Supp. 1941 § 4995-3, part.]

**41.32.050 Vacancies.** Upon expiration of the term of office of a trustee of the retirement system a successor shall be appointed by the state board of education for a term of three years. Any vacancy in the board of trustees shall be filled by the state board of education by the appointment of a member for the unexpired term, except in the case of an ex officio member. [1947 c 80 § 5; Rem. Supp. 1947 § 4995-24. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; 1923 c 187 § 3, part; 1917 c 163 § 3, part; Rem. Supp. 1941 § 4995-3, part.]

**41.32.060 Travel expenses.** The members of the board of trustees shall serve without compensation but they shall be reimbursed from the expense fund for travel expenses which they may incur through service on the board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [1975-'76 2nd ex.s. c 34 § 89; 1947 c 80 § 6; Rem. Supp. 1947 § 4995-25. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; 1923 c 187 § 5, part; 1917 c 163 § 4, part; Rem. Supp. 1941 § 4995-3, part.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**41.32.070 Oath of office.** Each member of the board of trustees shall at the first board meeting which he attends after his appointment or election take an oath of office that so far as it devolves upon him he will diligently and honestly administer the affairs of said board, and that he will not knowingly violate or willingly permit to be violated any provisions of the law applicable to the retirement system. Such oath shall be subscribed to by the members making it and certified by the officer before whom it is taken and immediately filed in the office of the secretary of state. [1969 ex.s. c 150 § 2; 1947 c 80 § 7; Rem. Supp. 1947 § 4995-26. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; 1917 c 163 § 3, part; Rem. Supp. 1941 § 4995-3, part.]

**Effective date—1969 ex.s. c 150:** See note following RCW 41.32.030.

**41.32.080 Voting.** Each trustee shall be entitled to one vote in the board. Four favorable votes shall be necessary for a decision by the trustees at any meeting of the board. [1947 c 80 § 8; Rem. Supp. 1947 § 4995-27. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; Rem. Supp. 1941 § 4995-3, part.]

**41.32.090 Ex officio officers—Duties.** The state treasurer, the state auditor, and the attorney general shall be ex officio treasurer, auditor and legal adviser, respectively, of the board of trustees and shall be liable respectively upon their official bonds for the faithful performance of their duties under this chapter, but no charge shall be made for this service. [1947 c 80 § 9; Rem. Supp. 1947 § 4995-28. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; 1923 c 187 § 5, part; Rem. Supp. 1941 § 4995-3, part.]

**41.32.100 Officers and employees.** The board of trustees shall from its membership annually at the first meeting in July elect a chairman. The board shall by a majority vote of all its members appoint a director who shall not be a member of the board and who shall serve until a successor is appointed. The board shall also have authority to appoint an assistant director upon the advice and recommendation of the director. The positions of director and assistant director shall be exempt from the classification requirements and merit system rules of the state of Washington personnel board. The director shall engage, upon authorization of the board of trustees, such clerical and technical services as shall be required to transact the business of the retirement system. The compensation of all persons engaged or authorized by the board of trustees and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board of trustees shall approve. [1969 ex.s. c 150 § 3; 1947 c 80 § 10; Rem. Supp. 1947 § 4995-29. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; 1923 c 187 § 5, part; 1917 c 163 § 4, part; Rem. Supp. 1941 § 4995-3, part.]

**Effective date—1969 ex.s. c 150:** See note following RCW 41.32.030.

**41.32.110 Actuarial data.** The board of trustees shall keep in convenient form such data as shall be necessary for actuarial evaluation of the various funds of the retirement system and for checking the experience of the retirement system. [1947 c 80 § 11; Rem. Supp. 1947 § 4995-30. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; Rem. Supp. 1941 § 4995-3, part.]

*Actuarial studies required by state supported systems: RCW 41.04.040 through 41.04.060.*

**41.32.120 Records—Annual report.** The board of trustees shall keep a record of all its proceedings, which shall be open to public inspection. It shall publish annually a report showing the fiscal transactions of the retirement system for the preceding school year; the amount of the accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system. [1969 ex.s. c 150 § 4; 1947 c 80 § 12; Rem. Supp. 1947 § 4995-31. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; Rem. Supp. 1941 § 4995-3, part.]

**Effective date—1969 ex.s. c 150:** See note following RCW 41.32.030.

*Actuarial reports required: RCW 41.04.060.*

**41.32.130 Medical director.** The board of trustees shall designate a medical director. If required, other physicians may be employed to report on special cases. The medical director shall arrange for and pass upon all medical examinations required under the provisions of this chapter; he shall investigate all essential statements and certificates by or on behalf of a member in connection with an application for a disability allowance, and shall report in writing to the board of trustees his conclusions and recommendations upon all matters referred to him. [1947 c 80 § 13; Rem. Supp. 1947 § 4995-32. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; Rem. Supp. 1941 § 4995-3, part.]

**41.32.140 Actuary.** The board of trustees shall designate an actuary who shall be the technical adviser of the board of trustees on matters regarding the operation of the funds of the system and shall perform such other duties as are required in connection therewith. [1947 c 80 § 14; Rem. Supp. 1941 § 4995-33. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; Rem. Supp. 1941 § 4995-3, part.]

**41.32.150 Actuarial investigations, valuation of assets, tables.** Before the year 1951, and at least once in each five-year period thereafter, the actuary shall make an actuarial investigation into the mortality, earnable interest, service and compensation experience of the members and beneficiaries of the retirement system, and shall make a valuation of the assets and liabilities of the funds of the system; taking into account the results of such investigation and valuation, the board of trustees shall adopt for the retirement system such tables as shall be deemed necessary. [1947 c 80 § 15; Rem. Supp. 1947 § 4995-34. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; Rem. Supp. 1941 § 4995-3, part.]

*Actuarial investigations, valuations, etc., required of state supported systems: RCW 41.04.050.*

**41.32.160 Rules and regulations—Trustees' powers to determine eligibility.** The board of trustees shall, from time to time, establish rules and regulations for the administration of the funds created by this chapter and for the transaction of its business. The board of trustees shall be empowered within the limits of this chapter to decide on all questions of eligibility covering membership, service credit and benefits. [1955 c 274 § 3; 1947 c 80 § 16; Rem. Supp. 1947 § 4995–35. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; Rem. Supp. 1941 § 4995–3, part.]

**41.32.170 Meetings of board.** The board of trustees shall hold regular meetings on the second Monday which is not a holiday of January, April, July and October of each year, and may hold as many other meetings as may be found necessary to properly transact the business of the retirement system. Special meetings may be called by the chairman of the board either on his own initiative or at the request in writing of four other members of the board of trustees. [1955 c 274 § 4; 1947 c 80 § 17; Rem. Supp. 1947 § 4995–36. Prior: 1941 c 97 § 6, part; 1939 c 86 § 6, part; 1937 c 221 § 7, part; 1923 c 187 § 6, part; 1917 c 163 § 5, part; Rem. Supp. 1941 § 4995–7, part.]

**41.32.180 Business to be transacted—Payment of allowances.** At each regular meeting, the board of trustees shall authorize payment of retirement allowances, disability allowances, salaries and other regular disbursements to be made during the succeeding three months. Retirement and disability allowances shall be paid monthly. [1969 ex.s. c 150 § 5; 1947 c 80 § 18; Rem. Supp. 1947 § 4995–37. Prior: 1941 c 97 § 6, part; 1939 c 86 § 6, part; 1937 c 221 § 7, part; Rem. Supp. 1941 § 4995–7, part.]

**Effective date—1969 ex.s. c 150:** See note following RCW 41.32.030.

**41.32.190 Annual interest to be credited.** From interest and other earnings on the moneys of the retirement system, and except as otherwise provided in RCW 41.32.405 and 41.32.499, at the close of each fiscal year the board of trustees shall make such allowance of regular interest on the balance which was on hand at the beginning of the fiscal year in each of the funds as they may deem advisable; however, no interest shall be credited to the expense fund or the pension fund. [1973 1st ex.s. c 189 § 7; 1955 c 274 § 5; 1947 c 80 § 19; Rem. Supp. 1947 § 4995–38. Prior: 1941 c 97 § 6, part; 1939 c 86 § 6, part; 1937 c 221 § 7, part; Rem. Supp. 1941 § 4995–7, part.]

**Severability—1973 1st ex.s. c 189:** "If any provision of this 1973 amendatory 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." [1973 1st ex.s. c 189 § 12.] This applies to RCW 41.32.190, 41.32.245, 41.32.260, 41.32.350, 41.32.405, 41.32.4944, 41.32.497, 41.32.498, 41.32.4982 and 41.32.499.

**41.32.201 Investments—General criterion specified.** Any investments under RCW 43.84.150 shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived. [1973 1st ex.s. c 103 § 3; 1961 c 297 § 2.]

**Severability—1973 1st ex.s. c 103:** See note following RCW 2.10.080.

**Severability—1961 c 297:** "If any provisions of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provisions to other persons or circumstances is not affected." [1961 c 297 § 6.] This applies to RCW 41.32.200 through 41.32.203. RCW 41.32.200 was repealed by 1973 1st ex.s. c 103 § 17.

**41.32.202 Securities purchased or held for funds under state treasurer's control to be in his custody.** All securities purchased or held on behalf of funds, pursuant to RCW 43.84.150 and 41.32.207, held or disbursed through the state treasury shall be in the physical custody of the state treasurer who may deposit with the fiscal agent of the state, or with a state depository, such of said securities as he shall consider advisable to be held in safekeeping by said agent or bank for collection of principal and interest, or of the proceeds of sale thereof. [1973 1st ex.s. c 103 § 4; 1961 c 297 § 3.]

**Severability—1973 1st ex.s. c 103:** See note following RCW 2.10.080.

**41.32.203 Duty of state treasurer as to securities in his custody—Interest, collections, payment, etc.** It shall be the duty of the state treasurer to collect the interest, or other income on, and the principal of the securities held in his custody pursuant to RCW 41.32.202 as the said sums become due and payable, and to pay the same, when so collected, into the fund to which the investments belong. The state treasurer is hereby authorized and directed to deposit any portion of the funds of the retirement system not needed for immediate use in the same manner and subject to all the provisions of law with respect to the deposit of state funds by such treasurer, and all interest earned by such portion of the retirement system's funds as may be deposited by the state treasurer in pursuance of authority herewith given shall be collected by him and placed to the credit of the teachers' retirement fund or the teachers' retirement pension reserve fund. [1969 ex.s. c 150 § 7; 1961 c 297 § 4.]

**Effective date—1969 ex.s. c 150:** See note following RCW 41.32.030.

**41.32.207 Authority over funds—Investment.** The board of trustees shall be the trustees of the several funds created by this chapter and shall have full power to authorize the state finance committee to invest and reinvest such funds in the manner prescribed by RCW 43.84.150, and not otherwise. [1973 1st ex.s. c 103 § 15.]

**Severability—1973 1st ex.s. c 103:** See note following RCW 2.10.080.

**41.32.220 Disbursement of funds.** The treasurer of the state shall be the custodian of all moneys received by him for the retirement system. All payments from several funds of the retirement system shall be made only upon vouchers signed by the director of the department or such persons as he may designate. [1969 ex.s. c 150 § 8; 1947 c 80 § 22; Rem. Supp. 1947 § 4995-41. Prior: 1941 c 97 § 6, part; 1939 c 86 § 6, part; 1937 c 221 § 7, part; Rem. Supp. 1941 § 4995-7, part.]

**Effective date**—1969 ex.s. c 150: See note following RCW 41.32.030.

**41.32.230 Member not to guarantee loans.** No trustee or employee of the board of trustees shall become an endorser or surety or an obligor for moneys loaned by the board of trustees. [1947 c 80 § 23; Rem. Supp. 1947 § 4995-42. Prior: 1941 c 97 § 6, part; 1939 c 86 § 6, part; 1937 c 221 § 7, part; Rem. Supp. 1941 § 4995-7, part.]

**41.32.240 Membership in system—Procedure when exempted person desires membership—Continuation of exemption—Persons formerly exempt, minimum period to qualify for retirement allowance.** All teachers employed full time in the public schools shall be members of the system except those who have previously exempted themselves from membership and alien teachers who have been granted a temporary permit to teach as exchange teachers. A minimum of ninety days or the equivalent of ninety days of employment during a fiscal year shall be required to establish membership. A teacher shall be considered as employed full time if serving regularly for four-fifths or more of a school day or if assigned to duties which are the equivalent of four-fifths or more of a full time assignment. A teacher who is employed for less than full time service may become a member by filing an application with the retirement system, submitting satisfactory proof of teaching service and making the necessary payment before June 30 of the school year immediately following the one during which the service was rendered. If an exempted teacher desires membership he must file with the board of trustees a written request, duly executed, that his exemption certificate be cancelled, present proof of service, and make the necessary payment before June 30 of the school year immediately following the one in which his request for cancellation of the exemption was filed. Any teacher who is still exempt from membership in the teachers' retirement system after July 1, 1965 and chooses not to become a member of the teachers' retirement system may continue his exemption and shall not become a member of the state employees' retirement system while employed as a teacher. All service rendered in this state subsequent to his exemption from membership must be established by proper proof and paid for, with interest at three percent, upon the same basis as he would have paid had he been a member during the period covered by his exemption. Twenty percent of the total amount due must be paid before membership can be established. Payment of the remainder, including interest, must be completed before June 30th of the fourth school year following that in which membership was established. A

minimum of five years of membership in the present system and/or the former state fund or a local fund shall be required of a member who was formerly exempt from membership before such member may qualify for a retirement allowance. [1965 ex.s. c 81 § 3; 1963 ex.s. c 14 § 4; 1961 c 132 § 1; 1955 c 274 § 7; 1947 c 80 § 24; Rem. Supp. 1947 § 4995-43. Prior: 1941 c 97 § 3, part; 1939 c 86 § 2, part; 1937 c 221 § 4, part; 1931 c 115 § 3, part; 1923 c 187 § 10, part; Rem. Supp. 1941 § 4995-4, part.]

**Severability**—**Effective date**—1965 ex.s. c 81: See notes following RCW 41.32.010.

**Saving**—**Severability**—**Effective date**—1963 ex.s. c 14: See notes following RCW 41.32.010.

**Effective date**—1961 c 132: "The provisions of this act shall be effective July 1, 1961." [1961 c 132 § 8.] This applies to chapter 132, Laws of 1961 codified as RCW 41.32.240, 41.32.260, 41.32.300, 41.32.340, 41.32.550, 41.32.561 and 41.32.590.

**Eligibility for retirement allowance:** RCW 41.32.470.

**41.32.245 Certain physically incapacitated may enter system—Limitations.** Notwithstanding the provisions of RCW 41.32.240, any person who has left employment within the state for any reason at least fifteen years prior to April 25, 1973 with at least fifteen years of service credit at the time of such withdrawal and who because of physical incapacities is no longer employable as a teacher within this state may be admitted into the system upon acceptance by the board and making such reasonable payments as the board shall determine necessary therefor. Said application to be submitted before January 1, 1974. [1973 1st ex.s. c 189 § 13.]

**Severability**—1973 1st ex.s. c 189: See note following RCW 41.32.190.

**41.32.250 Member's statement of service.** Under such rules and regulations as the board of trustees shall adopt, each teacher, upon becoming a member of the retirement system, shall file with the board of trustees during his first year of service a detailed statement of all services as a teacher rendered by him in this state, together with a statement of such other facts as the board shall require. The board of trustees may, at the option of a member, accept the service record of a member of a local fund or the former state fund in lieu of such detailed statement; and issue a prior service certificate to the applicant for such prior service. [1967 c 50 § 1; 1947 c 80 § 25; Rem. Supp. 1947 § 4995-44. Prior: 1941 c 97 § 4, part; 1939 c 86 § 4, part; 1937 c 221 § 5, part; 1923 c 187 § 8, part; Rem. Supp. 1941 § 4995-5, part.]

**Effective date**—**Severability**—1967 c 50: See notes following RCW 41.32.010.

**41.32.260 Credit for military service or as state legislator.** Any member whose public school service is interrupted by active service to the United States as a member of its military, naval or air service, or to the state of Washington, as a member of the legislature, may upon becoming reemployed in the public schools, receive credit for such service upon presenting satisfactory proof, and contributing to the annuity fund, either in a lump sum or installments, such amounts as shall be

determined by the board of trustees: *Provided* (1), That no such military service credit in excess of five years shall be established or reestablished after July 1, 1961, unless the service was actually rendered during time of war: *Provided further* (2), That a member of the retirement system who is a member of the state legislature or a state official eligible for the combined pension and annuity provided by RCW 41.32.497, or 41.32.498, as now or hereafter amended shall have deductions taken from his salary in the amount of seven and one-half percent of earnable compensation and that service credit shall be established with the retirement system while such deductions are reported to the retirement system, unless he has by reason of his employment become a contributing member of another public retirement system in the state of Washington: *And provided further* (3), That such elected official who has retired or otherwise terminated his public school service may then elect to terminate his membership in the retirement system and receive retirement benefits while continuing to serve as an elected official: *And, provided further* (4), That a member of the retirement system who had previous service as an elected or appointed official, for which he did not contribute to the retirement system, may receive credit for such legislative service unless he has received credit for that service in another state retirement system, upon making contributions in such amounts as shall be determined by the board of trustees. [1974 1st ex.s. c 199 § 2; 1973 1st ex.s. c 189 § 1; 1971 ex.s. c 271 § 1; 1967 c 50 § 2; 1961 c 132 § 2; 1955 c 274 § 8; 1947 c 80 § 26; Rem. Supp. 1947 § 4995-45. Prior: 1941 c 97 § 4, part; 1939 c 86 § 4, part; 1937 c 221 § 1, part; Rem. Supp. 1941 § 4995-5, part.]

**Emergency**—**Severability**—1974 1st ex.s. c 199: See notes following RCW 41.32.010.

**Construction**—1974 1st ex.s. c 199: See note following RCW 41.32.010.

**Severability**—1973 1st ex.s. c 189: See note following RCW 41.32.190.

**Parts of sections retroactive**—1973 1st ex.s. c 189: See note following RCW 41.32.498.

**Severability**—1971 ex.s. c 271: "If any provision of this 1971 amendatory 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." [1971 ex.s. c 271 § 17.] This applies to RCW 41.32.260, 41.40.010, 41.40.030, 41.40.120, 41.40.180, 41.40.190, 41.40.195, 41.40.220, 41.40.260, 41.40.330, 41.40.361, 41.40.410, 41.44.050, 41.44.110 and 41.44.120.

**Effective date**—**Severability**—1967 c 50: See notes following RCW 41.32.010.

**Effective date**—1961 c 132: See note following RCW 41.32.240.

**41.32.270 Teaching service, how credited.** Service rendered for four-fifths or more of the official school year of the school district or institution in which a teacher is employed shall be credited as a year's service regardless of the length of the school term, but in no case shall more than one year of service be creditable for service rendered in one fiscal year. Service rendered for less than four-fifths of the official school year shall be credited for that portion of the school year for which it was rendered: *Provided*, That no service of less than twenty days in any school year shall be creditable. [1947 c 80 § 27; Rem. Supp. 1947 § 4995-46. Prior: 1941 c 97

§ 4, part; 1939 c 86 § 4, part; 1937 c 221 § 5, part; Rem. Supp. 1941 § 4995-5, part.]

**41.32.280 Prior service certificate.** As soon as practicable after the filing of statements of services, the board of trustees shall determine the number of years of service with which an applicant shall be credited and shall issue a prior service certificate to the applicant therefor. The member shall be bound by the terms of this certificate unless prior to June 30th of the fifth school year after entry into public school employment in this state he shall have filed an application for additional service credit, presented satisfactory proof of such service and made the necessary payment. [1967 c 50 § 3; 1955 c 274 § 9; 1947 c 80 § 28; Rem. Supp. 1947 § 4995-47. Prior: 1941 c 97 § 4, part; 1939 c 86 § 4, part; 1937 c 221 § 5, part; Rem. Supp. 1941 § 4995-5, part.]

**Effective date**—**Severability**—1967 c 50: See notes following RCW 41.32.010.

**41.32.290 Credit for prior service in state.** No credit shall be given for services rendered in a district which at the time such service was rendered was under the jurisdiction of a local fund or the former state fund or under the teachers' retirement system as it existed prior to July 1, 1955, unless contributions were made to such local fund or the former state fund or retirement system during such time, except upon making the contributions as provided under RCW 41.32.310 and 41.32.380. [1955 c 274 § 10; 1947 c 80 § 29; Rem. Supp. 1947 § 4995-48. Prior: 1941 c 97 § 4, part; 1939 c 86 § 4, part; 1937 c 221 § 5, part; Rem. Supp. 1941 § 4995-5, part.]

**41.32.300 Limitation on credit for out-of-state service.** Henceforth a total of not more than four years of service outside of the state shall be credited to a member who establishes or reestablishes credit for out-of-state public school employment in this state subsequent to July 1, 1961. Foreign public school teaching service shall be creditable as out-of-state service: *Provided*, That no out-of-state service credit shall be established or reestablished subsequent to July 1, 1964, except that a member who has been granted official leave of absence by his employer may, upon his return to public school service in this state, establish out-of-state membership service credit, within the limitations of this section, for public school service rendered in another state or in another country. No member who establishes out-of-state service credit after July 1, 1947, shall at retirement for pension payment purposes be allowed credit for out-of-state service in excess of the number of years credit which he shall have earned in the public schools of the state of Washington. [1963 ex.s. c 14 § 5; 1961 c 132 § 7; 1955 c 274 § 11; 1947 c 80 § 30; Rem. Supp. 1947 § 4995-49.]

**Saving**—**Severability**—**Effective date**—1963 ex.s. c 14: See notes following RCW 41.32.010.

**Effective date**—1961 c 132: See note following RCW 41.32.240.

**41.32.310 Time limit for claiming service credit—Payments.** Any member desiring to establish credit for services previously rendered, must present proof and

make the necessary payments on or before June 30 of the fifth school year of his membership. Payments covering all types of membership service credit must be made in a lump sum when due, or in annual installments. The first annual installment of at least twenty percent of the amount due must be paid before the above deadline date, and the final payment must be made by June 30th of the fourth school year following that in which the first installment was made. The amount of payment and the interest thereon, whether lump sum or installments, shall be made by a method and in an amount established by the board of trustees: *Provided*, That a member who had the opportunity under chapter 41.32 RCW prior to July 1, 1969, to establish credit for active United States military service or credit for professional preparation and failed to do so shall be permitted to establish such additional credit within the provisions of RCW 41.32.260 and 41.32.330: *Provided further*, That a member who was not permitted to establish credit pursuant to section 2, chapter 32, Laws of 1973 2nd ex. sess., for Washington teaching service previously rendered, must present proof and make the necessary payment to establish such credit as membership service credit. Payment for such credit must be made in a lump sum on or before June 30, 1974. Any member desiring to establish credit under the provisions of \*this 1969 amendment must present proof and make the necessary payment before June 30, 1974; or, if not employed on the effective date of this amendment, before June 30th of the fifth school year upon returning to public school employment in this state. [1974 ex.s. c 193 § 1; 1973 2nd ex.s. c 32 § 2; 1969 ex.s. c 150 § 9; 1965 ex.s. c 81 § 8; 1955 c 274 § 12; 1947 c 80 § 31; Rem. Supp. 1947 § 4995-50.]

\*Reviser's note: "this 1969 amendment" added the last proviso to this section relating to the establishment of military service credit.

**Emergency**—1974 ex.s. c 193: "This amendatory 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 immediately." [1974 ex.s. c 193 § 10.]

**Severability**—1974 ex.s. c 193: "If any provision of this amendatory 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." [1974 ex.s. c 193 § 9.]

The foregoing annotations apply to RCW 41.32.310, 41.32.480, 41.32.500, 41.32.520, 41.32.522, 41.32.523, 41.32.540, and 41.32.567.

**Emergency**—1973 2nd ex.s. c 32: "This 1973 amendatory 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 immediately." [1973 2nd ex.s. c 32 § 7.]

**Severability**—1973 2nd ex.s. c 32: "If any provision of this 1973 amendatory 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." [1973 2nd ex.s. c 32 § 6.]

The foregoing annotations apply to RCW 41.32.310, 41.32.4931, 41.32.499, 41.32.520 and 41.32.580.

**Effective date**—1969 ex.s. c 150: July 1, 1969, see note following RCW 41.32.030.

**41.32.320 Credit for subsequent service outside state.** Any teacher who leaves the state after becoming a member, upon becoming reemployed in the public schools of the state, may be credited with membership

service in an amount, which when added to the out-of-state credits for prior service shall not exceed the allowable total, conditioned upon satisfactory proof and upon contributions to the annuity fund: *Provided*, That out-of-state service credit established or reestablished after July 1, 1964 may be granted only for out-of-state service rendered while a member was on official leave of absence granted by his employer. [1963 ex.s. c 14 § 6; 1955 c 274 § 13; 1947 c 80 § 32; Rem. Supp. 1947 § 4995-51. Prior: 1931 c 115 § 6; 1923 c 187 § 16; 1919 c 150 § 3; 1917 c 163 § 15.]

**Saving—Severability—Effective date**—1963 ex.s. c 14: See notes following RCW 41.32.010.

**41.32.330 Credit for professional preparation subsequent to becoming teacher.** The board of trustees may allow credit for professional preparation to a member for attendance at institutions of higher learning, or for a scholarship or grant under an established foundation, subsequent to becoming a public school teacher; but not more than two years of such credit may be granted to any member. [1969 ex.s. c 150 § 10; 1955 c 274 § 14; 1947 c 80 § 33; Rem. Supp. 1947 § 4995-52.]

**Effective date**—1969 ex.s. c 150: See note following RCW 41.32.030.

**41.32.340 Creditable service, what to consist of.** Creditable service of a member at retirement shall consist of the membership service rendered by him for which credit has been allowed, and also, if he has a prior service certificate that is in full force and effect, the amount of the service certified on his prior service certificate. No pension payments shall be made for service credits established or reestablished after July 1, 1955, if such credits entitle the member to retirement benefits from any other public state or local retirement system or fund. No pension payments shall be made for service credits established or reestablished after July 1, 1961, if such credits entitle the member to retirement benefits from a public federal retirement system or fund for services rendered under a civilian program: *Provided*, That no pension payments shall be made for service credits established or reestablished after July 1, 1969, if credit for the same service is retained for benefits under any other retirement system or fund. [1969 ex.s. c 150 § 11; 1961 c 132 § 3; 1955 c 274 § 15; 1947 c 80 § 34; Rem. Supp. 1947 § 4995-53. Prior: 1941 c 97 § 4, part; 1939 c 86 § 4, part; 1937 c 221 § 5, part; Rem. Supp. 1941 § 4995-5, part.]

**Effective date**—1969 ex.s. c 150: See note following RCW 41.32.030.

**41.32.350 Contributions to annuity, disability reserve, and death benefit funds—Additional contributions.** Each year during which he is employed each member shall contribute five percent of his earnable compensation. These contributions shall be placed in the annuity fund, the disability reserve fund and the death benefit fund. A member may make an additional lump sum payment at date of retirement, not to exceed his accumulated contributions, to purchase additional annuity: *Provided*, That effective July 1, 1974, the amount of

contribution required from each member by this section shall be increased to six percent of his earnable compensation. [1973 1st ex.s. c 189 § 6; 1963 ex.s. c 14 § 7; 1955 c 274 § 16; 1947 c 80 § 35; Rem. Supp. 1947 § 4995-54. Prior: 1941 c 97 § 5, part; 1939 c 86 § 5, part; 1937 c 221 § 6, part; 1931 c 115 § 4, part; 1923 c 115 § 11, part; 1917 c 163 § 10, part; Rem. Supp. 1941 § 4995-6, part.]

**Severability**—1973 1st ex.s. c 189: See note following RCW 41.32.190.

**Saving**—**Severability**—**Effective date**—1963 ex.s. c 14: See notes following RCW 41.32.010.

**41.32.360 Basis of contributions to disability reserve fund.** Each year during which he is employed each member who is employed on a full time basis shall have transferred from his contributions such sum as the board of trustees shall determine necessary, in accordance with the recommendations of the actuary appointed by the board of trustees, to create a fund sufficient, with regular interest, to provide temporary disability benefits for the members whose claims will be approved by the board of trustees in accordance with the provisions of RCW 41.32.540. These transfers shall be placed in the disability reserve fund. [1963 ex.s. c 14 § 8; 1955 c 274 § 17; 1947 c 80 § 36; Rem. Supp. 1947 § 4995-55. Prior: 1941 c 97 § 5, part; 1939 c 86 § 5, part; 1937 c 221 § 6, part; 1917 c 163 § 10, part; Rem. Supp. 1941 § 4995-6, part.]

**Saving**—**Severability**—**Effective date**—1963 ex.s. c 14: See notes following RCW 41.32.010.

**41.32.365 Transfer from disability reserve fund to death benefit fund.** Upon July 1, 1964, the board of trustees shall be authorized to transfer one million dollars from the disability reserve fund to create the death benefit fund from which death benefits shall be paid to beneficiaries or legal representatives of deceased members or former members retired for age, service or disability who are eligible for such benefits under the provisions of this chapter. [1963 ex.s. c 14 § 9.]

**Saving**—**Severability**—**Effective date**—1963 ex.s. c 14: See notes following RCW 41.32.010.

**41.32.366 Basis of contributions to death benefit fund.** Each fiscal year during which a member is employed on a full time basis, there shall be transferred from his contributions such sum as will, with regular interest, create a fund sufficient according to actuarial rates adopted by the board of trustees, to pay the death benefits as provided for in this chapter. [1963 ex.s. c 14 § 10.]

**Saving**—**Severability**—**Effective date**—1963 ex.s. c 14: See notes following RCW 41.32.010.

**41.32.380 Source of pension reserve fund**—**Contributions.** There shall be placed in the pension reserve fund all appropriations made by the legislature for the purpose of establishing and maintaining an actuarial reserve and all gifts and bequests to the pension reserve fund, and contributions of persons entering the retirement system who have established prior service credit.

Members establishing prior service credit shall contribute to the pension reserve fund as follows:

For the first ten years of prior service fifteen dollars per year;

For the second ten years of prior service thirty dollars per year;

For the third ten years of prior service forty-five dollars per year. [1947 c 80 § 38; Rem. Supp. 1947 § 4995-57.]

**41.32.390 Contributions for prior service credits.** At least twenty percent of the total amount due for prior service credit must be paid before an application for such credit may be presented to the board of trustees for approval. The balance is not due until date of retirement and may be paid at that time without additional charge. Any unpaid installments at the time the member is retired for service or disability shall constitute a first, paramount and prior lien against his retirement allowance. [1955 c 274 § 18; 1947 c 80 § 39; Rem. Supp. 1947 § 4995-58. Prior: 1941 c 97 § 5, part; 1939 c 86 § 5, part; 1937 c 221 § 6, part; Rem. Supp. 1941 § 4995-6, part.]

**41.32.401 Budget and appropriations**—**Transfers from state general fund.** For the purpose of establishing and maintaining an actuarial reserve adequate to meet present and future pension liabilities of the system and to pay for one-half of the operating expenses of the system, the board of trustees at each regular July meeting next preceding a regular session of the legislature shall compute the amount necessary to be appropriated during the next legislative session for transfer from the state general fund to the teachers' retirement system during the next biennium. Such computation shall provide for amortization of unfunded pension liabilities over a period of not more than fifty years from July 1, 1964. The amount thus computed as necessary shall be reported to the governor by the secretary-manager of the retirement system for inclusion in the budget. The legislature shall make the necessary appropriation from the state general fund to the teachers' retirement system after considering the estimates as prepared and submitted, and shall appropriate from the teachers' retirement fund the amount to be expended during the next biennium for operating expenses. The transfer of funds from the state general fund to the retirement system shall be at a rate determined by the board of trustees on the basis of the latest valuation prepared by the actuary employed by the board, and shall include a percentage contribution of the total earnable compensation of the members for the biennium for which the appropriation is to be made, to be known as the "normal contribution," and an additional percentage contribution of such earnable compensation, to be known as the "unfunded liability contribution." Such transfers from the general fund shall be made before the end of each calendar quarter at the rate determined by the board of trustees and shall be computed on the basis of the members' total earnable compensation received for the quarter. The members' total contributions to the teachers' retirement fund for each quarter shall serve as the basis for determining the

members' total earnable compensation for the quarter. The amounts transferred shall be distributed first to the teachers' retirement fund for the payment of pensions, survivors' benefits and the state's share of the operating expenses for the system, and the balance shall be credited to the teachers' retirement pension reserve fund. The total amount of such transfers for a biennium shall not exceed the total amount appropriated by the legislature. [1963 ex.s. c 14 § 11.]

**Saving—Severability—Effective date—1963 ex.s. c 14:** See notes following RCW 41.32.010.

**41.32.405 Income fund created.** An income fund is hereby created for the purpose of crediting regular interest and such other income as may be derived from the deposits and investments of the various funds of the teachers' retirement fund. All accumulated contributions in the account of a terminated member which remain unclaimed after the expiration of ten years from the date of termination shall thereafter be transferred to the income fund as provided in RCW 41.32.510. Any moneys that may come into the possession of the retirement system in the form of gifts or bequests which are not allocated to a specific fund, or any other moneys the disposition of which is not otherwise provided herein, shall be credited to the income fund. The moneys accumulated in the income fund shall be available for transfer, upon board authorization, to the expense fund toward payment of the members' share of the operating costs of the system as provided in RCW 41.32.410, and for regular interest allowance to the various funds of the teachers' retirement fund as provided in RCW 41.32.190 and 41.32.460: *Provided*, That from such accumulated moneys the board shall have sole discretion to determine an amount thereof to be credited to the annuity fund which will thereupon be credited as regular interest to the individual members' accounts: *Provided further*, That from interest and other earnings on the moneys in the annuity fund the board may specifically allocate up to one percent per annum of such interest and other earnings for the purpose of making sufficient funds available to facilitate the adjustment in the retirement allowance provided in RCW 41.32.499. [1973 1st ex.s. c 189 § 8; 1969 ex.s. c 150 § 12.]

**Severability—1973 1st ex.s. c 189:** See note following RCW 41.32.190.

**Effective date—1969 ex.s. c 150:** See note following RCW 41.32.030.

**41.32.410 Expense fund—Service charges.** At the beginning of each fiscal year the board of trustees shall transfer from the pension fund and the income fund to the expense fund amounts sufficient to defray the expenses of the retirement system estimated by them for that year: *Provided*, That the amounts transferred to the expense fund shall result in the state and the members of the system sharing equally in the operating costs of the system. The board of trustees shall have authority to assess a withdrawal fee and such other service charges as may be necessary to assist in providing for the members' contributions to the expense fund. Any such withdrawal fee or other service charges shall be deducted from the

member's annuity fund account during the year in which the assessment is made and all money received from such assessments shall be credited to the expense fund toward payment of the members' share of the operating costs of the system. [1969 ex.s. c 150 § 13; 1963 ex.s. c 14 § 12; 1955 c 274 § 19; 1947 c 80 § 41; Rem. Supp. 1947 § 4995–60. Prior: 1941 c 97 § 6, part; 1939 c 86 § 6; 1937 c 221 § 7, part; Rem. Supp. 1941 § 4995–7, part.]

**Effective date—1969 ex.s. c 150:** See note following RCW 41.32.030.

**41.32.420 Employer reports to board—Notice to new employees.** On or before a date specified by the board of trustees in each month every employer shall file a report with the board of trustees of the retirement system on a form provided, stating the name of the employer and with respect to each employee who is a member or who is required to become a member of the retirement system: (1) The full name, (2) the earnable compensation paid, (3) the employee's contribution to the retirement system, and (4) such other information as the board shall require, and at the same time notify each new employee in writing with reference to the Washington state teachers' retirement system and that an application for prior service credit may be filed with the board of trustees thereof on a form furnished by the board. The educational service district superintendent shall perform the duties imposed by this section for the employers in second class school districts and the city superintendents for the employers in first class school districts. The chief executive officers of other institutions shall perform such duties. [1975-'76 2nd ex.s. c 16 § 1. Prior: 1975 1st ex.s. c 275 § 150; 1975 c 43 § 32; 1969 ex.s. c 176 § 96; 1967 c 50 § 4; 1963 ex.s. c 14 § 13; 1947 c 80 § 42; Rem. Supp. 1947 § 4995–61.]

**Effective date—Severability—1975 c 43:** See notes following RCW 28A.57.140.

**Effective date—1969 ex.s. c 176:** See note following RCW 41.32.010.

**Effective date—Severability—1967 c 50:** See notes following RCW 41.32.010.

**Saving—Severability—Effective date—1963 ex.s. c 14:** See notes following RCW 41.32.010.

**41.32.430 Salary deductions.** Every officer authorized to issue salary warrants to teachers shall deduct from such salary payments to any member regularly employed an amount which will result in total deductions of five percent of the amount of earnable compensation paid in any fiscal year. Such deductions shall be transmitted and reported to the retirement system as directed by the board of trustees. [1967 c 50 § 5; 1963 ex.s. c 14 § 14; 1955 c 274 § 20; 1947 c 80 § 43; Rem. Supp. 1947 § 4995–62. Prior: 1941 c 97 § 5, part; 1939 c 86 § 5, part; 1937 c 221 § 6, part; Rem. Supp. 1941 § 4995–6, part.]

**Effective date—Severability—1967 c 50:** See notes following RCW 41.32.010.

**Saving—Severability—Effective date—1963 ex.s. c 14:** See notes following RCW 41.32.010.



**41.32.440 Transmittal to state treasurer.** On or before the tenth of such months as are designated by the trustees of the system for remittance, the officers authorized to issue salary warrants to members shall draw warrants in favor of the state treasurer out of the appropriate funds, covering the amounts of deductions made from the salaries of members of the retirement system and forthwith remit them to the trustees of the system accompanied by a report listing the names of the members and the amount of each deduction, also the serial number, date and amount of each warrant remitted. [1947 c 80 § 44; Rem. Supp. 1947 § 4995-63. Prior: 1941 c 97 § 5, part; 1939 c 86 § 5, part; 1937 c 221 § 6, part; Rem. Supp. 1941 § 4995-6, part.]

**41.32.460 Validity of deductions.** The deductions from salaries of members of the retirement system for their contributions to the system are not considered diminution of pay and every member is conclusively presumed to consent thereto as a condition of his employment. All contributions to the annuity fund shall be credited to the individual for whose account the deductions from salary were made. Regular interest shall be credited to each member's account at the end only of each fiscal year, based upon the balance in his account at the beginning of the year. [1947 c 80 § 46; Rem. Supp. 1947 § 4995-65. Prior: 1941 c 97 § 5, part; 1939 c 86 § 5, part; 1937 c 221 § 6, part; Rem. Supp. 1941 § 4995-6, part.]

**41.32.470 Eligibility for retirement allowance.** A member must have established or reestablished with the retirement system at least five years of credit for public school service in this state to be entitled to a retirement allowance. [1965 ex.s. c 81 § 4; 1963 ex.s. c 14 § 15; 1947 c 80 § 47; Rem. Supp. 1947 § 4995-66. Prior: 1941 c 97 § 7, part; 1939 c 86 § 7, part; 1937 c 221 § 8, part; 1931 c 115 § 7, part; 1923 c 187 § 17, part; Rem. Supp. 1941 § 4995-8, part.]

**Severability—Effective date—1965 ex.s. c 81:** See notes following RCW 41.32.010.

**Saving—Severability—Effective date—1963 ex.s. c 14:** See notes following RCW 41.32.010.

*Persons formerly exempt, minimum period to qualify for retirement allowance: RCW 41.32.240.*

**41.32.480 Qualifications for retirement.** (1) Any member who has left public school service after having completed thirty years of creditable service may retire upon the approval by the board of trustees of an application for retirement filed on the prescribed form. Upon retirement such member shall receive a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension as provided in RCW 41.32.497 as now or hereafter amended. Effective July 1, 1967, anyone then receiving a retirement allowance or a survivor retirement allowance under this chapter, based on thirty-five years of creditable service, and who has established more than thirty-five years of service credit with the retirement system, shall thereafter receive a retirement allowance based on the total years of service credit established.

(2) Any member who has attained age sixty years, but who has completed less than thirty years of creditable service, upon leaving public school service, may retire upon the approval by the board of trustees of an application for retirement filed on the prescribed form. Upon retirement such member shall receive a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension as provided in RCW 41.32.497 as now or hereafter amended.

(3) Any member who has attained age fifty-five years and who has completed not less than twenty-five years of creditable service, upon leaving public school service, may retire upon the approval by the board of trustees of an application for retirement filed on the prescribed form. Upon retirement such member shall receive a retirement allowance which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension as provided in RCW 41.32.497 as now or hereafter amended: *Provided*, That no individual who has retired pursuant to this subsection, on or after July 1, 1969, shall suffer an actuarial reduction in his retirement allowance, except as such allowance may be actuarially reduced pursuant to the options contained in RCW 41.32.530: *Provided further*, That \*this 1974 amendment shall be retroactive to July 1, 1969. [1974 ex.s. c 193 § 2; 1972 ex.s. c 147 § 1; 1970 ex.s. c 35 § 2; 1969 ex.s. c 150 § 14; 1967 c 151 § 1; 1955 c 274 § 21; 1947 c 80 § 48; Rem. Supp. 1947 § 4995-67. Prior: 1941 c 97 § 7, part; 1939 c 86 § 7, part; 1937 c 221 § 8, part; 1931 c 115 § 7, part; 1923 c 187 § 17, part; Rem. Supp. 1941 § 4995-8, part.]

**\*Reviser's note:** "this 1974 amendment" consisted of provisos to second sentence, in subsection (3) above.

**Emergency—Severability—1974 ex.s. c 193:** See notes following RCW 41.32.310.

**Effective date—1972 ex.s. c 147:** "The effective date of this 1972 amendatory act shall be July 1, 1972." [1972 ex.s. c 147 § 9.]

**Severability—1972 ex.s. c 147:** "If any provision of this 1972 amendatory 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." [1972 ex.s. c 147 § 10.]

**Effective date—1970 ex.s. c 35:** "The provisions of sections 1 through 5 and 7 of this 1970 amendatory act shall take effect on July 1, 1970; the provisions of section 6 of this 1970 amendatory act shall be effective on the date chapter 223, Laws of 1969 ex. sess. becomes effective, at which time section 5 of this 1970 amendatory act shall be void and of no effect." [1970 ex.s. c 35 § 8.] Sections 1 through 5 and 7 of this 1970 amendatory act are codified in RCW 41.32.480, 41.32.4932, 41.32.4943, 41.32.497, 41.32.550 and 28.81.170; section 6, RCW 28B.10.465, becoming effective "on the date chapter 223, Laws of 1969 ex. sess. becomes effective", will also be effective July 1, 1970, see RCW 28B.98.080, thus replacing RCW 28.81.170.

**Severability—1970 ex.s. c 35:** "If any provision of this 1970 amendatory 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." [1970 ex.s. c 35 § 9.] This applies to RCW 41.32.480, 41.32.4932, 41.32.4943, 41.32.497, 41.32.550 and 28.81.170 (reenacted as RCW 28B.10.465).

**Effective date—1969 ex.s. c 150:** See note following RCW 41.32.030.

**Effective date—1967 c 151:** "This act shall become effective on July 1, 1967." [1967 c 151 § 9.]

**Severability**—1967 c 151: "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 shall not be affected." [1967 c 151 § 8.]

The foregoing annotations apply to the 1967 amendments to RCW 28B.10.465, 41.32.480, 41.32.493, 41.32.561, 41.32.570, also to RCW 41.32.4931 and 41.32.4942.

**41.32.491 Pension rights of existing annuitant.** Any former member of the retirement system or a former fund who was receiving a pension on July 1, 1947, shall in lieu of any pension allowance under any former law receive beginning on \*the effective date of this act a pension equal to as many thirtieths (not to exceed thirty thirtieths) of one hundred dollars per month as he has had years of creditable service: *Provided*, That any former member who had not yet attained age sixty years upon July 1, 1947, shall receive a pension of one hundred dollars per month less two dollars per month for each year such former member shall have been under age sixty years on July 1, 1947.

Any former member of the retirement system or a former fund who was receiving a retirement allowance either for service or disability on June 30, 1955, shall have, in addition to the pension he was receiving on that date, such pension from the state increased by a cost of living adjustment of twenty-five percent beginning on \*the effective date of this act; but no former member who has been retired for disability shall receive an allowance of less than seventy-five dollars per month. [1959 c 7 § 1.]

\*Reviser's note: "the effective date of this act" (1959 c 7) was January 27, 1959.

**Severability**—1959 c 7: "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." [1959 c 7 § 3.] This applies to RCW 41.32.491 and 41.32.492.

**41.32.492 Temporary increase of pension for certain prior pensioners.** Any person who has received a pension from the retirement system during the period between July 1, 1947 and the effective date of this act pursuant to section 49, chapter 80, Laws of 1947, section 48, chapter 80, Laws of 1947, and section 22, chapter 274, Laws of 1955, is hereby granted an increase in pension allowance, for the first payment following the effective date of this act only, in an amount to be determined by and equal to the total sum of pension allowance granted said person pursuant to section 49, chapter 80, Laws of 1947, section 48, chapter 80, Laws of 1947, and section 22, chapter 274, Laws of 1955, during the period between July 1, 1947 and the effective date of this act: *Provided*, That the actual payment of the increase herein granted shall be reduced by an amount to be determined by and equivalent to any pension payments previously made during the period between July 1, 1947 and the effective date of this act. [1959 c 7 § 2.]

**41.32.493 Rights of former members receiving retirement allowance for service or disability on July 1, 1961.** Any former member of the teachers' retirement system or a former fund who is receiving a retirement allowance for service or disability on July 1, 1961, shall, effective

July 1, 1967, receive a pension of four dollars and no cents per month for each year of creditable service established with the retirement system: *Provided*, That such former members who were retired pursuant to option 2 or 3 of RCW 41.32.530 shall receive a pension which is actuarially equivalent under said options to the benefits provided in this section: *Provided further*, That anyone qualifying for benefits pursuant to this section shall not receive a smaller pension than he was receiving prior to July 1, 1961. [1967 c 151 § 2; 1961 ex.s. c 22 § 2.]

**Effective date**—**Severability**—1967 c 151: See notes following RCW 41.32.480.

**Severability**—1961 ex.s. c 22: "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." [1961 ex.s. c 22 § 5.] This applies to RCW 41.32.493, 41.32.494 and 41.32.4941.

**41.32.4931 Rights of former members receiving retirement allowance for service or disability on July 1, 1967.** (1) Any former member of the teachers' retirement system or a former fund who is receiving a retirement allowance for service or disability on July 1, 1967, shall upon application approved by the board of trustees of the retirement system receive a pension of five dollars and fifty cents per month for each year of creditable service established with the retirement system: *Provided*, That such former members who were retired pursuant to option 2 or option 3 of RCW 41.32.530 shall upon like application receive a pension which is actuarially equivalent under said option to the benefits provided in this section: *Provided further*, That the benefits provided under this section shall be available only to former members who have reached age sixty-five or are disabled for further public school service and are not receiving federal old age, survivors or disability benefit payments (social security) and are not able to qualify for such benefits: *Provided further*, That anyone qualifying for benefits pursuant to this section shall not receive a smaller pension than he was receiving prior to July 1, 1967.

(2) Effective the first day of the month following \*the effective date of this 1973 amendatory act, former members who have qualified for and have been granted benefits under this section shall receive an additional special pension of three dollars per month per year of service credit. Such special pension shall be in addition to the minimum pension provided by RCW 41.32.497 and the cost-of-living increases provided under section 9, chapter 189, Laws of 1973 1st ex. sess., RCW 41.32.499. [1973 2nd ex.s. c 32 § 3; 1967 c 151 § 6.]

\*Reviser's note: "the effective date of this 1973 amendatory act", because of the emergency clause footnoted to RCW 41.32.310, is September 27, 1973, the date of approval by the governor. Note retroactive effect of amendment to RCW 41.32.499(4).

**Emergency**—**Severability**—1973 2nd ex.s. c 32: See notes following RCW 41.32.310.

**Effective date**—**Severability**—1967 c 151: See notes following RCW 41.32.480.

**41.32.4932 Rights of former members receiving retirement allowance for service or disability—**"Index", "prior pension" and "current pension" defined.

(1) "Index", for purposes of this section, shall mean, for any calendar year, that year's annual average consumer price index for urban wage earners and clerical workers, all items (1957-1959 equal one hundred) compiled by the Bureau of Labor Statistics, United States Department of Labor.

(2) "Prior pension" shall mean the pension portion of any retirement allowance computed and payable under the pre-July 1, 1969 provisions of RCW 41.32.480 or 41.32.497, including all options available under RCW 41.32.530, survivor retirement under RCW 41.32.520, subsection (2), and disability retirement under RCW 41.32.540, to any recipient based upon an effective date which is prior to July 1, 1969.

(3) "Current pension" shall mean the pension portion of any retirement allowance computed and payable under the provisions of RCW 41.32.497 as now or hereafter amended, including all options available under RCW 41.32.530, survivor retirement pensions under RCW 41.32.520, subsection (2), and disability retirement pensions under RCW 41.32.540 and 41.32.550, to any recipient based on an effective retirement date which is on or after July 1, 1969.

(4) Effective July 1, 1970, every prior pension which is computed and then being paid under the provisions of RCW 41.32.480, which is less than five dollars and fifty cents per month for each year of service credit established with the retirement system as of July 1, 1970, shall be increased to five dollars and fifty cents per month for each year of service credit of record on July 1, 1970, except for actuarial adjustments required under Option 2 and Option 3 retirement plans as provided in RCW 41.32.520 or 41.32.530.

(5) Effective July 1, 1970, every prior pension which is then being paid to a retired member who qualified or who may qualify for a pension of five dollars and fifty cents per month for each year of service credit, as provided under RCW 41.32.4931, shall be adjusted to that dollar amount which exceeds his adjusted pension of July 1, 1967 by the percentage difference which the retirement board finds to exist between the index for 1969 and the index for 1966.

(6) Effective July 1, 1970, every prior pension which is computed and then being paid under RCW 41.32.497 to any recipient, based upon an effective retirement date which is prior to July 1, 1969, shall be adjusted to that dollar amount which exceeds its original dollar amount by the percentage difference which the retirement board finds to exist between the index for 1969 and the index for the calendar year prior to the effective retirement date of the person to whom, or on behalf of whom, such retirement allowance is being paid: *Provided*, That no prior pension shall be less than five dollars and fifty cents per month for each year of service credit established with the retirement system except as adjusted actuarially under Option 2 and Option 3 retirement plans, as provided in RCW 41.32.520 or 41.32.530.

(7) Effective July 1, 1970, every current pension which is then being paid, which is less than five dollars and fifty cents per month for each year of service credit established with the retirement system, shall be increased to five dollars and fifty cents per month for

each year of service credit, except as actuarial adjustments are required under RCW 41.32.480, 41.32.520, or 41.32.530.

(8) Effective July 1, 1972, every prior pension and every current pension which became effective prior to July 1, 1971, and which is then being paid to any retired member or his designated beneficiary shall be adjusted to that dollar amount which bears the ratio to its original dollar amount which the board of trustees finds to exist between the index for calendar year 1970 and the index for calendar year 1969.

(9) Effective July 1, 1972, every current pension which became effective July 1, 1969, through and including June 30, 1970, shall be further adjusted to that dollar amount which bears the ratio to its original dollar amount which the board of trustees finds to exist between the index for calendar year 1969 and the index for calendar year 1968. [1972 ex.s. c 147 § 2; 1970 ex.s. c 35 § 1.]

**Effective date—Severability—1972 ex.s. c 147:** See notes following RCW 41.32.480.

**Effective date—Severability—1970 ex.s. c 35:** See notes following RCW 41.32.480.

**41.32.494 Increase of pension for certain pensioners—1961 ex.s. c 22.** In addition to the pension provided under RCW 41.32.493, a pension increase of eighty-three cents per month for each year of creditable service established with the retirement system, but not to exceed thirty-five years of creditable service, shall be granted to the following persons:

(1) Former members of the teachers' retirement system or a former fund who were receiving a retirement allowance for service on June 30, 1957, and who have not returned to active membership in the system since June 30, 1957, and who are receiving a retirement allowance on July 1, 1961, and who were sixty-two years of age or older in the case of females and sixty-five years of age or older in the case of males by June 30, 1957.

(2) All former members of the teachers' retirement system or a former fund who were receiving a retirement allowance for disability on December 31, 1960, and who have not returned to active membership in the retirement system since December 31, 1960, and who are receiving a retirement allowance for disability on July 1, 1961.

(3) Members who were receiving a temporary disability allowance on December 31, 1960, and who qualify for disability retirement benefits upon termination of the temporary disability benefit, provided they are not at that time eligible for benefits pursuant to chapter 41.33 RCW.

(4) Any former member of the teachers' retirement system or a former fund who is receiving a retirement allowance from the teachers' retirement system on July 1, 1961, and who, on that date, is permanently disabled for further teaching duties, but is unable to qualify for the increased benefits as set forth under subsection (1), (2) or (3) of this section, shall be eligible to apply for such increased benefits: *Provided*, That he is not eligible

for benefits pursuant to chapter 41.33 RCW. Such person may qualify for the increased pension provided in this section upon approval by the board of trustees of a written application, together with a medical report approved by the medical director of the retirement system, certifying that the applicant is physically or mentally incapacitated for further teaching duties. [1961 ex.s. c 22 § 3.]

**41.32.4943 Funds required for payment under RCW 41.32.4932, 41.32.493, 41.32.4931, 41.32.494, 41.32.561, 41.32.480, 41.32.497, 41.32.498 and 41.32.550 to be provided in accordance with RCW 41.32.401.** The funds necessary for the payment of benefits under subsections (4), (5), (6) and (7) of RCW 41.32.4932, 41.32.493, 41.32.4931, 41.32.494, 41.32.561 and the funds required for the payment of benefits under RCW 41.32.480, 41.32.497, 41.32.498, and 41.32.550 shall be provided in accordance with RCW 41.32.401. [1975 1st ex.s. c 148 § 1; 1972 ex.s. c 147 § 3; 1970 ex.s. c 35 § 7.]

**Effective date—Severability—1972 ex.s. c 147:** See notes following RCW 41.32.480.

**Effective date—Severability—1970 ex.s. c 35:** See notes following RCW 41.32.480.

**41.32.4944 Funds required for payment of benefits to elected and appointed officials under RCW 41.32.497 and 41.32.498.** The board of trustees shall determine the amount of employer contribution rate necessary to properly fund the increased benefits granted elected and appointed officials by RCW 41.32.497 and 41.32.498. Upon determining the amount of employer contribution necessary, the board shall inform, bill and collect from the employer of those elected or appointed officials the amount so determined in the same manner and to the same extent as the public employees' retirement system pursuant to RCW 41.40.370. [1973 1st ex.s. c 189 § 5.]

**Severability—1973 1st ex.s. c 189:** See note following RCW 41.32.190.

**41.32.4945 Limitation as to earnable compensation of member as member of the legislature.** Notwithstanding any other provision of RCW 41.32.010, 41.32.260, 41.32.497, 41.32.498 and this section, when the salary of any member as a member of the legislature is increased beyond the amount provided for in Initiative Measure No. 282 then earnable compensation for the purposes of this chapter shall be based solely on the sum of (1) the compensation actually received from the salary for the job from which such leave of absence may have been taken and (2) such member's salary as a legislator during his two highest compensated consecutive years. [1974 ex.s. c 199 § 6.]

**Emergency—Severability—Construction—1974 ex.s. c 199:** See notes following RCW 41.32.010.

**41.32.497 Retirement allowance for members entering system before April 25, 1973—Election.** Any person who became a member on or before April 25, 1973 and who qualifies for a retirement allowance shall, at time of retirement, make an irrevocable election to

receive either the retirement allowance by RCW 41.32.498 as now or hereafter amended or to receive a retirement allowance pursuant to this section consisting of: (1) An annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement, (2) A basic service pension of one hundred dollars per annum, and (3) A service pension which shall be equal to one one-hundredth of his average earnable compensation for his two highest compensated consecutive years of service times the total years of creditable service established with the retirement system: *Provided*, That no beneficiary now receiving benefits or who receives benefits in the future, except those beneficiaries receiving reduced benefits pursuant to RCW 41.32.520(1), options 2 and 3 provided in RCW 41.32.530, or options 2 or 3 of RCW 41.32.498 as now or hereafter amended, shall receive a pension of less than six dollars and fifty cents per month for each year of creditable service established with the retirement system. Pension benefits payable under the provisions of this section shall be prorated on a monthly basis and paid at the end of each month. [1974 ex.s. c 199 § 3; 1973 1st ex.s. c 189 § 2; 1970 ex.s. c 35 § 3; 1969 ex.s. c 150 § 15; 1963 ex.s. c 14 § 16.]

**Emergency—Severability—Construction—1974 ex.s. c 199:** See notes following RCW 41.32.010.

**Severability—1973 1st ex.s. c 189:** See note following RCW 41.32.190.

**Parts of sections retroactive—1973 1st ex.s. c 189:** See note following RCW 41.32.498.

**Effective date—Severability—1970 ex.s. c 35:** See notes following RCW 41.32.480.

**Effective date—1969 ex.s. c 150:** See note following RCW 41.32.030.

**Saving—Severability—Effective date—1963 ex.s. c 14:** See notes following RCW 41.32.010.

**41.32.498 Retirement allowance for members entering system after April 25, 1973 or in lieu of allowance under RCW 41.32.497.** Any person who becomes a member subsequent to April 25, 1973 or who has made the election, provided by RCW 41.32.497, to receive the benefit provided by this section, shall receive a retirement allowance consisting of:

(1) An annuity which shall be the actuarial equivalent of his additional contributions on full salary as provided by chapter 274, Laws of 1955 and his lump sum payment in excess of the required contribution rate made at date of retirement, pursuant to RCW 41.32.350, if any; and

(2) A combined pension and annuity service retirement allowance which shall be equal to two percent of his average earnable compensation for his two highest compensated consecutive years of service times the total years of creditable service established with the retirement system, to a maximum of sixty percent of such average earnable compensation: *Provided*, That any member may irrevocably elect, at time of retirement, to withdraw all or a part of his accumulated contributions and to receive, in lieu of the full retirement allowance provided by this subsection, a reduction in the standard two percent allowance, of the actuarially determined amount of monthly annuity which would have been purchased by said contributions: *Provided further*, That no

member may withdraw an amount of accumulated contributions which would lower his retirement allowance below the minimum allowance provided by RCW 41.32.497 as now or hereafter amended: *And provided further*, That said reduced amount may be reduced even further pursuant to the options provided in subsection (4) below;

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, the retirement allowance payable for service of a member who was state superintendent of public instruction on January 1, 1973 shall be equal to three percent of the average earnable compensation of his two highest consecutive years of service for each year of such service.

(4) Upon an application for retirement approved by the board of trustees every member shall receive the maximum retirement allowance available to him throughout life unless prior to the time the first installment thereof becomes due he has elected to receive the reduced amount provided in subsection (2) and/or has elected by executing the proper application therefor, to receive the actuarial equivalent of his retirement allowance in reduced payments throughout his life, with the options listed below:

Option 1. If he dies before he has received the present value of his accumulated contributions at the time of his retirement by virtue of the annuity portion of his retirement allowance, the unpaid balance shall be paid to his estate or to such person as he shall have nominated by written designation executed and filed with the board of trustees.

Option 2. Upon his death his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation duly executed and filed with the board of trustees at the time of his retirement.

Option 3. Upon his death one-half of his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation executed and filed with the board of trustees at the time of his retirement. [1974 ex.s. c 199 § 4; 1973 1st ex.s. c 189 § 3.]

**Emergency—Severability—Construction—1974 ex.s. c 199:** See notes following RCW 41.32.010.

**Parts of sections as retroactive—1973 1st ex.s. c 189:** "Subsection (3) of section 3 of this 1973 amendatory act and the equivalent language contained in the last proviso in section 1 of this 1973 amendatory act, relating to elected and appointed officials, shall be retroactive to January 1, 1973." [1973 1st ex.s. c 189 § 4.]

**Reviser's note:** The reference to "subsection (3) of section 3" appears to be erroneous. Section 13 of the original bill (House Bill No. 419) referred to equivalent language in subsection (3) of section 12 and the last proviso in section 4, amending RCW 41.32.497. The language referred to in section 4 remains in section 2 of the final bill which amends RCW 41.32.497, but was deleted by senate committee amendment from section 3 (formerly section 12 of the original bill) of the engrossed substitute bill, codified herein as RCW 41.32.498.

**Severability—1973 1st ex.s. c 189:** See note following RCW 41.32.190.

*Certain moneys payable during 1973–1975 biennium to be from interest earnings: RCW 41.32.4982.*

**41.32.4982 Certain moneys payable during 1973–1975 biennium to be from interest earnings.** Notwithstanding any other provision of this chapter, moneys

necessary to pay the combined pension and annuity service retirement allowance provided for in RCW 41.32.498(2) shall be payable for the 1973–1975 biennium from interest earnings on the pension reserve fund as provided for in RCW 41.32.030. [1973 1st ex.s. c 189 § 10.]

**Severability—1973 1st ex.s. c 189:** See note following RCW 41.32.190.

**41.32.4983 Certain moneys payable during 1975–1977 biennium may be paid from interest earnings.** Notwithstanding any provision of this chapter, moneys necessary to pay the combined pension and annuity service retirement allowance provided for in RCW 41.32.498(2) may be payable for the 1975–77 biennium from interest earnings on the pension reserve fund as provided for in RCW 41.32.030. [1975–'76 2nd ex.s. c 85 § 1.]

**41.32.499 Service retirement allowance adjustments based on cost-of-living factors.** (1) "Index" for the purposes of this section shall mean, for any calendar year, that year's annual average consumer price index for urban wage earners and clerical workers, all items (1957–1959 equal one hundred)—compiled by the Bureau of Labor Statistics, United States Department of Labor;

(2) "Cost-of-living factor" for the purposes of this section for any year shall mean the ratio of the index for the previous year to the index for the year preceding the initial date of payment of the retirement allowance, except that, in no event, shall the cost-of-living factor, for any year subsequent to 1971, be

(a) less than 1.000;

(b) more than one hundred three percent or less than ninety-seven percent of the previous year's cost-of-living factor; or

(c) such as to yield a retirement allowance, for any individual, less than that which was in effect July 1, 1972;

(3) The "initial date of payment" for the purposes of adjusting the annuity portion of a retirement allowance for the purposes of this section shall mean the date of retirement of a member.

(4) The "initial date of payment" for the purposes of adjusting the pension portion of a retirement allowance for the purposes of this section shall mean the date of retirement of a member or July 1, 1972, whichever is later: *Provided*, That \*this 1973 amendment to this subsection shall be retroactive to July 1, 1973.

(5) Each service retirement allowance payable from July 1, 1973, until any subsequent adjustment pursuant to subsection (6) of this section shall be adjusted so as to equal the product of the cost-of-living factor for 1973 and the amount of said retirement allowance on the initial date of payment.

(6) Each service retirement allowance payable from July 1st of any year after 1973 until any subsequent adjustment pursuant to this subsection shall be adjusted so as to equal the product of the cost-of-living factor for such year and the amount of said retirement allowance on the initial date of payment: *Provided*, That the board

finds, at its sole discretion, that the cost of such adjustments shall have been met by the excess of the growth in the assets of the system over that required for meeting the actuarial liabilities of the system at that time. [1973 2nd ex.s. c 32 § 1; 1973 1st ex.s. c 189 § 9.]

**\*Reviser's note:** "this 1973 amendment" changed the date in subsection (4) from "June 30, 1970" to "July 1, 1972", as appears above.

**Emergency—Severability—1973 2nd ex.s. c 32:** See notes following RCW 41.32.310.

**Severability—1973 1st ex.s. c 189:** See note following RCW 41.32.190.

**Increase in pension portion of retirement allowance—Authorized—As separate appropriation:** RCW 41.32.567.

**41.32.500 Termination of membership—When membership may be retained—Prior service certificate void, when.** Membership in the retirement system is terminated when a member retires for service or disability, dies, withdraws his accumulated contributions or does not establish service credit with the retirement system for five consecutive years; however, a member may retain membership in the teachers' retirement system by leaving his accumulated contributions in the teachers' retirement fund under one of the following conditions:

- (1) If he is eligible for retirement;
- (2) If he is a member of another public retirement system in the state of Washington by reason of change in employment and has arranged to have membership extended during the period of such employment;
- (3) If he is not eligible for retirement but has established five or more years of Washington membership service credit.

The prior service certificate becomes void when a member dies, withdraws his accumulated contributions or does not establish service credit with the retirement system for five consecutive years, and any prior administrative interpretation of the board of trustees, consistent with this section, is hereby ratified, affirmed and approved. [1974 ex.s. c 193 § 3; 1969 ex.s. c 150 § 16; 1967 c 50 § 6; 1965 ex.s. c 81 § 5; 1955 c 274 § 23; 1947 c 80 § 50; Rem. Supp. 1947 § 4995-69.]

**Emergency—Severability—1974 ex.s. c 193:** See notes following RCW 41.32.310.

**Effective date—1969 ex.s. c 150:** See note following RCW 41.32.030.

**Effective date—Severability—1967 c 50:** See notes following RCW 41.32.010.

**Effective date—Severability 1965 ex.s. c 81:** See notes following RCW 41.32.010.

**41.32.510 Payment on withdrawal—Reentry.** Should a member cease to be employed in the public schools of this state and request upon a form provided by the board of trustees a refund of his accumulated contributions with interest to the June 30th next preceding, this amount shall be paid to him less any withdrawal fee which may be assessed by the board of trustees which shall be deposited to the expense fund. The amount withdrawn, together with interest must be paid if he desires to reestablish his former service credits. Upon termination of membership, interest on accumulated contributions in the annuity fund shall cease and all accumulated contributions unclaimed after the

expiration of ten years thereafter become an integral part of the income fund. Termination of employment with one employer for the specific purpose of accepting employment with another employer or termination with one employer and reemployment with the same employer, whether for the same school year or for the ensuing school year, shall not qualify a member for a refund of his accumulated contributions. A member who files an application for a refund of his accumulated contributions and subsequently enters into a contract for or resumes public school employment before a refund payment has been made shall not be eligible for such payment. [1969 ex.s. c 150 § 17; 1963 ex.s. c 14 § 17; 1955 c 274 § 24; 1947 c 80 § 51; Rem. Supp. 1947 § 4995-70. Prior: 1941 c 97 § 6, part; 1939 c 86 § 6, part; 1937 c 221 § 7, part; Rem. Supp. 1941 § 4995-7, part.]

**Effective date—1969 ex.s. c 150:** See note following RCW 41.32.030.

**Saving—Severability—Effective date—1963 ex.s. c 14:** See notes following RCW 41.32.010.

**41.32.520 Payment on death before retirement.** Upon receipt of proper proofs of death of any member before retirement or before the first installment of his retirement allowance shall become due his accumulated contributions and/or other benefits payable upon his death shall be paid to his estate or to such persons as he shall have nominated by written designation duly executed and filed with the board of trustees. If a member fails to file a new beneficiary designation subsequent to marriage, divorce, or reestablishment of membership following termination by withdrawal, lapsation, or retirement, payment of his accumulated contributions and/or other benefits upon death before retirement shall be made to the surviving spouse, if any; otherwise, to his estate. If a member had established ten or more years of Washington membership service credit or was eligible for retirement, the beneficiary or the surviving spouse if otherwise eligible may elect, in lieu of a cash refund of the member's accumulated contributions, the following survivor benefit plan:

(1) A widow or widower, without a child or children under eighteen years of age, may elect a monthly payment of fifty dollars to become effective at age fifty, provided the member had fifteen or more years of Washington membership service credit.

(2) The beneficiary, if a surviving spouse or a dependent (as that term is used in computing the dependent exemption for federal internal revenue purposes) may elect to receive a retirement allowance under Option 2 of RCW 41.32.530. In the case of a dependent child the allowance shall continue until attainment of majority or so long as the board judges that the circumstances which created his dependent status continue to exist. In any case, if at the time dependent status ceases, an amount equal to the amount of accumulated contributions of the deceased member has not been paid to the beneficiary, the remainder shall then be paid in a lump sum to the beneficiary: *Provided*, That if at the time of death, the member was not then qualified for a service retirement allowance, such Option 2 benefit shall be based upon the actuarial equivalent of the sum necessary to pay the

accrued regular retirement allowance commencing when the deceased member would have first qualified for a service retirement allowance.

If no qualified beneficiary survives a member, at his death his accumulated contributions shall be paid to his estate, or his dependents may qualify for survivor benefits under benefit plan (2) in lieu of a cash refund of the members accumulated contributions in the following order: Widow or widower, guardian of a dependent child or children under age eighteen, or dependent parent or parents.

Under survivors' benefit plan (1) the board of trustees shall transfer to the survivors' benefit fund the accumulated contributions of the deceased member together with an amount from the pension fund determined by actuarial tables to be sufficient to fully fund the liability. Benefits shall be paid from the survivors' benefit fund monthly and terminated at the marriage of the beneficiary. [1974 ex.s. c 193 § 5; 1973 2nd ex.s. c 32 § 4; 1973 1st ex.s. c 154 § 76; 1967 c 50 § 7; 1965 ex.s. c 81 § 6; 1957 c 183 § 3; 1955 c 274 § 25; 1947 c 80 § 52; Rem. Supp. 1947 § 4995-71. Prior: 1941 c 97 § 6; 1939 c 86 § 6; 1937 c 221 § 7; 1923 c 187 § 22; 1917 c 163 § 21; Rem. Supp. 1941 § 4995-7.]

**Emergency—Severability—1974 ex.s. c 193:** See notes following RCW 41.32.310.

**Emergency—Severability—1973 2nd ex.s. c 32:** See notes following RCW 41.32.310.

**Severability—1973 1st ex.s. c 154:** See note following RCW 2.12.030.

**Effective date—Severability—1967 c 50:** See notes following RCW 41.32.010.

**Effective date—Severability—1965 ex.s. c 81:** See notes following RCW 41.32.010.

**Severability—1957 c 183:** See RCW 41.33.900.

**41.32.522 Death benefits.** Upon receipt of proper proof of death of a member who was employed on a full time basis and who contributed to the death benefit fund during the fiscal year in which his death occurs, or who was under contract for full time employment in a Washington public school for the fiscal year immediately following the year in which such contribution to the death fund was made, or who submits an application for a retirement allowance to be approved at the next regular meeting of the board of trustees immediately following termination of his full time Washington public school service and who dies before the first installment of his retirement allowance becomes due, or who is receiving or is entitled to receive temporary disability payments, or who upon becoming eligible for a disability retirement allowance submits an application for such an allowance to be approved at the next regular meeting of the board of trustees immediately following the date of his eligibility for a disability retirement allowance and dies before the first installment of such allowance becomes due, a death benefit of six hundred dollars shall be paid from the death benefit fund to his estate or to such persons as he shall have nominated by written designation duly executed and filed with the board of trustees or to such persons as may otherwise qualify as the beneficiary pursuant to RCW 41.32.520, as now or hereafter amended: *Provided*, That the deceased member

had established at least one year of credit with the retirement system for full time Washington membership service and that his contribution to the death benefit fund for a given fiscal year shall qualify him for the death benefit in the event his death occurs before the beginning of the ensuing school year: *And provided further*, That a deceased member who was not employed full time in Washington public school service during the fiscal year immediately preceding the year of his death shall have been employed full time in Washington public school service for at least fifty consecutive days during the fiscal year of his death. [1974 ex.s. c 193 § 4; 1969 ex.s. c 150 § 18; 1967 c 50 § 8; 1963 ex.s. c 14 § 20.]

**Emergency—Severability—1974 ex.s. c 193:** See notes following RCW 41.32.310.

**Effective date—1969 ex.s. c 150:** See note following RCW 41.32.030.

**Effective date—Severability—1967 c 50:** See notes following RCW 41.32.010.

**Saving—Effective date—Severability—1963 ex.s. c 14:** See notes following RCW 41.32.010.

**41.32.523 Death benefits—Members not qualified for benefits under RCW 41.32.522 and retired former members.** Upon receipt of proper proof of death of a member who does not qualify for the death benefit of six hundred dollars under RCW 41.32.522 as now or hereafter amended, or a former member who was retired for age, service or disability, a death benefit of four hundred dollars shall be paid from the death benefit fund to his estate or to such persons as he shall have nominated by written designation duly executed and filed with the board of trustees or to such persons as may otherwise qualify as the beneficiary pursuant to RCW 41.32.520, as now or hereafter amended: *Provided*, That the member or the retired former member had established not less than ten years of credit with the retirement system for full time Washington membership service. [1974 ex.s. c 193 § 6; 1969 ex.s. c 150 § 19; 1967 c 50 § 9; 1965 ex.s. c 81 § 7; 1963 ex.s. c 14 § 21.]

**Emergency—Severability—1974 ex.s. c 193:** See notes following RCW 41.32.310.

**Effective date—1969 ex.s. c 150:** See note following RCW 41.32.030.

**Effective date—Severability—1967 c 50:** See notes following RCW 41.32.010.

**Saving—Effective date—Severability—1963 ex.s. c 14:** See notes following RCW 41.32.010.

**41.32.530 Options available.** Upon an application for retirement approved by the board of trustees every member shall receive the maximum retirement allowance available to him throughout life unless prior to the time the first installment thereof becomes due he has elected, by executing the proper application therefor, to receive the actuarial equivalent of his retirement allowance in reduced payments throughout his life with the following options:

Option 1. If he dies before he has received the present value of his accumulated contributions at the time of his retirement in annuity payments the unpaid balance shall be paid to his estate or to such person as he shall have

nominated by written designation executed and filed with the board of trustees.

Option 2. Upon his death his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation duly executed and filed with the board of trustees at the time of his retirement.

Option 3. Upon his death one-half of his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation executed and filed with the board of trustees at the time of his retirement.

Option 4. Such other benefits shall be paid as the member may designate for himself or others equal to the actuarial value of his retirement annuity at the time of his retirement: *Provided*, That the board of trustees shall limit withdrawals of accumulated contributions to such sums as will not reduce the member's retirement allowance below one hundred and twenty dollars per month. [1955 c 274 § 26; 1947 c 80 § 53; Rem. Supp. 1947 § 4995-72. Prior: 1941 c 97 § 7, part; 1939 c 86 § 7, part; 1937 c 221 § 8, part; Rem. Supp. 1941 § 4995-8, part.]

**41.32.540 Disability allowance—Temporary.** Upon application of a member in service or of his employer or of his legal guardian or of the legal representative of a deceased member who was eligible to apply for a temporary disability allowance based on his final illness a member shall be granted a temporary disability allowance by the board of trustees if the medical director, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty. Any member receiving a temporary disability allowance on July 1, 1964 or who qualifies for a temporary disability allowance effective on or after July 1, 1964 shall receive a temporary disability allowance of one hundred eighty dollars per month payable from the disability reserve fund for a period not to exceed two years, but no payments shall be made for a disability period of less than sixty days: *Provided*, That a member who is not employed full time in Washington public school service for consecutive fiscal years shall have been employed for at least fifty consecutive days during the fiscal year in which he returns to full time Washington public school service before he may qualify for temporary disability benefits: *Provided further*, That no temporary disability benefits shall be paid on the basis of an application received more than four calendar years after a member became eligible to apply for such benefits. [1974 ex.s. c 193 § 7; 1963 ex.s. c 14 § 18; 1959 c 37 § 1; 1955 c 274 § 27; 1947 c 80 § 54; Rem. Supp. 1947 § 4995-73. Prior: 1941 c 97 § 7, part; 1939 c 86 § 7, part; 1937 c 221 § 8, part; Rem. Supp. 1941 § 4995-8, part.]

**Emergency—Severability—1974 ex.s. c 193:** See notes following RCW 41.32.310.

**Saving—Effective date—Severability—1963 ex.s. c 14:** See notes following RCW 41.32.010.

**41.32.550 Options and allowances on report that disability will be permanent—Reexamination.** Should the board determine from the report of the medical director

that a member in full time service has become permanently disabled for the performance of his duties or at any time while a member is receiving temporary disability benefits that a member's disability will be permanent, a member shall have the option of then receiving (1) all of his accumulated contributions in a lump sum payment and canceling his membership, or (2) of accepting a retirement allowance based on service or age, if eligible under RCW 41.32.480, or (3) if he had five or more years of Washington membership service credit established with the retirement system, a retirement allowance because of disability: *Provided*, That any member applying for a retirement allowance who is eligible for benefits on the basis of service or age shall receive a retirement allowance based on the provision of law governing retirement for service or age. If the member qualifies to receive a retirement allowance because of disability he shall be paid the maximum annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension equal to the service pension to which he would be entitled under RCW 41.32.497 as now or hereafter amended. If the member dies before he has received in annuity payments the present value of his accumulated contributions at the time of his retirement, the unpaid balance shall be paid to his estate or to such persons as he shall have nominated by written designation executed and filed with the board of trustees.

A member retired for disability may be required at any time to submit to reexamination. If medical findings reveal that the individual is no longer disabled for the performance of public school service, the retirement allowance granted because of disability may be terminated by action of the board of trustees or upon written request of the member. In case of such termination, the individual shall be restored to full membership in the retirement system. [1970 ex.s. c 35 § 4; 1969 ex.s. c 150 § 20; 1967 c 50 § 10; 1963 ex.s. c 14 § 19; 1961 c 132 § 4; 1959 c 37 § 2; 1955 c 274 § 28; 1947 c 80 § 55; Rem. Supp. 1947 § 4995-74. Prior: 1941 c 97 § 7, part; 1939 c 86 § 7, part; 1937 c 221 § 8, part; 1931 c 115 § 8; 1923 c 187 § 18; 1917 c 163 § 17, part; Rem. Supp. 1941 § 4995-8, part.]

**Effective date—Severability—1970 ex.s. c 35:** See notes following RCW 41.32.480.

**Effective date—1969 ex.s. c 150:** See note following RCW 41.32.030.

**Effective date—Severability—1967 c 50:** See notes following RCW 41.32.010.

**Saving—Severability—Effective date—1963 ex.s. c 14:** See notes following RCW 41.32.010.

**41.32.560 Rights of existing recipients of disability allowances.** Any former member of the retirement system or a former fund receiving permanent disability allowances on July 1, 1955, shall in lieu of all allowances provided by any former law receive a disability allowance adjusted for cost of living to seventy-five dollars per month to be paid from the pension fund. Any member of the retirement system receiving a temporary disability allowance on July 1, 1955, shall in lieu of the disability allowance provided by the former law receive a



disability allowance adjusted for cost of living to seventy-five dollars per month to be paid from the disability reserve fund. Such disability allowances may be continued only upon recommendation of the medical director and approval of the board of trustees. [1955 c 274 § 29; 1947 c 80 § 56; Rem. Supp. 1947 § 4995-75. Prior: 1941 c 97 § 7, part; 1939 c 86 § 7, part; 1937 c 221 § 8, part; Rem. Supp. 1941 § 4995-8, part.]

**41.32.561 Rights of persons receiving disability allowances on July 1, 1961.** Any former member of the retirement system or a former fund receiving a disability retirement allowance on July 1, 1961, shall in lieu of all allowances provided by any former law receive, effective July 1, 1967, a disability retirement allowance of four dollars per month for each year of creditable service established, but in no event shall the total allowance for disability be less than seventy-five dollars per month. [1967 c 151 § 3; 1961 c 132 § 6.]

**Effective date—Severability—1967 c 151:** See notes following RCW 41.32.480.

**Effective date—1961 c 132:** See note following RCW 41.32.240.

**41.32.565 Future benefits as contractual rights for persons retiring after April 25, 1973.** Any member of the teachers' retirement system who decides to retire after April 25, 1973 shall be entitled as a matter of contractual right to receive any new or increased benefits resulting from the enactment of legislation creating a new retirement system through a merger of the public employees' retirement system and the teachers' retirement system or from benefit liberalizations of the teachers' retirement system until June 30, 1974. [1973 1st ex.s. c 190 § 1.]

**Reviser's note:** Session law language "the effective date of this act" has been changed in RCW 41.32.565, 41.40.150 and 41.40.180 to read "April 25, 1973" as 1973 1st ex.s. c 190 contained an emergency clause. Note however that section 15 of the 1973 act [see RCW 41.40.011] provided that certain subsections in sections 2 and 13 of the 1973 act [see RCW 41.40.010 and 41.40.361] did not take effect until January 1, 1974.

**Severability—1973 1st ex.s. c 190:** See note following RCW 41.40.010.

**41.32.567 Increase in pension portion of retirement allowance—Authorized—As separate appropriation.** (1) Effective July 1, 1974, the pension portion of the retirement allowance being paid to all retirees who retired on or before June 30, 1970, shall be increased in an amount equal to 11.9 percent of that portion.

(2) Effective July 1, 1974, the pension portion of the retirement allowance being paid to all retirees who retired on or after July 1, 1970 through and including June 30, 1973, shall be increased in an amount equal to 2.9 percent of that portion.

(3) Solely for the purposes of RCW 41.32.499, the initial date of payment of the pension portion of the retirement allowance which is increased by this section shall be deemed to be July 1, 1973.

(4) The funds necessary for the payment of benefits provided by subsections (1) and (2) of this section shall constitute a separate biennial appropriation transfer by

the legislature from the state general fund to the teachers' retirement fund. [1974 ex.s. c 193 § 8.]

**Emergency—Severability—1974 ex.s. c 193:** See notes following RCW 41.32.310.

**41.32.570 Suspension of pension payments.** Any retired teacher who enters service in any public educational institution shall cease to receive pension payments while engaged in such service: *Provided*, That service may be rendered up to seventy-five days per school year without reduction of pension. [1967 c 151 § 5; 1959 c 37 § 3; 1955 c 274 § 30; 1947 c 80 § 57; Rem. Supp. 1947 § 4995-76.]

**Effective date—Severability—1967 c 151:** See notes following RCW 41.32.480.

**41.32.580 Retired teacher may reenter system—Benefit limitations.** A retired teacher upon returning to service in the public schools of Washington may elect to again become a member of the retirement system: *Provided*, That if such a retired teacher elects to be restored to membership he must establish two full years of service credit before he will be eligible to retire under the provision of a formula other than the one in effect at the time of his previous retirement: *Provided further*, That where any such right to again retire is exercised to become effective before a member has established two full years of service credit he may elect to retire only under the provisions of the formula in effect at the time of his previous retirement: *And provided further*, That this section shall not apply to any individual who has returned to service and is presently in service on \*the effective date of this 1973 amendatory act. [1973 2nd ex.s. c 32 § 5; 1947 c 80 § 58; Rem. Supp. 1947 § 4995-77.]

**\*Reviser's note:** "the effective date of this 1973 amendatory act", because of the emergency clause footnoted to RCW 41.32.310, is September 27, 1973, the date of approval by the governor. Note retroactive effect of amendment to RCW 41.32.499(4).

**Emergency—Severability—1973 2nd ex.s. c 32:** See notes following RCW 41.32.310.

**41.32.583 Transfer of publicly elected official members to public employees' retirement system.** A publicly elected official who having served twelve consecutive years in office and who, retiring from office on or before January 10, 1973 and who is currently a member of the Washington state teachers' retirement system, may transfer to the Washington public employees' retirement system provided such transfer is made by February 1, 1973. [1972 ex.s. c 147 § 5.]

**Effective date—Severability—1972 ex.s. c 147:** See notes following RCW 41.32.480.

**41.32.590 Exemption from taxation and judicial process—Nonassignability—Premium deduction authorized.** The right of a person to a pension, an annuity, a retirement allowance, or disability allowance, to the return of contributions, any optional benefit or death benefit, any other right accrued or accruing to any person under the provisions of this chapter and the moneys in the various funds created by this chapter shall be

unassignable, and are hereby exempt from any state, county, municipal or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever: *Provided*, That this section shall not be deemed to prohibit a beneficiary of a retirement allowance who is eligible under RCW 41.05.080 from authorizing deductions therefrom for payment of premiums due on any group life or disability insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions in accordance with rules and regulations that may be promulgated by the retirement board. [1971 c 63 § 1; 1961 c 132 § 5; 1947 c 80 § 59; Rem. Supp. 1947 § 4995-78. Prior: 1937 c 22 § 9; 1917 c 163 § 19.]

**Effective date**—1961 c 132: See note following RCW 41.32.240.

**41.32.600 Office at capitol.** Suitable office quarters shall be provided by the state for the operation of the retirement system; such office to be located at the state capitol. [1947 c 80 § 60; Rem. Supp. 1947 § 4995-79.]

**41.32.610 Appeal by claimant.** Any claimant feeling aggrieved by the action of the board may take an appeal to the superior court of Thurston county within ten days from the day he receives written notice of the board's action by filing with the secretary-manager of the system a written notice of appeal and giving bond to the retirement system in the sum of two hundred and fifty dollars conditioned to pay all costs which may be adjudged against the applicant in the superior court. Sureties on the bond must be such as are approved by the court. [1947 c 80 § 61; Rem. Supp. 1947 § 4995-80. Prior: 1937 c 221 § 11, part; 1923 c 187 § 25, part; 1917 c 163 § 24, part.]

**41.32.620 Appeal by five members.** Any five members feeling aggrieved by any action of the board may take an appeal to the superior court of Thurston county within ten days from the date of such action by filing with the secretary-manager of the system a written notice of appeal and giving bond to the retirement system in the sum of two hundred and fifty dollars conditioned to pay all costs which may be adjudged against appellants in the superior court, with sureties on the bond approved by the court. In case the appeal involves a claim, service of a copy of the notice of appeal on the claimant is a necessary step in perfecting the appeal. [1947 c 80 § 62; Rem. Supp. 1947 § 4995-81. Prior: 1937 c 221 § 11, part; 1917 c 163 § 24, part.]

**41.32.630 Transcript and papers to superior court.** If an appeal involves a claimant, the secretary-manager of the retirement system shall forthwith certify to the clerk of the superior court for Thurston county all matter filed with respect to the claim, together with a transcript of the record of the board upon the claim, together with the notice of appeal and appeal bond. [1947 c 80 § 63; Rem. Supp. 1947 § 4995-82. Prior: 1937 c 221 § 11, part; 1923 c 187 § 25, part; 1917 c 163 § 24, part.]

**41.32.640 Hearing in superior court.** The hearing on appeal shall be de novo and follow the practice in the trial of appeals from justice courts except that there shall be no jury. [1947 c 80 § 64; Rem. Supp. 1947 § 4995-83. Prior: 1937 c 221 § 11, part; 1923 c 187 § 25, part; 1917 c 163 § 24, part.]

**41.32.650 Appeal.** Appeals from the judgment of the superior court may be taken to the supreme court or the court of appeals in the manner provided for taking appeals in equity cases. [1971 c 81 § 104; 1947 c 80 § 65; Rem. Supp. 1947 § 4995-84. Prior: 1937 c 221 § 11, part; 1923 c 187 § 25, part; 1917 c 163 § 24, part.]

**41.32.660 Correction of errors by board.** Should any error in the records result in any member or beneficiary receiving from the retirement system more or less than he would have been entitled to receive had the records been correct, the board of trustees shall correct such error, and as far as practicable, shall adjust the payments in such manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid. [1947 c 80 § 66; Rem. Supp. 1947 § 4995-85. Prior: 1937 c 221 § 10.]

**41.32.670 Falsification—Penalty.** Any person who shall knowingly make false statements or shall falsify or permit to be falsified any record or records of the retirement system in any attempt to defraud such system as a result of such act, shall be guilty of a felony. [1947 c 80 § 67; Rem. Supp. 1947 § 4995-86. Prior: 1937 c 221 § 10.]

**41.32.680 Deductions from retirement allowances for medical, hospital or other health care.** Participants in a health care benefit plan approved pursuant to RCW 28A.58.420 and 41.05.020 who are retired or any group of not less than one hundred retired members may authorize the deduction from their retirement allowances, of the amount or amounts of their subscription payments, premiums, or contributions to any person, firm or corporation furnishing or providing medical, surgical and hospital care or other health care insurance upon the approval by the board of trustees of an application for such deduction on the prescribed form, and the treasurer of the state shall duly and timely draw and issue proper warrants directly to and in favor of the person, firm, or corporation, or organization named in the authorization for the total amount authorized to be deducted. [1975 c 17 § 1; 1972 ex.s. c 147 § 4.]

**Effective date—Severability—1972 ex.s. c 147:** See notes following RCW 41.32.480.

### Chapter 41.33

### TEACHERS' RETIREMENT—FEDERAL SOCIAL SECURITY

#### Sections

41.33.010	Plan for covering members under OASI approved.
41.33.020	Terms and provisions of plan.
41.33.030	Effective date for coverage of members.
41.33.900	Severability—1957 c 183.

**41.33.010 Plan for covering members under OASI approved.** The plan for covering the members of the teachers' retirement system under the old age and survivor insurance provisions of Title II of the federal social security act as amended, required by RCW 41.48.050 as amended by section 5, chapter 4, Laws of the Extraordinary Session of 1955, approved by the board of trustees of the teachers' retirement system on October 8, 1956, and by the governor of the state of Washington on November 19, 1956, is hereby approved. [1957 c 183 § 1.]

**41.33.020 Terms and provisions of plan.** The terms and provisions of the plan are as follows:

(1) Each political subdivision of the state employing members of the teachers' retirement system and the members of the teachers' retirement system, after the approval of this plan by the legislature, and by the eligible employees through a referendum as provided in RCW 41.48.030 (3) and (4), shall be deemed to have accepted and agreed to be bound by the following terms and conditions in consideration of extension of the existing agreement between the secretary of health, education and welfare and the governor to make the protection of the federal old age and survivors insurance program available and applicable to such employees.

(2) As used in this plan the terms quoted below shall have the meanings assigned thereto in this section.

"Political subdivision" means any political subdivision, or instrumentality of one or more subdivisions, or proprietary enterprise acquired, purchased or originated by one or more such subdivisions after December, 1950, which employs members of the teachers' retirement system. The state, its agencies, instrumentalities and institutions of higher learning shall be grouped and considered as a single political subdivision.

"Employee" means any person who is a member of the teachers' retirement system and is employed by a political subdivision.

"Wages" shall have the meaning given in RCW 41.48.020(1) and section 209 of the social security act (42 U.S.C.A. Sec. 409).

"State" where not otherwise clearly indicated by the context, means the commissioner of employment security or other officer designated by the governor to administer the plan at the state level for all participating political subdivisions.

(3) The terms and conditions of this plan are intended and shall be construed to be in conformity with the requirements of the federal social security act as amended and with the requirements of chapter 41.48 RCW, and particularly RCW 41.48.050, as amended by chapter 4, Laws of 1955 extraordinary session.

(4) The rights and benefits accruing to employees from membership in the teachers' retirement system shall in no way be altered or impaired by this plan or by the additional and supplementary OASI coverage which such employees may receive hereunder, other than the elimination of (1), (2) and (3) of section 52, chapter 80, Laws of 1947 and RCW 41.32.520 as each are amended, with the exception of that part of (1) which permits a widow or widower without a child or children

under age eighteen to receive a monthly payment of fifty dollars at age fifty, provided that the member had fifteen or more years of Washington membership service credit at date of death.

(5) There shall be no additional cost to or involvement of the state or a political subdivision with respect to OASI coverage of members of the teachers' retirement system until this plan has been approved by the legislature.

(6) Each employee to whom OASI coverage is made applicable under this plan pursuant to an extension or modification under RCW 41.48.030 of the existing agreement between the secretary of health, education and welfare and the governor shall be required to pay into the OASI contribution fund established by RCW 41.48.060 during the period of such coverage contributions with respect to his wages in an amount equal to the employee tax imposed by the federal insurance contributions act (section 3101, Internal Revenue Code of 1954), in consideration of the employee's retention in service by the political subdivision. The subdivision shall withhold such contributions from the wages paid to the employee; and shall remit the contributions so withheld in each calendar quarter to the state for deposit in the contribution fund not later than the twentieth calendar day of the month following that quarter.

(7) Each political subdivision shall pay into the contribution fund with respect to the wages of its employees during the period of their OASI coverage pursuant to this plan contributions in an amount equal to the employer tax imposed by the federal insurance contributions act (section 3111, Internal Revenue Code of 1954), from the fund of the subdivision from which such employees' wages are paid. The subdivision shall remit such contributions to the state for deposit in the contribution fund on a quarterly basis, not later than the twentieth calendar day of the month following each calendar quarter.

(8) If any political subdivision other than that comprising the state, its agencies, instrumentalities and institutions of higher learning fails to remit as provided herein employer contributions or employee contributions, or any part of either, such delinquent contributions may be recovered with interest at the rate of six percent per annum by action in a court of competent jurisdiction against the political subdivision; or such delinquent contributions may at the request of the governor be deducted from any moneys payable to such subdivision by the state.

(9) Each political subdivision shall be charged with a share of the cost of administration of this plan by the state, to be computed as that proportion of the overall cost of administration which its total annual contributions bear to the total annual contributions paid by all subdivisions on behalf of employees covered by the plan. The state shall compute the share of cost allocable to each subdivision and bill the subdivision therefor at the end of each fiscal year. The subdivision shall within ninety days thereafter remit its share of the cost to the state for deposit in the general fund of the state.

(10) Each political subdivision shall submit to the state, through the employment security department, P.O.

Box 367, Olympia, Washington, or such other officer or agency as the governor may subsequently designate, on forms furnished by the state, not later than the twentieth calendar day of the month following the end of each calendar quarter, the following information:

A. The social security account number of each employee;

B. the name of each employee;

C. the amount of wages subject to contributions as required hereunder paid to each employee during the quarter;

D. the total amount of wages subject to contributions paid to all employees during the quarter;

E. the total amount of employee contributions withheld and remitted for the quarter; and

F. the total amount of employer contributions paid by the subdivision for the quarter.

(11) Each political subdivision shall furnish in the same manner as provided in subsection (10), upon reasonable notice, such other and further reports or information as the governor may from time to time require. Each subdivision shall comply with such requirements as the secretary of health, education and welfare or the governor may from time to time establish with respect to any or all of the reports or information which are or may be provided for under subsection (10) or this subsection in order to assure the correctness and verification thereof.

(12) The governing body of each political subdivision shall designate an officer of the subdivision to administer such accounting, reporting and other functions as will be required for the effective operation of this plan within the subdivision, as provided herein. The commissioner of employment security or such other officer as the governor may designate, shall perform or supervise those functions with respect to employees of the subdivision comprising the state, its agencies, instrumentalities and institutions of higher learning; and shall serve as the representative of the participating political subdivisions in the administration of this plan with the secretary of health, education and welfare.

(13) The legislature shall designate the first day of any month beginning with January, 1956, as the effective date of OASI coverage for such employees, except that after January 1, 1958, the effective date may not be prior to the first day of the current year.

The employer's contribution for any retroactive coverage shall be transferred by the board of trustees from the teachers' retirement pension reserve fund to the official designated by the governor to administer the plan at the state level.

Each employee's contributions for any retroactive coverage shall be transferred by the board of trustees from his accumulated contributions in the teachers' retirement fund, to the official designated above. Each employee, if he so desires, may, within one year from the date of transfer, reimburse his accumulated contributions for the amount so transferred.

(14) The governor may terminate the operation of this plan in its entirety with respect to any political subdivision, in his discretion, if he finds that the subdivision has failed to comply substantially with any requirement or

provision of this plan. The plan shall not be so terminated until reasonable notice and opportunity for hearing thereon have been given to the subdivision under such conditions, consistent with the provisions of the social security act, as shall have been established in regulations by the governor. [1973 1st ex.s. c 154 § 77; 1957 c 183 § 2.]

**Severability**—1973 1st ex.s. c 154: See note following RCW 2.12.030.

**41.33.030 Effective date for coverage of members.** The effective date of OASI coverage for members of the teachers' retirement system shall be January 1, 1956: *Provided*, That should the agreement between the governor and the secretary of health, education and welfare be executed subsequent to December 31, 1957, the effective date of coverage shall be that specified in the agreement. [1957 c 183 § 5.]

**41.33.900 Severability**—1957 c 183. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected. [1957 c 183 § 6.]

**Reviser's note:** This severability clause also applies to RCW 41.32-.520 as amended by 1957 c 183 § 3.

### Chapter 41.36

#### RETIREMENT AND DISABILITY PAYMENTS IN FIRST CLASS SCHOOL DISTRICTS

##### Sections

41.36.010	Definitions.
41.36.020	Authority to make payments conferred.
41.36.030	Eligibility of recipients.
41.36.040	Rules and regulations.

**41.36.010 Definitions.** The word "teacher" wherever used in this chapter shall be held and construed to mean and include any person regularly employed and qualified at the time of retirement as a teacher, instructor, principal, supervisor or superintendent in the public schools of such school districts, or as assistant to any such teacher, instructor, principal, supervisor or superintendent: *Provided*, That "assistant" shall mean such person only as is engaged in educational work and is qualified as a teacher. [1941 c 243 § 2; Rem. Supp. 1941 § 4995-17.]

**41.36.020 Authority to make payments conferred.** Any school district of the first class may, at the discretion of its board of directors, under such rules and regulations as the board may establish, make direct payments to its retired superannuated or disabled teachers and may appropriate funds therefor. [1941 c 243 § 1; Rem. Supp. 1941 § 4995-16.]

**41.36.030 Eligibility of recipients.** The eligibility of any teacher for the benefit payments authorized by this chapter shall not be affected by his status as a member or nonmember of the state teachers' retirement system. [1941 c 243 § 3; Rem. Supp. 1941 § 4995-18.]

**41.36.040 Rules and regulations.** Any school district electing to make any benefit payments authorized by this chapter shall have the power to adopt such rules and regulations and designate or appoint such agents and employees as the board of directors may deem necessary or proper to effectuate such purpose. [1941 c 243 § 4; Rem. Supp. 1941 § 4995-19.]

**Chapter 41.40  
WASHINGTON PUBLIC EMPLOYEES'  
RETIREMENT SYSTEM**

**Sections**

- 41.40.010 Terms defined.
- 41.40.011 Effective date of certain subsections.
- 41.40.020 System created—Administration.
- 41.40.030 Retirement board—Election, terms.
- 41.40.040 Vacancies—Effect of nonattendance.
- 41.40.050 Oath of office—Quorum—Travel expenses.
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*Periodical actuarial studies to be made of retirement system: RCW 41.04.050.*

*Transfer of membership to judges' retirement system: RCW 2.12.100.*

**41.40.010 Terms defined.** As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the public employees' retirement system provided for in this chapter.

(2) "Retirement board" means the board provided for in this chapter and chapter 41.26 RCW to administer said retirement system.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) "Employer" means every branch, department, agency, commission, board, and office of the state, any political subdivision or association of political subdivisions of the state admitted into the retirement system, and legal entities authorized by RCW 36.70.060 and 35.63.070 or chapter 39.34 RCW as now or hereafter amended; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. The term may also include any city of the first class that has its own retirement system.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.120.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided he has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement has rendered five or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon

retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8) "Compensation earnable" means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money maintenance compensation shall be included upon the basis of the schedules established by the member's employer: *Provided*, That if a leave of absence is taken by an individual for the purpose of serving in the state legislature, the salary which would have been received for the position from which the leave of absence was taken, shall be considered as compensation earnable if the employee's contribution is paid by the employee and the employer's contribution is paid by the employer or employee.

(9) "Service" means periods of employment rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Full time work for ten days or more or an equivalent period of work in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits. Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: *Provided*, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system: *Provided further*, That where an individual is employed by two employers he shall only receive a total of twelve months of service credit during any calendar year.

(10) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(11) "Membership service" means:

(a) All service rendered, as a member, after October 1, 1947;

(b) All service after October 1, 1947, to any employer prior to the time of its admission into the retirement system: *Provided*, That an amount equal to the employer and employee contributions which would have been paid to the retirement system on account of such service shall have been paid to the retirement system with interest (as computed by the retirement board) on the employee's portion prior to retirement of such person, by the employee or his employer, except as qualified by RCW 41.40.120;

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member, prior to July 1, 1974 of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service

was rendered if the member had been a member during such period.

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member prior to July 1, 1974, of five percent of such member's salary during said period of probationary service.

(12) "Beneficiary" means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(13) "Regular interest" means such rate as the retirement board may determine.

(14) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in his individual account together with the regular interest thereon.

(15) "Average final compensation" means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service for which service credit is allowed; or if he has less than two years of service then the annual average compensation earnable during his total years of service for which service credit is allowed.

(16) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of his employment.

(17) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(18) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(19) "Retirement allowance" means the sum of the annuity and the pension.

(20) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.

(21) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the retirement board.

(22) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(23) "Eligible position" means:

(a) Any position which normally requires five or more uninterrupted months of service a year for which regular compensation is paid to the occupant thereof;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(24) "Ineligible position" means any position which does not conform with the requirements set forth in subdivision (23).

(25) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(26) "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member

is qualified by training or experience. [1973 1st ex.s. c 190 § 2; 1972 ex.s. c 151 § 1; 1971 ex.s. c 271 § 2; 1969 c 128 § 1; 1965 c 155 § 1; 1963 c 225 § 1; 1963 c 174 § 1; 1961 c 291 § 1; 1957 c 231 § 1; 1955 c 277 § 1; 1953 c 200 § 1; 1951 c 50 § 1; 1949 c 240 § 1; 1947 c 274 § 1; Rem. Supp. 1949 § 11072-1.]

**Severability**—1973 1st ex.s. c 190: "If any provision of this 1973 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." [1973 1st ex.s. c 190 § 16.] This applies to RCW 41.32.565, 41.40.010, 41.40.011, 41.40.030, 41.40.100, 41.40.120, 41.40.150, 41.40.170, 41.40.180, 41.40.185, 41.40.190, 41.40.193, 41.40.195, 41.40.330 and 41.40.361.

**Effective date of certain subsections**—1973 1st ex.s. c 190: See RCW 41.40.011.

**Severability**—1971 ex.s. c 271: See note following RCW 41.32.260.

**Severability**—1969 c 128: "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." [1969 c 128 § 19.] This applies to the 1969 amendment of RCW 41.40.010, 41.40.020, 41.40.071, 41.40.080, 41.40.120, 41.40.150, 41.40.170, 41.40.190, 41.40.230, 41.40.250, 41.40.270, 41.40.330, 41.40.410-41.40.414, and the repeal of RCW 41.40.290, 41.40.416-41.40.419 and 41.40.430.

**Severability**—1965 c 155: "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." [1965 c 155 § 10.] This applies to RCW 41.40.010, 41.40.071, 41.40.120, 41.40.150, 41.40.160, 41.40.270, 41.40.290, and 41.40.310.

**Severability**—1963 c 174: "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." [1963 c 174 § 19.] This applies to RCW 41.40.010, 41.40.030, 41.40.040, 41.40.060, 41.40.070, 41.40.080, 41.40.100, 41.40.150, 41.40.160, 41.40.170, 41.40.180, 41.40.260, 41.40.270, 41.40.310, 41.40.361, 41.40.410, 41.40.412 and 41.40.420.

**Severability**—1961 c 291: "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." [1961 c 291 § 18.] This applies to the 1961 amendments of RCW 41.40.010, 41.40.030, 41.40.040, 41.40.065, 41.40.190, 41.40.220, 41.40.250, 41.40.270, 41.40.290, 41.40.361, 41.40.370, 41.40.410 and the 1961 repeal of 41.32.495, 41.32.496, 41.40.085, and 41.40.087.

**41.40.011 Effective date of certain subsections.** The amendments contained in subsections 11 (a) and (b) of section 2 of this 1973 amendatory act and subsection 5 of section 13 of this 1973 amendatory act shall take effect January 1, 1974. [1973 1st ex.s. c 190 § 15.]

**Severability**—1973 1st ex.s. c 190: See note following RCW 41.40.010.

**41.40.020 System created—Administration.** A state employees' retirement system is hereby created for the employees of the state of Washington and its political subdivisions. The administration and management of the retirement system, the responsibility for making effective the provisions of this chapter, and the authority to make all rules and regulations necessary therefor are hereby vested in a retirement board. All such rules and regulations shall be governed by the provisions of chapter 34.04 RCW, as now or hereafter amended. The retirement system herein provided for shall be known as the Washington Public Employees' Retirement System. [1969 c 128 § 2; 1967 c 127 § 1; 1949 c 240 § 2; 1947 c 274 § 2; Rem. Supp. 1949 § 11072-2.]

**Severability**—1969 c 128: See note following RCW 41.40.010.

**41.40.030 Retirement board—Election, terms.** The retirement board shall consist of twelve members, as follows: The insurance commissioner, the attorney general, the state treasurer, the state auditor, the members provided by RCW 41.26.050, and four elected representatives who shall have been members of the retirement system for at least five years, and each of whom shall be elected by active or retired members in their classification for a term of three years: *Provided*, That the term of office of any employee representative serving as a member of the retirement board by appointment prior to March 21, 1961 shall continue until the expiration of the period of time for which such employee representative was appointed, except those board members provided by RCW 41.26.050. The active and retired members of the system shall be divided into four classifications for purposes of board representation as follows: Classification A shall consist of all employees of the state government; classification B shall consist of all employees of counties; classification C shall consist of all retired members; and classification D shall consist of all members not included in classification A[,] B, or C. Each member shall have the right to vote only for an employee representative from his respective classification.

The initial term of the representative from classification C shall begin July 1, 1974.

Any active or retired member desiring to become a candidate to represent active or retired members in his classification may during the first two weeks of April of the year in which the vacancy in the classification occurs, file with the director of the system a typewritten statement that he desires to be a candidate for the board. The letter supporting his candidacy must be signed by at least twenty members of the retirement system in his classification. The election shall be conducted under the supervision of the retirement board pursuant to such rules as the board shall prescribe, but shall be so conducted that the voting shall be secret and the ballots may be returned by mail. Ballots in order to be counted shall be received by the director not later than the second Monday in June. The board shall thereupon proceed to count the ballots and shall certify to the secretary of state the candidate receiving the highest number of votes.

The terms of all elected representatives shall commence on the first day of July following their election. [1974 ex.s. c 195 § 1; 1973 1st ex.s. c 190 § 3; 1971 ex.s. c 271 § 3; 1963 c 174 § 2; 1961 c 291 § 2; 1947 c 274 § 3; Rem. Supp. 1947 § 11072-3.]

**Severability**—1974 ex.s. c 195: "If any provision of this 1974 amendatory 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." [1974 ex.s. c 195 § 14.] This applies to the amendments to RCW 41.40.030, 41.40.120, 41.40.150 and 41.40.380, and to RCW 41.40.515 through 41.40.522.

**Severability**—1973 1st ex.s. c 190: See note following RCW 41.40.010.

**Severability**—1971 ex.s. c 271: See note following RCW 41.32.260.

**41.40.040 Vacancies—Effect of nonattendance.** (1) Any vacancy occurring by reason of resignation, death or disability ninety days or more before the expiration of the term of any employee representative of the retirement board shall be filled by appointment by the other members of the retirement board. The person appointed shall be a member of the same classification as was the employee representative to whose position he is appointed. The employee representative thus appointed shall serve until the vacancy is filled by the election of a member of the same classification.

(2) Any employee representative of the retirement board who fails to attend the scheduled meetings of the retirement board for three consecutive months or longer, without valid excuse, shall be considered as having resigned from board membership and the retirement board shall declare his office vacated as of the adoption of a proper resolution, and proceed to fill the vacancy as herein provided. [1963 c 174 § 3; 1961 c 291 § 3; 1947 c 274 § 4; Rem. Supp. 1947 § 11072-4.]

**41.40.050 Oath of office—Quorum—Travel expenses.** (1) *Board—Oath of office—Quorum.* Each member of the retirement board, created by this chapter, upon his election or appointment, shall take an oath of office which shall be immediately filed in the office of the secretary of state. A majority of the retirement board shall constitute a quorum for the transaction of any business at any meetings of the board.

(2) *Board members serve without compensation.* The members of the retirement board shall serve without compensation, but shall suffer no loss because of absence from their regular employment, and shall be reimbursed for travel expenses incurred in performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [1975-'76 2nd ex.s. c 34 § 90; 1947 c 274 § 5; Rem. Supp. 1947 § 11072-5.]

**Effective date—Severability**—1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

**41.40.060 Board officers, employees.** The retirement board shall elect from its membership a chairman and a vice chairman, and shall appoint a director and assistant director of the retirement system, and may employ or engage such other actuarial, medical, clerical, technical, and administrative employees or consultants as may be necessary for the proper operation of the retirement system. The compensation of all persons so appointed, employed and engaged shall be fixed in accordance with compensation schedules adopted by the board. [1963 c 174 § 4; 1949 c 240 § 3; 1947 c 274 § 6; Rem. Supp. 1949 § 11072-6.]

**41.40.065 Mortality, service, and other tables.** The retirement board shall collect and keep in convenient form such data as shall be necessary for an actuarial valuation of the assets and liabilities of the retirement system; and for making an actuarial investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of the retirement system. At least once in each five year period, the



retirement board shall cause an actuarial investigation to be made into the mortality, service, compensation, and other experience of the members and beneficiaries of the retirement system. Upon the basis of such actuarial investigation the retirement board shall adopt from time to time such tables as are deemed necessary for the proper operation and funding of the retirement system and for making effective the provisions of this chapter. [1961 c 291 § 4; 1947 c 274 § 7; Rem. Supp. 1947 § 11072-7.]

**41.40.072 Authority over funds—Investment.** The members of the retirement board shall be the trustees of the several funds created by this chapter and the retirement board shall have full power to invest or reinvest, or to authorize the state finance committee to invest or reinvest, such funds in the manner prescribed by RCW 43.84.150, and not otherwise: *Provided*, That the board shall authorize the state finance committee to execute all transactions in connection with the purchase, sale or exchange of any investment that it has authorized pursuant to its statutory authority. [1973 1st ex.s. c 103 § 16.]

**Severability—1973 1st ex.s. c 103:** See note following RCW 2.10.080.

**41.40.075 Investment of funds in farm, soil, water conservation loans.** The state employees' retirement board is authorized to invest those funds which are not under constitutional prohibition in farm ownership and soil and water conservation loans fully guaranteed as to principal and interest under the Bankhead-Jones Farm Tenant Act administered by the United States department of agriculture. [1959 c 91 § 2.]

**Reviser's note:** Although both the title of chapter 91, Laws of 1959 and the introductory phrase of section 2 thereof have directed that the above section be added to chapter 41.44 RCW, the express language of the section compels its codification in chapter 41.40 RCW.

**41.40.080 Custody of securities and funds—Duty of treasurer—Retirement system fund—Retirement system expense fund.** (1) All bonds or other obligations purchased according to \*RCW 41.40.070 shall be forthwith placed in the hands of the state treasurer who is hereby designated as custodian thereof, and it shall be his duty to collect the principal thereof and the interest thereon as the same becomes due and payable, and place the same when so collected into the retirement system's funds herein provided for bonds or other obligations. The retirement board may authorize the finance committee to sell any of the said bonds, or other obligations upon like resolution, and the proceeds thereof shall be paid by the purchaser to the state treasurer upon delivery to him of such bonds or other obligations by the state treasurer.

(2) The state treasurer shall be the custodian of all other funds of the retirement system and all disbursements therefrom shall be paid by the state treasurer upon vouchers duly authorized by the retirement board and bearing the signature of the duly authorized officer of the retirement board.

(3) The state treasurer is hereby authorized and directed to deposit any portion of the funds of the

retirement system not needed for immediate use in the same manner and subject to all the provisions of law with respect to the deposit of state funds by such treasurer, and all interest earned by such portion of the retirement system's funds as may be deposited by the state treasurer in pursuance of authority herewith given shall be collected by him and placed to the credit of the retirement fund or the retirement system expense fund.

(4) There is hereby established in the state treasury two separate funds, namely:

(a) The retirement system fund, into which shall be paid all moneys received by the retirement board and from which shall be paid all refunds, adjustments, retirement allowances and other benefits provided for herein. All contributions by members to the retirement system expense fund as provided in RCW 41.40.330 and contributions by employers for the expense of operating the retirement system as provided for herein shall be transferred by the state treasurer from the retirement system fund to the retirement system expense fund upon authorization of the retirement board;

(b) The retirement system expense fund, from which shall be paid the expenses of the administration of the retirement system.

(5) In order to reimburse the retirement system expense fund on an equitable basis the retirement board shall, after crediting the estimated amount to be collected as employees' contributions, ascertain and report to each employer the sum necessary to defray its proportional share of the entire expense of the administration of this chapter during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the said administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(6) The retirement board shall compute and bill each employer at the end of each month for the amount due for that month to the retirement system expense fund and the same shall be paid as are its other obligations. Such computation as to each such employer shall be made on a percentage rate of salary established by the board: *Provided*, That the retirement board may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(7) For the purpose of providing amounts to be used to defray the cost of such administration, the retirement board shall ascertain at the beginning of each biennium and request from the legislature an appropriation from the retirement system expense fund sufficient to cover estimated expenses for the said biennium. [1969 c 128 § 4; 1963 c 174 § 6; 1955 c 220 § 2; 1953 c 200 § 3; 1949 c 240 § 5; 1947 c 274 § 9; Rem. Supp. 1949 § 11072-9.]

**\*Reviser's note:** "RCW 41.40.070" was repealed by section 9, chapter 155, Laws of 1965. Later enactment, see RCW 41.40.072.

**Severability—1969 c 128:** See note following RCW 41.40.010.

**41.40.090 Pecuniary interest and dealings by officers and employees.** Except as provided herein, no member or employee of the retirement board shall have any interest direct or indirect in the gains or profits of any investment made by the retirement board nor as such directly or indirectly receive any pay or emolument for his services. And no member or person connected with the said retirement board, directly or indirectly, for himself or as an agent or partner of others, shall borrow any of its funds or deposits or in any manner use the same except to make such current and necessary payments as are authorized by the retirement board; nor shall any member or employee of the retirement board become an endorser or surety or become in any manner an obligor for moneys loaned or borrowed of the retirement board. [1947 c 274 § 10; Rem. Supp. 1947 § 11072-10.]

**Reviser's note:** Caption for 1947 c 274 § 10 reads as follows: "Sec. 10. No Employee Shall Gain From Investments."

**41.40.100 System funds created.** For the purpose of the internal accounting record of the retirement board and not the segregation of moneys on deposit with the state treasurer there are hereby created the employees' savings fund, the benefit account fund, the income fund and such other funds as may from time to time be required.

(1) The employees' savings fund shall be the fund in which shall be accumulated the contributions from the compensation of members. The retirement board shall provide for the maintenance of an individual account with each member of the retirement system showing the amount of the member's contributions together with interest accumulations thereon. The contributions of a member returned to him upon his withdrawal from service, or paid in event of his death, as provided in this chapter, shall be paid from the employees' savings fund. Any accumulated contributions forfeited by failure of a member, or his estate, to claim the same as provided for in this chapter shall be transferred from the employees' savings fund to the income fund. The accumulated contributions of a member, upon the commencement of his retirement, shall be transferred from the employees' savings fund to the benefit account fund.

(2) The benefit account fund shall be the fund in which shall be accumulated the reserves for the payment of all retirement allowances and death benefits, if any, in respect of any beneficiary. The amounts contributed by the employer to provide pension benefits shall be credited to the benefit account fund. The benefit account fund shall be the fund from which shall be paid all retirement allowances, or benefits in lieu thereof because of which reserves have been transferred from the employees' savings fund to the benefit account fund. At the time a recipient of a retirement allowance again becomes a member there shall be transferred from the benefit account fund to the employees' savings fund and credited to the individual account of such a member a sum that shall be equal to the excess, if any, of his individual account at the date of his retirement over any service retirement allowance received since that date.

(3) An income fund is hereby created for the purpose of crediting interest on the amounts in the various other

funds with the exception of the retirement system expense fund, and to provide a contingent fund out of which special requirements of any of the other funds may be covered. Transfers for such special requirements shall be made only when the amount in the income fund exceeds the ordinary requirements of such fund as evidenced by a resolution of the retirement board recorded in its minutes. The retirement board shall quarterly allow interest to each of the funds enumerated in subdivisions (1) and (2) of this section, and the amount so allowed shall be due and payable to said funds and shall be quarterly credited on the previous quarterly balance by the retirement board and paid from the income fund.

All accumulated contributions standing to the account of a terminated member and unclaimed after the expiration of fifteen years from the date of such termination except as provided in RCW 41.40.150(3) and 41.40.170, shall thereafter become an integral part of the income fund. All income, interest, and dividends derived from the deposits and investments authorized by this chapter shall be paid into the income fund with the exception of interest derived from sums deposited in the retirement system expense fund. The retirement board is hereby authorized to accept gifts and bequests. Any funds that may come into the possession of the retirement system in such manner, or any funds which may be transferred from the employees' savings fund by reason of lack of claimant, or because of a surplus in any fund created by this chapter, or any other moneys the disposition of which is not otherwise provided for herein, shall be credited to the income fund.

The board shall have sole discretion to determine the amount of interest to be credited to the employees' savings fund which will thereupon be credited as regular interest to the individual members' accounts. The board may specifically allocate not more than one percent per annum of the investment earnings for the purpose of making sufficient funds available to facilitate the adjustment in service retirement allowances provided by RCW 41.40.195 as now or hereafter amended. [1973 1st ex.s. c 190 § 4; 1972 ex.s. c 151 § 2; 1967 c 127 § 2; 1963 c 174 § 7; 1953 c 200 § 4; 1949 c 240 § 6; 1947 c 274 § 11; Rem. Supp. 1949 § 11072-11.]

**Severability**—1973 1st ex.s. c 190: See note following RCW 41.40.010.

**41.40.110 Report of the state treasurer—Statement of account in employees' savings fund furnished member.** The state treasurer shall furnish annually to the retirement board a statement of the amount of the funds in his custody belonging to the retirement system. Copies of this annual report shall be available to members upon request. The records of the retirement board shall be open to public inspection. Any member of the retirement system shall be furnished with a statement of the amount to the credit of his individual account in the employees' savings fund upon his written request, provided that the retirement board shall not be required to answer more than one such request of any member in any one year. [1947 c 274 § 12; Rem. Supp. 1947 § 11072-12.]

**41.40.120 Membership.** Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers as defined in this chapter who have served at least six months without interruption or who are employed, appointed or elected on or after July 1, 1965, with the following exceptions:

(1) Persons in ineligible positions;

(2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;

(3) Persons holding elective offices or persons appointed directly by the governor: *Provided*, That such persons shall have the option of applying for membership and to be accepted by the action of the retirement board, such application for those taking elective office for the first time after May 21, 1971 shall be submitted within eight years of the beginning of their initial term of office: *And provided further*, That any such persons previously denied service credit because of any prior laws excluding membership which have subsequently been repealed, shall nevertheless be allowed to recover or regain such service credit denied or lost because of the previous lack of authority: *And provided further*, That any persons holding elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership and be accepted by action of the retirement board, to be effective during such term or terms of office, and shall be allowed to recover or regain the service credit applicable to such term or terms of office upon payment of the employee contributions therefor by the employee and employer contributions therefor by the employer or employee: *And provided further*, That any person who was an elected official eligible to apply for membership pursuant to this subsection, who failed to exercise that option while holding such elected office and who is now a member of the retirement system, shall have the option to recover service credit for such elected service upon payment to the retirement system of the employee and employer contributions which would have been made had the person been a member during the period of such elective service;

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: *Provided, however*, In any case where the state employees' retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: *And provided further*, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits as

secondary payee under the optional retirement allowances as provided by RCW 41.40.190 or 41.40.185;

(5) Patient and inmate help in state charitable, penal and correctional institutions;

(6) "Members" of a state veterans' home or state soldiers' home;

(7) Persons employed by an institution of higher learning or community college, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;

(8) Employees of an institution of higher learning or community college during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer or contract basis or as an incident to the private practice of a profession;

(10) Persons appointed after April 1, 1963 by the liquor control board as agency vendors.

(11) Employees of a labor guild, association, or organization: *Provided*, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership and to be accepted by the action of the retirement board.

(12) Persons hired in eligible positions on a temporary basis for a period not to exceed six months: *Provided*, That if such employees are employed for more than six months in an eligible position they shall become members of the system.

(13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement system: *Provided*, That any member elected or appointed to an elective office on or after April 1, 1971 shall have the option of continuing his membership in this system in lieu of becoming a member of the city system. A member who so elects to maintain his membership shall make his contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereupon the member shall be granted credit for all such service. Any city that becomes an employer as defined in RCW 41.40.010(4) as the result of an individual's election under the first proviso of this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from transferring all of its current employees to the retirement system established under this chapter.

Notwithstanding any other provision of this chapter, persons transferring from employment with a first class city of over four hundred thousand population that has its own retirement system to employment with the state department of agriculture may elect to remain within the retirement system of such city and the state shall pay the employer contributions for such persons at like rates as prescribed for employers of other members of

such system. [1975 c 33 § 6; 1974 ex.s. c 195 § 2; 1973 1st ex.s. c 190 § 5; 1971 ex.s. c 271 § 4; 1969 c 128 § 5; 1967 c 127 § 3; 1965 c 155 § 2; 1963 c 225 § 2; 1963 c 210 § 1; 1957 c 231 § 2; 1955 c 277 § 2; 1953 c 200 § 5; 1951 c 50 § 2; 1949 c 240 § 7; 1947 c 274 § 13; Rem. Supp. 1949 § 11072-13.]

**Severability**—1975 c 33: See note following RCW 35.21.780.

**Severability**—1974 ex.s. c 195: See note following RCW 41.40.030.

**Severability**—1973 1st ex.s. c 190: See note following RCW 41.40.010.

**Severability**—1971 ex.s. c 271: See note following RCW 41.32.260.

**Severability**—1969 c 128: See note following RCW 41.40.010.

*Pension benefits or annuity benefits for certain classifications of school district employees: RCW 28A.58.565.*

**41.40.125 Membership—Persons seventy or over—Employment restrictions.** No person age seventy or more shall be employed in a position that would cause the occupant thereof to be eligible to first become a member, except as provided by RCW 41.40.410. No person age seventy or more shall be employed in a position the occupancy of which would restore him to membership. [1953 c 200 § 21.]

**41.40.130 Information furnished by employees, appointive and elective officials.** Within thirty days after his employment or his acceptance into membership by action of the retirement board each employee, appointive or elective official shall submit to the retirement board a statement of his name, sex, title, compensation, duties, date of birth, and length of service as an employee or appointive or elective official, and such other information as the retirement board shall require. Each employee becoming an original member shall file a detailed statement of all his prior service as an employee and shall furnish such other facts as the retirement board may require for the proper operation of the retirement system. Compliance with the provisions set forth in this section shall be considered to be a condition of employment and failure by an employee to comply may result in separation from service. [1949 c 240 § 8; 1947 c 274 § 1; Rem. Supp. 1949 § 11072-14.]

**41.40.150 Termination of membership.** Should any member die, or should he separate or be separated from service without leave of absence before attaining age sixty years, or should he become a beneficiary, except a beneficiary of an optional retirement allowance as provided by RCW 41.40.190, he shall thereupon cease to be a member except;

(1) As provided in RCW 41.40.170.

(2) An employee not previously retired who reenters service shall upon completion of six months of continuous service and upon the restoration of all withdrawn contributions with interest as computed by the retirement board, which restoration must be completed within a total period of five years of membership service following his first resumption of employment, be returned to the status, either as an original member or new member which he held at time of separation: *Provided*, That any member who reentered service outside the ten-year

period formerly provided by this subsection, and by reason of the former language of this section was not allowed to restore withdrawn contributions, shall have two years from April 25, 1973 to restore said contributions: *And provided further*, That any member who reentered service within the ten-year period formerly provided by this section, and who failed to restore withdrawn contributions within the three or five years previously allowed, shall now have two years from April 25, 1973 to restore said contributions, with interest as determined by the retirement board.

(3) A member who separates or has separated after having completed at least five years of service shall remain a member during the period of his absence from service for the exclusive purpose only of receiving a retirement allowance to begin at attainment of age sixty-five, however, such a member may upon thirty days written notice to the board elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty-five: *Provided*, That if such member should withdraw all or part of his accumulated contributions, he shall thereupon cease to be a member and this section shall not apply.

(4) (a) The recipient of a retirement allowance who has not yet reached the compulsory retirement age of seventy and who shall be employed in an eligible position shall be considered to have terminated his retirement status and he shall immediately become a member of the retirement system with the status of membership he had as of the date of his retirement. Retirement benefits shall be suspended during the period of his eligible employment and he shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: *Provided*, That where any such right to retire is exercised to become effective before the member has rendered two uninterrupted years of service the type of retirement allowance he had at the time of his previous retirement shall be reinstated, but no additional service credit shall be available;

(b) The recipient of a retirement allowance who has not yet reached the compulsory retirement age of seventy, following his election to office or appointment to office directly by the governor, and who shall apply for and be accepted in membership as provided in RCW 41.40.120(3) shall be considered to have terminated his retirement status and he shall become a member of the retirement system with the status of membership he had as of the date of his retirement. Retirement benefits shall be suspended from the date of his return to membership until the date when he again retires and he shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: *Provided*, That where any such right to retire is exercised to become effective before the member has rendered six uninterrupted months of service the type of retirement allowance he had at the time of his previous retirement shall be reinstated, but no additional service credit shall be available: *And provided further*, That if such a recipient of a

retirement allowance does not elect to apply for reentry into membership as provided in RCW 41.40.120(3), or should he have reached the age of seventy and be ineligible to apply as provided in RCW 41.40.125, he shall be considered to remain in a retirement status and his retirement benefits shall continue without interruption.

(5) Subject to the provisions of RCW 41.04.070, 41.04.080 and 41.04.100, any member who leaves the employment of an employer and enters the employ of a public agency or agencies of the state of Washington, other than those within the jurisdiction of the state employees' retirement system, and who establishes membership in a retirement system or a pension fund operated by such agency or agencies and who shall continue his membership therein until attaining age sixty, shall remain a member for the exclusive purpose only of receiving a retirement allowance without the limitation found in RCW 41.40.180(1) to begin on attainment of age sixty-five, however, such a member may upon thirty days written notice to the retirement board elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits commencing at age sixty-five: *Provided*, That if such member should withdraw all or part of his accumulated contributions, he shall thereupon cease to be a member and this section shall not apply. [1974 ex.s. c 195 § 3; 1973 1st ex.s. c 190 § 6; 1969 c 128 § 6; 1967 c 127 § 4; 1965 c 155 § 3; 1963 c 174 § 8; 1955 c 277 § 3; 1953 c 200 § 7; 1951 c 50 § 3; 1949 c 240 § 10; 1947 c 274 § 16; Rem. Supp. 1949 § 11072-16.]

**Reviser's note:** See note following RCW 41.32.565.

**Severability—1974 ex.s. c 195:** See note following RCW 41.40.030.

**Effective date of certain subsections—1973 1st ex.s. c 190:** See RCW 41.40.011.

**Severability—1973 1st ex.s. c 190:** See note following RCW 41.40.010.

**Severability—1969 c 128:** See note following RCW 41.40.010.

**41.40.155 Change of employment—Protection of rights.** The retirement board is empowered to enter into agreements with the boards or other authorities of retirement systems operated by the state or a political subdivision thereof for the purpose of protecting the retirement rights or benefits of public employees who may alter their membership status by changing employment from one public agency to another. [1951 c 50 § 17.]

**41.40.160 Creditable service.** (1) Subject to the provisions of RCW 41.40.150, at retirement the total service credited to a member shall consist of all his membership service and, if he is an original member, all of his certified prior service.

(2) Employees of a public utility or other private enterprise all or any portion of which has been heretofore or may be hereafter acquired by a public agency as a matter of public convenience and necessity, where it is in the public interest to retain the trained personnel of such enterprise, all service to that enterprise shall, upon the acquiring public agency becoming an employer as defined in RCW 41.40.010(4) be credited on the same

basis as if rendered to the said employer: *Provided*, That this shall apply only to those employees who were in the service of the enterprise at or prior to the time of acquisition by the public agency and who remain in the service of the acquiring agency until they attain membership in the state employees' retirement system; and to those employees who were in the service of the enterprise at the time of acquisition by the public agency and subsequently attain membership through employment with any participating agency: *Provided further*, In the event that the acquiring agency is an employer at the time of the acquisition, employer's contributions in connection with members achieving service credit hereunder shall be made on the same basis as set forth in RCW 41.40.361 for an employer admitted after April 1, 1949. [1965 c 155 § 4; 1963 c 174 § 9; 1953 c 200 § 8; 1951 c 50 § 4; 1949 c 240 § 11; 1947 c 274 § 17; Rem. Supp. 1949 § 11072-17.]

**41.40.165 Service credit for committee, board or commission members serving on part time basis prohibited.** No person appointed to membership on any committee, board, or commission on or after July 1, 1976, who is compensated for service on such committee, board, or commission for less than ten days or seventy hours in any month, whichever amount is less, shall receive service credit for such service for that month. [1975-'76 2nd ex.s. c 34 § 4.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**41.40.170 Credit for military service.** (1) A member who has served or shall serve on active federal service in the military or naval forces of the United States and who left or shall leave an employer to enter such service shall be deemed to be on military leave of absence if he has resumed or shall resume employment as an employee within one year from termination thereof.

(2) If he has applied or shall apply for reinstatement of employment, within one year from termination of the military service, and is refused employment for reasons beyond his control, he shall, upon resumption of service within ten years have such service credited to him.

(3) In any event, after completing twenty-five years of creditable service, any member may have his service in the armed forces credited to him as a member whether or not he left the employ of an employer to enter such armed service: *Provided*, That in no instance, described in subsections (1), (2), and (3) of this section, shall military service in excess of five years be credited: *And provided further*, That in each instance the member must restore all withdrawn accumulated contributions, which restoration must be completed within five years of membership service following his first resumption of employment: *And provided further*, That this section will not apply to any individual, not a veteran within the meaning of RCW 41.04.005, as now or hereafter amended: *And provided further*, That in no instance, described in subsections (1), (2) and (3) of this section, shall military service be credited to any member who is receiving full military retirement benefits pursuant to Title 10 United States Code. [1973 1st ex.s. c 190 § 14;

1972 ex.s. c 151 § 3; 1969 c 128 § 7; 1967 c 127 § 8; 1963 c 174 § 10; 1953 c 200 § 9; 1949 c 240 § 12; 1947 c 274 § 18; Rem. Supp. 1949 § 11072-18.]

**Severability**—1973 1st ex.s. c 190: See note following RCW 41.40.010.

**Severability**—1969 c 128: See note following RCW 41.40.010.

**41.40.180 Retirement—Optional—Compulsory—Length of service.** (1) On and after April 1, 1949, any member with five years of creditable service who has attained age sixty and any original member who has attained age sixty may retire upon his written application to the retirement board, setting forth at what time, not less than thirty days, nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired: *Provided*, That in the national interest, during time of war engaged in by the United States, the retirement board may extend beyond age sixty, subject to the provisions of subsection (2) of this section, the age at which any member may be eligible to retire.

(2) On and after April 1, 1949, any member who has attained age seventy shall be retired forthwith on the first day of the calendar month next succeeding that in which the said member shall have attained the age of seventy: *Provided*, That a member who has attained the age of seventy is possessed of special skill in the performance of particular duties, the retirement board shall continue such member in service for such period or periods as may be applied for by the governing body of the political subdivision where the member is employed or the head of the department, agency, commission, board and offices of the state: *Provided further*, That any member holding elective office, having a fixed term to which he has been elected, who has attained age seventy may continue to serve as an elective official and to receive retirement credit for such service.

(3) On and after April 1, 1953, any member who has completed thirty years of service may retire on his written application to the retirement board setting forth at what time, not less than thirty days, nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, subject to war measures.

(4) On and after May 21, 1971 any member who has completed twenty-five years of service and attained age fifty-five may retire on his written application to the retirement board setting forth at which time, not less than thirty days, nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, subject to war measures.

(5) Any individual who is eligible to retire pursuant to subsections (1) through (4) of this section shall be allowed to retire while on any authorized leave of absence not in excess of one hundred and twenty days.

(6) The retirement board is authorized to waive advance notice of retirement upon good cause shown. [1973 1st ex.s. c 190 § 7; 1972 ex.s. c 151 § 4; 1971 ex.s. c 271 § 7; 1967 c 127 § 5; 1963 c 174 § 11; 1955 c 277 § 4; 1953 c 200 § 10; 1951 c 81 § 1; 1949 c 240 § 13; 1947 c 274 § 19; Rem. Supp. 1949 § 11072-19.]

**Severability**—1973 1st ex.s. c 190: See note following RCW 41.40.010.

**Severability**—1971 ex.s. c 271: See note following RCW 41.32.260.

**41.40.185 Retirement allowances—Members retiring after February 25, 1972—Options.** Upon retirement from service, as provided for in RCW 41.40.180 or 41.40.210, a member shall be eligible for a service retirement allowance computed on the basis of the law in effect at the time of retirement, together with such post-retirement pension increases as may from time to time be expressly authorized by the legislature. The service retirement allowance payable to members retiring on and after February 25, 1972 shall consist of:

(1) An annuity which shall be the actuarial equivalent of his additional contributions made pursuant to RCW 41.40.330(2).

(2) A membership service pension, subject to the provisions of subsection (4) of this section, which shall be equal to two percent of his average final compensation for each year or fraction of a year of membership service.

(3) A prior service pension which shall be equal to one-seventieth of his average final compensation for each year or fraction of a year of prior service not to exceed thirty years credited to his service accounts. In no event, except as provided in \*this 1972 amendatory act, shall any member receive a retirement allowance pursuant to subsections (2) and (3) of this section of more than sixty percent of his average final compensation: *Provided*, That no member shall receive a pension under this section of less than nine hundred dollars per annum if such member has twelve or more years of service credit, or less than one thousand and two hundred dollars per annum if such member has sixteen or more years of service credit, or less than one thousand five hundred and sixty dollars per annum if such member has twenty or more years of service credit.

(4) Notwithstanding the provisions of subsections (1) through (3) of this section, the retirement allowance payable for service where a member was elected or appointed pursuant to Articles II or III of the Constitution of the state of Washington or RCW 48.02.010 and the implementing statutes shall be a combined pension and annuity. Said retirement allowance shall be equal to three percent of the average final compensation for each year of such service. Any member covered by this subsection who upon retirement has served ten or more years shall receive a retirement allowance of at least one thousand two hundred dollars per annum; such member who has served fifteen or more years shall receive a retirement allowance of at least one thousand eight hundred dollars per annum; and such member who has served twenty or more years shall receive a retirement allowance of at least two thousand four hundred dollars per annum: *Provided*, That the initial retirement allowance of a member retiring only under the provisions of this subsection shall not exceed the average final compensation upon which the retirement allowance is based. The minimum benefits provided in this subsection shall apply to all retired members or to the surviving spouse of deceased members who were elected to the office of state senator or state representative.

(5) Upon making application for a service retirement allowance under RCW 41.40.180, a member who is eligible therefor shall make an election as to the manner in which such service retirement shall be paid from among the following designated options, calculated so as to be actuarially equivalent to each other:

(a) Standard Allowance. A member selecting this option shall receive a retirement allowance, which shall be computed as provided in subsections (1), (2) and (3) of this section. The retirement allowance shall be payable throughout his life. However, if he dies before the total of the retirement allowance paid to him equals the amount of his accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, still living at the time of his death, then to his surviving spouse, or if there be neither such designated person or persons still living at the time of his death nor a surviving spouse, then to his legal representative.

(b) Option II. A member who selects this option shall receive a reduced retirement allowance which upon his death shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement.

(c) Option III. A member who selects this option shall receive a reduced retirement allowance and upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement. [1973 1st ex.s. c 190 § 8; 1972 ex.s. c 151 § 5.]

\*Reviser's note: "this 1972 amendatory act" [1972 ex.s. c 151] consists of 1972 ex.s. amendments to RCW 41.40.010, 41.40.100, 41.40.170, 41.40.180, 41.40.190, 41.40.210, 41.40.220, 41.40.250, 41.40.270, 41.40.330, 41.40.361, to the repeal of RCW 41.40.240, and to RCW 41.40.185, 41.40.193 and 41.40.235.

Severability—1973 1st ex.s. c 190: See note following RCW 41.40.010.

**41.40.190 Retirement allowance—In lieu of allowance provided in RCW 41.40.185—Election—Options.** In lieu of the retirement allowance provided in RCW 41.40.185, an individual employed on or before April 25, 1973 may, after complying with RCW 41.40.180 or 41.40.210, make an irrevocable election to receive the retirement allowance provided by this section which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(2) A basic service pension of one hundred dollars per annum; and

(3) A membership service pension, subject to the provisions of subdivision (4) of this section, which shall be

equal to one one-hundredth of his average final compensation for each year or fraction of a year of membership service credited to his service account; and

(4) A prior service pension which shall be equal to one-seventieth of his average final compensation for each year or fraction of a year of prior service not to exceed thirty years credited to his service accounts. In no event shall any original member upon retirement at age seventy with ten or more years of service credit receive less than nine hundred dollars per annum as a retirement allowance, nor shall any member upon retirement at any age receive a retirement allowance of less than nine hundred dollars per annum if such member has twelve or more years of service credit, or less than one thousand and two hundred dollars per annum if such member has sixteen or more years of service credit, or less than one thousand five hundred and sixty dollars per annum if such member has twenty or more years of service credit. In the event that the retirement allowance as to such member provided by subdivisions (1), (2), (3), and (4) hereof shall amount to less than the aforesaid minimum retirement allowance, the basic service pension of the member shall be increased from one hundred dollars to a sum sufficient to make a retirement allowance of the applicable minimum amount.

(5) Notwithstanding the provisions of subsections (1) through (4) of this section, the retirement allowance payable for service where a member was elected or appointed pursuant to Articles II or III of the Constitution of the state of Washington or RCW 48.02.010 and the implementing statutes shall be a combined pension and annuity. Said retirement allowance shall be equal to three percent of the average final compensation for each year of such service. Any member covered by this subsection who upon retirement has served ten or more years shall receive a retirement allowance of at least one thousand two hundred dollars per annum; such member who has served fifteen or more years shall receive a retirement allowance of at least one thousand eight hundred dollars per annum; and such member who has served twenty or more years shall receive a retirement allowance of at least two thousand four hundred dollars per annum: *Provided*, That the initial retirement allowance of a member retiring only under the provisions of this subsection shall not exceed the average final compensation upon which the retirement allowance is based. The minimum benefits provided in this subsection shall apply to all retired members or to the surviving spouse of deceased members who were elected under the provisions of Article II of the Washington state Constitution.

(6) Upon making application for a service retirement allowance under RCW 41.40.180, a member who is eligible therefor shall make an election as to the manner in which such service retirement shall be paid from among the following designated options, calculated so as to be actuarially equivalent to each other:

Option IA. A member electing this option shall receive a retirement allowance payable throughout his life only with termination at death, which shall be computed as provided for in subsections (1) through (4) or (5) of this section.

Option I. If he dies before the total of the annuity portions of the retirement allowance paid to him equals the amount of his accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, still living at the time of his death, then to his surviving spouse, or if there be neither such designated person or persons still living at the time of his death nor a surviving spouse, then to his legal representative; or

Option II. Upon his death his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement. Unless payment shall be made under RCW 41.40.270, option II shall automatically be given effect as if selected for the benefit of the surviving spouse upon the death in service, or while on authorized leave of absence for a period not to exceed one hundred and twenty days from the date of payroll separation, of any member who is qualified for a service retirement allowance or has completed ten years of service at the time of death, except that if the member is not then qualified for a service retirement allowance, such option II benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased member would have first qualified for a service retirement allowance; or

Option III. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement. [1973 1st ex.s. c 190 § 9; 1972 ex.s. c 151 § 6; 1971 ex.s. c 271 § 5; 1969 c 128 § 8; 1967 c 127 § 7; 1961 c 291 § 6; 1953 c 200 § 11; 1951 c 50 § 5; 1949 c 240 § 14; 1947 c 274 § 20; Rem. Supp. 1949 § 11072-20.]

**Reviser's note:** See note following RCW 41.32.565.

**Severability—1973 1st ex.s. c 190:** See note following RCW 41.40.010.

**Severability—1971 ex.s. c 271:** See note following RCW 41.32.260.

**Severability—1969 c 128:** See note following RCW 41.40.010.

**41.40.193 Dates upon which retirement allowances accrue.** Retirement allowances paid to members eligible to retire under the provisions of RCW 41.40.180, 41.40.200, 41.40.210, 41.40.220, 41.40.230, \*41.40.240 and 41.40.250 shall accrue from the first day of the calendar month immediately following the calendar month during which the member is separated from service. Retirement allowance paid to members eligible to retire under any other provisions of \*\*this 1972 amendatory act shall accrue from the first day of a calendar month but in no event earlier than the first day of the calendar month immediately following the calendar month during which

the member is separated from service. [1973 1st ex.s. c 190 § 10; 1972 ex.s. c 151 § 7.]

**\*Reviser's note:** "RCW 41.40.240" was repealed by section 15, chapter 151, Laws of 1972 ex. sess.

**\*\*Reviser's note:** "this 1972 amendatory act", see note following RCW 41.40.185.

**Severability—1973 1st ex.s. c 190:** See note following RCW 41.40.010.

**41.40.195 Adjustment in pension portion of service retirement allowance for prior pensions.** (1) "Index" for the purposes of this section, shall mean, for any calendar year, that year's annual average consumer price index for urban wage earners and clerical workers, all items (1957-1959 equal one hundred)—compiled by the Bureau of Labor Statistics, United States Department of Labor;

(2) "Cost-of-living factor", for any year shall mean the ratio of the index for the previous year to the index for the year preceding the initial date of payment of the retirement allowance, except that, in no event, shall the cost-of-living factor, for any year subsequent to 1971, be

(a) less than 1.000;

(b) more than one hundred three percent or less than ninety-seven percent of the previous year's cost-of-living factor; or

(c) such as to yield a retirement allowance, for any individual, less than that which was in effect July 1, 1971;

(3) "Initial date of payment" shall mean:

(a) The date of retirement of a member, or

(b) In the case of beneficiary receiving an allowance pursuant to the automatic application of option II pursuant to RCW 41.40.270(2), the first day of the month following the date of death;

(4) Each service retirement allowance payable from July 1, 1973 until any subsequent adjustment pursuant to subsection (5) of this section shall be adjusted so as to equal the product of the cost-of-living factor for 1973 and the amount of said retirement allowance on the initial date of payment.

(5) Each service retirement allowance payable from July 1st of any year after 1973 until any subsequent adjustment pursuant to this subsection shall be adjusted so as to equal the product of the cost-of-living factor for such year and the amount of said retirement allowance on the initial date of payment: *Provided*, That the board finds, at its sole discretion, that the cost of such adjustments shall have been met by the excess of the growth in the assets of the system over that required for meeting the actuarial liabilities of the system at that time.

(6) The cost-of-living increases provided by this section shall be applicable to those individuals receiving benefits calculated pursuant to chapter 41.44 RCW and paid by the public employees' retirement system pursuant to RCW 41.40.407. [1973 2nd ex.s. c 14 § 1; 1973 1st ex.s. c 190 § 11; 1971 ex.s. c 271 § 6; 1970 ex.s. c 68 § 1.]

**Severability—1973 1st ex.s. c 190:** See note following RCW 41.40.010.



**Severability**—1971 ex.s. c 271: See note following RCW 41.32.260.

**41.40.200 Retirement for disability in line of duty.** Subject to the provisions of RCW 41.40.310 and 41.40.320, upon application of a member, or his employer, a member who becomes totally incapacitated for duty as the natural and proximate result of an accident occurring in the actual performance of duty, while in the service of an employer, without wilful negligence on his part, shall be retired: *Provided*, The medical adviser after a medical examination of such member made by or under the direction of the said medical adviser shall certify in writing that such member is mentally or physically totally incapacitated for the further performance of his duty to his employer and that such member should be retired: *Provided further*, That the retirement board concurs in the recommendation of the medical adviser: *And provided further*, No application shall be valid or a claim thereunder enforceable unless filed within two years after the date upon which the injury occurred. [1955 c 277 § 5; 1951 c 50 § 6; 1949 c 240 § 15; 1947 c 274 § 21; Rem. Supp. 1949 § 11072-21.]

**41.40.210 Duty disability retirement allowance for disability after age sixty.** Upon retirement for disability, as provided in RCW 41.40.200, a member who has attained age sixty, regardless of his creditable service shall receive a service retirement allowance. [1972 ex.s. c 151 § 8; 1947 c 274 § 22; Rem. Supp. 1947 § 11072-22.]

**41.40.220 Allowance on retirement for duty disability—Before sixty.** Upon retirement for disability, as provided in RCW 41.40.200, a member who has not attained age sixty shall receive the following benefits, subject to the provisions of RCW 41.40.310 and 41.40.320:

(1) A disability retirement pension of two-thirds of his average final compensation to his attainment of age sixty, subject to the provisions of RCW 41.40.310. The disability retirement pension provided by the employer shall not exceed forty-two hundred dollars per annum, and

(2) Upon attainment of age sixty, the disabled member shall receive a service retirement allowance as provided in RCW 41.40.210. Such disabled member shall be given membership service for the period of time prior to age sixty he was out of such service due to such disability.

(3) During the period a disabled member is receiving a disability pension, as provided for in subdivision (1) of this section, his contributions to the employees' savings fund shall be suspended and his balance in the employees' savings fund, standing to his credit as of the date his disability pension is to begin, shall remain in the employees' savings fund: *Provided*, That if the disabled member should die before attaining age sixty, while a disability beneficiary, upon receipt by the retirement board of proper proof of death, his accumulated contributions standing to his credit in the employees' savings fund, shall be paid to such person or persons, having an insurable interest in his life, as he shall have nominated

by written designation duly executed and filed with the retirement board: *Provided, however*, That if there be no such designated person or persons still living at the time of the member's death, his accumulated contributions standing to his credit in the employees' savings fund shall be paid to his surviving spouse as if in fact such spouse had been nominated by written designation as aforesaid, or if there be no such surviving spouse, then to his legal representative. [1972 ex.s. c 151 § 9; 1971 ex.s. c 271 § 8; 1961 c 291 § 7; 1953 c 200 § 12; 1949 c 240 § 16; 1947 c 274 § 23; Rem. Supp. 1949 § 11072-23.]

**Severability**—1971 ex.s. c 271: See note following RCW 41.32.260.

**41.40.230 Nonduty disability.** Subject to the provisions of RCW 41.40.310 and 41.40.320, upon application of a member, or his employer, a member who has been an employee at least five years, and who becomes totally and permanently incapacitated for duty as the result of causes occurring not in the performance of his duty, may be retired by the retirement board: *Provided*, The medical adviser, after a medical examination of such member, made by or under the direction of the said medical adviser shall certify in writing that such member is mentally or physically incapacitated for the further performance of duty, and such incapacity is likely to be permanent and that such member should be retired: *Provided further*, That the retirement board concurs in the recommendation of the medical adviser. [1969 c 128 § 9; 1951 c 50 § 7; 1949 c 240 § 17; 1947 c 274 § 24; Rem. Supp. 1949 § 11072-24.]

**Severability**—1969 c 128: See note following RCW 41.40.010.

**41.40.235 Nonduty disability retirement allowance—Amount—Reduction—Maximum.** Upon retirement, a member shall receive a nonduty disability retirement allowance equal to two percent of average final compensation for each year of service: *Provided*, That such allowance shall be reduced by two percent of itself for each year or fraction thereof that his age is less than fifty-five years: *Provided further*, That in no case may the allowance provided by this section exceed sixty percent of average final compensation. [1972 ex.s. c 151 § 10.]

**41.40.250 Allowance on retirement for nonduty disability—In lieu of allowance provided in RCW 41.40.240—Election.** In lieu of the nonduty disability retirement allowance provided in RCW 41.40.240, an individual who was a member, on February 25, 1972 may upon qualifying pursuant to RCW 41.40.230, make an irrevocable election to receive the nonduty disability retirement allowance provided in subsections (1) and (2) of this section subject to the provisions of RCW 41.40.310 and 41.40.320. Upon attaining or becoming disabled after age sixty he shall receive a service retirement allowance as provided for in RCW 41.40.190 except that the annuity portion thereof shall consist of a continuation of the cash refund annuity previously provided to him. His disability retirement allowance prior to age sixty shall consist of:

(1) A cash refund annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(2) A pension, in addition to the annuity, equal to one one-hundredth of his average final compensation for each year of service. If the recipient of a retirement allowance under this section shall die before the total of the annuity portions of the retirement allowance paid to him equals the amount of his accumulated contributions at the date of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, still living at the time of his death, then to his surviving spouse, or if there be neither such designated person or persons still living at the time of his death nor a surviving spouse, then to his legal representatives. [1972 ex.s. c 151 § 11; 1969 c 128 § 10; 1961 c 291 § 8; 1953 c 200 § 13; 1947 c 274 § 26; Rem. Supp. 1947 § 11072-26.]

**Severability**—1969 c 128: See note following RCW 41.40.010.

*Nonduty disability retirement allowance*—1972 act: See RCW 41.40.235.

**41.40.260 Withdrawal from system—Refund of contributions—Waiver of allowance, when.** Subject to the provisions of RCW 41.40.280, should a member cease to be an employee, he may request upon a form provided by the retirement board a refund of all or part of the funds standing to his credit in the employees' savings fund and this amount shall be paid to him: *Provided*, That withdrawal of all or part of the funds by a member who is eligible for a service retirement allowance in RCW 41.40.180 or a disability retirement allowance in RCW 41.40.200, 41.40.210, 41.40.220, 41.40.230, \*41.40.240, or 41.40.250 shall constitute a waiver of any service or disability retirement allowance: *Provided further*, That the withdrawal of all or part of additional contributions made pursuant to RCW 41.40.330(2) shall not constitute a waiver. [1971 ex.s. c 271 § 9; 1963 c 174 § 12; 1949 c 240 § 18; 1947 c 274 § 27; Rem. Supp. 1949 § 11072-27.]

\*Reviser's note: RCW "41.40.240", see note following RCW 41.40.193.

**Severability**—1971 ex.S. c 271: See note following RCW 41.32.260.

**41.40.270 Death before retirement—Payment of contributions to nominee, surviving spouse, or legal representative—Waiver of payment, effect—Benefits.**

(1) Should a member die before the date of his retirement the amount of the accumulated contributions standing to his credit in the employees' savings fund, at the time of his death, shall be paid to such person or persons, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board. If there be no such designated person or persons still living at the time of the member's death, his accumulated contributions standing to his credit in the employees' savings fund shall be paid to his surviving spouse as if in fact such spouse had been nominated by written designation as

aforsaid, or if there be no such surviving spouse, then to his legal representatives; (2) Upon the death in service, or while on authorized leave of absence for a period not to exceed one hundred and twenty days from the date of payroll separation, of any member who is qualified but has not applied for a service retirement allowance or has completed ten years of service at the time of death, and who has designated a beneficiary, the designated beneficiary may elect to waive the payment provided by subsection (1) of this section and option II of RCW 41.40.190(6) shall automatically be given effect as if selected for the benefit of the surviving spouse, except that if the member is not then qualified for a service retirement allowance, such option II benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased member would have first qualified for a service retirement allowance; (3) *Provided further*, That subsection (1) of this section, unless elected, shall not apply to any member who has applied for service retirement in RCW 41.40.180 and thereafter dies between the date of his separation from service and his effective retirement date, where the member has selected either options II or III in RCW 41.40.190 or 41.40.185. The beneficiary named in the member's final application for service retirement may elect to receive either a cash refund or monthly payments according to the option selected by the member. [1972 ex.s. c 151 § 12; 1969 c 128 § 11; 1965 c 155 § 5; 1963 c 174 § 13; 1961 c 291 § 9; 1953 c 201 § 1; 1953 c 200 § 14; 1951 c 141 § 1; 1949 c 240 § 19; 1947 c 274 § 28; Rem. Supp. 1949 § 11072-28.]

**Severability**—1969 c 128: See note following RCW 41.40.010.

**41.40.280 Board may withhold refunds of contributions.** The retirement board may, in its discretion, withhold payment of all or part of a member's contributions for not more than six months after a member has ceased to be an employee: *Provided*, That termination of employment with one employer for the purpose of accepting employment with another employer or termination with one employer and reemployment with the same employer within a period of thirty days shall not qualify a member for a refund of his accumulated contributions. In addition, a member who files an application for a refund of his accumulated contributions and subsequently becomes employed in an eligible position before the expiration of thirty days or before a refund payment has been made, shall not be eligible for such refund payment. [1973 2nd ex.s. c 14 § 2; 1947 c 274 § 29; Rem. Supp. 1947 § 11072-29.]

**41.40.300 Benefits offset by workmen's compensation or similar benefits.** Any amounts which may be paid or payable under the provisions of any workmen's compensation, or pension, or similar law on account of any disability shall be offset against and payable in lieu of any benefits payable from funds provided by the employer under the provisions of this chapter on account of the same disability. [1949 c 240 § 21; 1947 c 274 § 31; Rem. Supp. 1949 § 11072-31.]

**41.40.310 Periodical examination of disability beneficiaries—Benefits upon resumption of gainful employment.** Once each year during the first five years following the retirement of a member on a disability pension or retirement allowance, and at least once in every three year period thereafter the retirement board may, and upon the member's application shall, require any disability beneficiary, who has not attained age sixty years, to undergo a medical examination; such examination to be made by or under the direction of the medical adviser at the place of residence of said beneficiary, or other place mutually agreed upon. Should any disability beneficiary, who has not attained age sixty years, refuse to submit to such medical examination in any such period, his disability pension or retirement allowance may be discontinued until his withdrawal of such refusal, and should such refusal continue for one year, all his rights in and to his disability pension, or retirement allowance, may be revoked by the retirement board. If upon such medical examination of a disability beneficiary, the medical adviser reports and his report is concurred in by the retirement board, that the disability beneficiary is no longer totally incapacitated for duty as the result of the injury or illness for which the disability was granted, or that he is engaged in a gainful occupation, his disability pension or retirement allowance shall cease: *Provided*, That if the disability beneficiary resumes a gainful occupation and his compensation is less than his compensation earnable at the date of disability, the board shall continue the disability benefits in an amount which when added to his compensation does not exceed his compensation earnable at the date of separation, but the disability benefit shall in no event exceed the disability benefit originally awarded. [1965 c 155 § 7; 1963 c 174 § 14; 1955 c 277 § 7; 1951 c 50 § 9; 1949 c 240 § 22; 1947 c 274 § 32; Rem. Supp. 1949 § 11072-32.]

**41.40.320 Disability beneficiary—Restoration to service.** A disability beneficiary who has been or shall be reinstated to active service shall from the date of such restoration again become a member of the retirement system; and he shall contribute to the retirement system in the same manner as prior to his disability retirement. Any prior service and membership service, on the basis of which his retirement allowances were computed at the time of his retirement, shall be restored to full force and effect, and, except in the case of retirement for nonduty disability as provided in RCW 41.40.230, he shall be given membership service for the period of time he was out of service due to such disability. [1953 c 200 § 16; 1951 c 50 § 10; 1949 c 240 § 23; 1947 c 274 § 33; Rem. Supp. 1949 § 11072-33.]

**41.40.330 Contributions.** (1) Each employee who is a member of the retirement system shall contribute five percent of his total compensation earnable: *Provided*, however, That a retirement system expense fund contribution of two dollars and fifty cents per annum shall be transferred in semiannual payments of one dollar and twenty-five cents from each employee account balance in the employees' savings fund to the retirement expense

fund account, as set forth in this section. On and after July 1, 1973, each employee who is a member of the retirement system shall contribute six percent of his total compensation earnable. The officer responsible for making up the payroll shall deduct from the compensation of each member, on each and every payroll of such member for each and every payroll period subsequent to the date on which he became a member of the retirement system the contribution as provided by this section.

(2) Any member may, pursuant to regulations formulated from time to time by the board, provide for himself, by means of an increased rate of contribution to his account in the employees' savings fund, an increased prospective retirement allowance pursuant to RCW 41.40.190 and 41.40.185.

(3) The officer responsible for making up the payroll shall deduct from the compensation of each member covered by the provisions of RCW 41.40.190(5) and 41.40.185(4) on each and every payroll of such member for each and every payroll period subsequent to the date on which he thereafter becomes a member of the retirement system, an amount equal to seven and one-half percent of such member's compensation earnable. [1973 1st ex.s. c 190 § 12; 1972 ex.s. c 151 § 13; 1971 ex.s. c 271 § 10; 1969 c 128 § 12; 1953 c 200 § 17; 1951 c 50 § 11; 1949 c 240 § 24; 1947 c 274 § 34; Rem. Supp. 1949 § 11072-34.]

**Severability—1973 1st ex.s. c 190:** See note following RCW 41.40.010.

**Severability—1971 ex.s. c 271:** See note following RCW 41.32.260.

**Severability—1969 c 128:** See note following RCW 41.40.010.

**41.40.340 Members agree to deductions.** The deductions from the compensation of members, provided for in RCW 41.40.330, shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for in this chapter and shall receipt in full for his salary or compensation, and payment less said deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to benefits provided for under this chapter. [1947 c 274 § 35; Rem. Supp. 1947 § 11072-35.]

**41.40.350 Transmittal of total of members' deductions.** The officer responsible for making up the payroll shall transmit promptly to the retirement board at the end of each and every payroll period a copy of the original payroll voucher or such other payroll report as the retirement board may require showing thereon all deductions for the retirement system made from the salary earnable of each member, together with warrants or checks covering the total of such deductions. The retirement board after making a record of all such receipts shall pay them to the state treasurer for use according to the provisions of this chapter. [1947 c 274 § 36; Rem. Supp. 1947 § 11072-36.]

**41.40.361 Employer's contribution.** (1) For the purpose of this section, the "fundable employer liability" at any date shall be the present value of

(a) all future pension benefits payable in respect of all members in the retirement system at that date, and

(b) all future benefits in respect of beneficiaries then receiving retirement allowances or pensions.

(2) The contributions by the employer for benefits under the retirement system shall consist of the sum of a percentage of the compensation of members to be known as the "normal contribution", a percentage of such compensation to be known as the "unfunded liability contribution" and in the case of employers admitted to the retirement system after April 1, 1949, a percentage of such compensation to be known as the "additional contribution". The rates of such contributions shall be determined by the retirement board on the basis of assets and liabilities as shown by actuarial valuation: *Provided*, That as to state employers effective July 1, 1973 the total combined contributions of the normal contribution and unfunded liability contribution shall not exceed a total combined percentage rate of seven percent for each employer unless authorized by the legislature.

(3) After the completion of each actuarial valuation subsequent to the first actuarial valuation of June 30, 1953, the retirement board shall determine the normal contribution rate and such contribution rate shall become effective in the ensuing biennium. In addition the board shall determine the additional employer contribution rate necessary to fund the benefits granted officials holding office pursuant to Articles II and III of the Constitution of the state of Washington and RCW 48.02.010. Said additional employer contribution rate shall be paid in the same manner as the normal contribution and the unfunded liability contribution. Until the unfunded liability contribution shall have been discontinued, such normal contribution rate shall be computed to be sufficient, when applied to the present value of the future compensation of the average new member entering the system, to provide for the payment of all prospective pension benefits in respect of such member. After the unfunded liability contributions have been discontinued, such normal contribution rate shall be determined as the uniform and constant percentage of the prospective compensation of all members of the retirement system at the date of such valuation which is equivalent to the excess of the fundable employer liability over the amount of funds currently standing to the credit of the benefit account fund.

(4) After the completion of each actuarial valuation subsequent to the first actuarial valuation of June 30, 1953, the retirement board shall determine the unfunded liability contribution, and such rate shall become effective in the ensuing biennium. The unfunded liability contribution rate shall not be less than the uniform and constant percentage of the prospective compensation of all members of the retirement system for the forty-year period following the date of such valuation which is equivalent to the unfunded liability. The unfunded liability shall be determined at such date as the excess of the fundable employer liability over the sum of the

present value of the future normal contributions payable in respect of all members in the retirement system at that date, and the amount of all funds currently standing to the credit of the benefit account fund. The unfunded liability contributions shall continue until there remains no unfunded liability.

(5) Any employer admitted to the retirement system after April 1, 1949, shall make an additional contribution until such time as the sum of such additional contributions equals the amount of contributions which such employer and employee would have been required to contribute between April 1, 1949, and the date of such employer's admission to the retirement system: *Provided*, That either the employee or employer may make the contributions the employee would have made during the same period of time: *Provided further*, That all additional contributions hereunder and under the provisions of RCW 41.40.160(2) must be completed within fifteen years from the date of the employer's admission. Employee contributions for these periods must be made before the member will receive credit for those periods of service, pursuant to such regulations as the retirement board may adopt.

(6) For the biennium beginning July 1, 1971, and ending June 30, 1973, only, and notwithstanding any other provision of the chapter, the rate determined by the board for state employer contributions shall be only the percentage of compensation for members equal to the "normal contribution" computed to be four and thirty-six one-hundredths percent of compensation. [1973 1st ex.s. c 190 § 13; 1972 ex.s. c 151 § 14; 1971 ex.s. c 271 § 11; 1963 c 174 § 15; 1961 c 291 § 11; 1957 c 231 § 4. Prior: 1953 c 200 § 18; 1951 c 50 § 12; 1949 c 240 § 25; 1947 c 274 § 37; Rem. Supp. 1949 § 11072-37.]

**Effective date of certain subsections—1973 1st ex.s. c 190:** See RCW 41.40.011.

**Severability—1973 1st ex.s. c 190:** See note following RCW 41.40.010.

**Severability—1971 ex.s. c 271:** See note following RCW 41.32.260.

**41.40.363 Employer's contributions—Labor guild, association or organization.** Any labor guild, association or organization qualifying as an employer under this chapter and which is required to make contributions for an elective official qualifying for membership under RCW 41.40.120(10) [(11)] shall make contributions as any other employer within this chapter: *Provided*, That the retirement board shall cause an actuarial computation to be made of all prior service liability for which contributions are required from such employer to be computed on an actual dollar basis, and if the board determines that the contributions being made therefor under this chapter are insufficient to defray any cost to the state, the board shall require additional contributions from such employer in such amounts and at such times as will defray all costs to the state, such additional contributions to be completed within ten years from the date the elective official is accepted by the board. [1963 c 225 § 3.]

**41.40.370 Employer's contribution—Computation—Billing.** (1) The retirement board shall ascertain and report to each employer the amount it shall provide for pension benefits for the ensuing biennium or fiscal year whichever is applicable to the said employer's operations. The amount to be so provided shall be computed by applying the rates of contribution as established by RCW 41.40.361 to an estimate of the total compensation earnable of all the said employer's members during the period for which provision is to be made.

(2) Beginning April 1, 1949, the amount to be collected as the employer's contribution for pension benefits shall be computed by applying the rates established by RCW 41.40.361 to the total compensation earnable of employer's members as shown on the current payrolls of the said employer. The retirement board shall bill each said employer at the end of each month for the amount due for that month and the same shall be paid as are its other obligations: *Provided*, That the retirement board may, at its discretion, establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter and shall be based upon the employer's payrolls for that quarter.

(3) In the event of failure, for any reason, of an employer other than a political subdivision of the state to have remitted amounts due for membership service of any of the employer's members rendered during a prior biennium, the retirement board shall bill such employer through the budget director for such employer's contribution. Such billing shall be paid by the employer as, and the same shall be, a proper charge against any moneys available or appropriated to such employer for payment of current biennial payrolls. If any such employer shall fail or refuse to honor such a billing, the budget director shall cause the same to be paid from any funds appropriated to the budget director for such purposes. [1963 c 126 § 1; 1961 c 291 § 12; 1949 c 240 § 26; 1947 c 274 § 38; Rem. Supp. 1947 § 11072-38.]

**41.40.380 Exemption from taxation and judicial process—Assignability.** The right of a person to a pension, an annuity, or retirement allowance, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, the various funds created by this chapter, and all moneys and investments and income thereof, are hereby exempt from any state, county, municipal, or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, and shall be unassignable: *Provided*, That this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group life or disability insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions in accordance with rules and regulations that may be promulgated by the retirement board: *Provided further*, That this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of dues and other membership fees to any retirement association

or organization the membership of which is composed of retired public employees, if a total of three hundred or more of such retired employees have authorized such deduction for payment to the same retirement association or organization. [1974 ex.s. c 195 § 4; 1967 c 127 § 6; 1947 c 274 § 39; Rem. Supp. 1947 § 11072-39.]

**Severability—1974 ex.s. c 195:** See note following RCW 41.40.030.

**41.40.390 Correction of errors.** Should any change or error in the records result in any member or beneficiary receiving from the retirement system more or less than he would have been entitled to receive had the records been correct, the retirement board shall correct such error, and, as far as practicable, shall adjust the payment in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid. [1947 c 274 § 40; Rem. Supp. 1947 § 11072-40.]

**41.40.400 Penalty for false statements.** Any person who shall knowingly make any false statements, or shall falsify or permit to be falsified any record or records of this retirement system in any attempt to defraud the retirement system as a result of such act, shall be guilty of a gross misdemeanor. [1947 c 274 § 41; Rem. Supp. 1947 § 11072-41.]

**41.40.405 Entry of former state-wide city employees' retirement system members.** (1) On and after January 1, 1972, every city and town then participating in the state-wide city employees' retirement system under the provisions of chapter 41.44 RCW shall be an employer under this chapter and every person employed thereby on or after January 1, 1972, who is eligible for membership under RCW 41.40.120, exclusive of subsection (4) thereof, shall be a member of the Washington public employees' retirement system to the exclusion of any pension system existing under any prior law and participate on the same basis as a person who first becomes a member through the admission of any employer under RCW 41.40.410 on and after April 1, 1949. Each such city and town becoming an employer under the meaning of this chapter shall make contributions to the funds of the Washington public employees' retirement system as provided in RCW 41.40.080, 41.40.361 excluding subsection (5) thereof, and 41.40.370 and its employees becoming members of the Washington public employees' retirement system shall thereafter contribute to the employees' savings fund at the rate established under the provisions of RCW 41.40.330.

(2) After June 10, 1971, no additional cities or towns shall be eligible to elect to become participants in the state-wide city employees' retirement system provided for in chapter 41.44 RCW. [1971 c 75 § 1.]

**41.40.406 Entry of former state-wide city employees' retirement system members—Disposition of former system's assets and obligations—Transfer of assets on employees' behalf to system funds.** All moneys, securities, and other assets or debts or other obligations owed to or standing to the credit of the state-wide city

employees' retirement funds as provided for in RCW 41.44.100 and 41.44.105 as of January 1, 1972, shall then be disposed of by the board of trustees of the state-wide city employees' retirement system as then comprised, as follows:

(1) Any claims against these funds then remaining by reason of transfers of membership from the state-wide city employees' retirement system to the Washington law enforcement officers' and fire fighters' retirement system under RCW 41.26.040 shall first be paid.

(2) Next, all assets of the state-wide city employees' retirement system by, for, or on behalf of all employees shall be transferred to the appropriate funds of the Washington public employees' retirement system. Such transfer of funds shall discharge the board of trustees of the state-wide city employees' retirement system of any further obligation to pay benefits. Employees' contributions transferred shall be subject to all of the provisions of chapter 41.40 RCW relating to such contributions made by members of the public employees' retirement system. [1971 c 75 § 2.]

**41.40.407 Entry of former state-wide city employees' retirement system members—Benefits for persons under former system—Option—Assumption of liabilities of former system.** (1) Any person drawing benefits under the state-wide city employees' retirement system prior to January 1, 1972, and any employee having vested rights under the state-wide city employees' retirement system who has terminated his employment with his employer, defined in chapter 41.44 RCW, before January 1, 1972, shall have his benefits computed under chapter 41.44 RCW. For the purpose of such computations, the employee's creditability of service and eligibility for service or disability retirement and survivor and all other benefits shall continue to be computed in the same manner as provided for in chapter 41.44 RCW except that the benefits will be paid through the Washington public employees' retirement system.

(2) Every person employed before January 1, 1972, by a city or town then participating in the state-wide city employees' retirement system under the provisions of chapter 41.44 RCW and who is employed by said employer on the date of the transfer to the Washington public employees' retirement system on January 1, 1972, shall, upon retirement for service or for disability, or death, be entitled to the higher of the following computed benefits:

(a) The benefits that are the actuarial equivalent of the amount he would have received under the state-wide city employees' retirement system under chapter 41.44 RCW had he not been transferred to the Washington public employees' retirement system under RCW 41.40.405.

(b) The amount of the benefits computed as a member of the Washington public employees' retirement system in chapter 41.40 RCW.

(3) The Washington public employees' retirement system shall assume all liabilities of the state-wide city employees' retirement system as provided in RCW 41.40.405, 41.40.406, and this section on January 1, 1972. [1971 c 75 § 3.]

**41.40.410 Optional entry of system by political subdivisions or associations of political subdivisions—Procedure—School districts declared employers and eligible employees members of system.** The employees and appointive and elective officials of any political subdivision or association of political subdivisions of the state may become members of the retirement system by the approval of the local legislative authority: *Provided*, That on and after September 1, 1965, every school district of the state of Washington shall be an employer under this chapter and every employee of the school district who is eligible for membership under RCW 41.40-.120 shall be a member of the retirement system and participate on the same basis as a person who first becomes a member through the admission of any employer into the retirement system on and after April 1, 1949. Each such political subdivision becoming an employer under the meaning of this chapter shall make contributions to the funds of the retirement system as provided in RCW 41.40.080, 41.40.361 and 41.40.370 and its employees shall contribute to the employees' savings fund at the rate established under the provisions of RCW 41.40.330. In addition to the foregoing requirement, where the political subdivision becoming an employer hereunder has its own retirement plan any of the employee members thereof who may elect to transfer to this retirement system may, if permitted by said plan, withdraw all or any part of their employees' contributions to the former plan and transfer such funds to the employees' savings fund at the time of their transfer of membership. Any portion of the employees' savings fund not withdrawn shall be transferred by the employer to the retirement system over a period not to exceed fifteen years. The length of the transfer period and the method of payment to be utilized during that period shall be established by agreement between the retirement board and the political subdivision. Employers making deferred payments of employee funds under this section shall transfer an additional amount equal to the interest that would have been credited to each employee's savings fund had his contributions been transferred to the state retirement system's employee savings fund on the date the political subdivision became an employer hereunder. Any funds remaining in the employer's former retirement plan after all obligations of such plan have been provided for, as evidenced by appropriate actuarial study, shall be disposed of by the governing body of the political subdivision in such manner as it deems appropriate. For the purpose of administering and interpreting this chapter the board may substitute the names of political subdivisions of the state for the "state" and employees of the subdivisions for "state employees" wherever such terms appear in this chapter. The board may also alter any dates mentioned in this chapter for the purpose of making the provisions of the chapter applicable to the entry of any political subdivisions into the system. Any member transferring employment to another employer which is covered by the retirement system may continue as a member without loss of previously earned pension and annuity benefits. The board shall keep such accounts as are necessary to show the contributions of each political subdivision to the benefit

account fund and shall have the power to debit and credit the various accounts in accordance with the transfer of the members from one employer to another.

Employees of a political subdivision, maintaining its own retirement system, who have been transferred to a health district formed pursuant to chapter 70.46 RCW, but who have been allowed to remain members of the political subdivision's retirement system may be transferred as a group to the Washington public employees' retirement system. Such transfer may be made by the action of the legislative authority of such political subdivision maintaining its own retirement system. Such transfer shall include employer's and member's funds in the transferring municipalities' retirement system.

Employees of a political subdivision, maintaining its own retirement system, heretofore transferred to a joint airport operation of two municipalities pursuant to chapter 182, Laws of 1945, may be transferred as a group to the Washington public employees' retirement system. Such transfer may be made by the action of the legislative authority of such political subdivision maintaining its own retirement system. Such transfer shall include employer's and member's funds in the transferring municipalities' retirement system. [1971 ex.s. c 271 § 12; 1969 c 128 § 13; 1965 c 84 § 1; 1963 c 174 § 16; 1961 c 291 § 13; 1953 c 200 § 19; 1951 c 50 § 13; 1949 c 240 § 27; 1947 c 274 § 43; Rem. Supp. 1949 § 11072-42.]

**Reviser's note:** Chapter 182, Laws of 1945, see chapter 14.08 RCW.

**Severability—1971 ex.s. c 271:** See note following RCW 41.32.260.

**Severability—1969 c 128:** See note following RCW 41.40.010.

**41.40.411 School districts to provide OASI protection and benefits for employee members.** Every school district which has become an employer under this chapter prior to the effective date of this 1965 amendatory act or which becomes an employer after such effective date, shall immediately take such administrative action as may be necessary to extend to its employee members of the retirement system and their survivors the protection and benefits of the old-age and survivors insurance system embodied in the federal social security act. [1965 c 84 § 2.]

**41.40.412 Hearing prior to appeal—Required—Notice.** Any person aggrieved by any decision of the retirement board affecting his legal rights, duties or privileges must before he appeals to the courts, file with the director of the retirement system by mail or personally within sixty days from the day such decision was communicated to such person, a notice for a hearing before the retirement board. The notice of hearing shall set forth in full detail the grounds upon which such person considers such decision unjust or unlawful and shall include every issue to be considered by the retirement board, and it must contain a detailed statement of facts upon which such person relies in support thereof. Such persons shall be deemed to have waived all objections or irregularities concerning the matter on which such appeal is taken, other than those specifically set forth in the notice of hearing or appearing in the records of the

retirement system. [1969 c 128 § 14; 1963 c 174 § 17; 1953 c 200 § 22.]

**Severability—1969 c 128:** See note following RCW 41.40.010.

**41.40.414 Hearing prior to appeal—Conduct.** Following its receipt of a notice for hearing in accordance with RCW 41.40.412, a hearing shall be held by members of the retirement board, or its duly authorized representatives, in the county of the residence of the claimant at a time and place designated by the retirement board. Such hearing shall be conducted and governed in all respects by the provisions of chapter 34.04 RCW which relates to agency hearings in contested cases. [1969 c 128 § 15; 1953 c 200 § 23.]

**Severability—1969 c 128:** See note following RCW 41.40.010.

**41.40.420 Judicial review in accordance with administrative procedure act.** Judicial review of any final decision and order by the retirement board shall be governed by the provisions of chapter 34.04 RCW as now or hereafter amended. [1969 c 128 § 16; 1963 c 174 § 18; 1953 c 200 § 20; 1951 c 50 § 14.]

**Severability—1969 c 128:** See note following RCW 41.40.010.

**41.40.440 Appeal—No bond required.** No bond of any kind shall be required of a claimant appealing to the superior court, the court of appeals, or the supreme court from a finding of the retirement board effecting such claimant's right to retirement or disability benefits. [1971 c 81 § 105; 1951 c 50 § 16.]

**41.40.450 Classified employees—School districts—Computation provisions.** Notwithstanding any other law, or rule or regulation of the retirement board, contributions to the retirement system relating to any classified employee of a school district actually employed by the district on a continuous nine month basis shall be prorated on a twelve month basis and counted in the computation of any retirement allowance or other benefits provided for in this chapter as for twelve months of service. [1973 c 23 § 1.]

**41.40.500 Optional entry of WSU classified employees—Definitions.** For the purposes of RCW 41.40.500 through 41.40.508, unless a different meaning is plainly required by context:

(1) "Classified employees" shall mean all employees of Washington State University: *Provided*, That the following employees shall not be included as classified employees for the purposes of RCW 41.40.500 through 41.40.508: The president of the university; employees of Washington State University in the resident instructional staff, consisting of the vice president—academic, the registrar, deans and directors of teaching units, chairmen of teaching departments, and all members of the faculty who hold academic rank and who conduct courses of instruction; the research staff consisting of the administrative officers and professional personnel of the organized research units and other professional personnel engaged in research who are paid

at least in part by the university; the library staff consisting of the director of libraries and professional personnel of the library; the extension staff consisting of the administrative officers and professional personnel whose work pertains primarily to extension services and faculty members in responsible charge of instruction and demonstration work for persons who are not officially enrolled on the campus; the student affairs staff consisting of the administrative officers and professional personnel concerned with student affairs; the intercollegiate athletic staff consisting of the administrative officers and coaching personnel; persons employed in a position scheduled for less than twenty hours per week or on an intermittent employment schedule; and persons employed in a position primarily as an incident to and furtherance of their education and training, or the education or training of a spouse.

(2) The "Retirement Plan" shall mean the Washington State University retirement system established by the board of regents pursuant to authority heretofore conferred by law for the purpose of providing retirement income and related benefits to certain employees through private insurers.

(3) "Board" shall mean the retirement board as provided for in RCW 41.40.020, as now or hereafter amended.

(4) "Employer share" shall mean one-half or fifty percent of the total of any employee's accumulation and/or cash value in the contract(s) attributable to contributions made in accordance with the Retirement Plan.

(5) "Applicable income" shall mean that income provided by law and regulations had the person been a member of the Washington public employees' retirement system during each month of Washington State University service and shall include that income earned during the initial six months of Washington State University service irrespective of any provisions of law or regulations promulgated thereunder to the contrary.

(6) "Contributory membership" shall mean that period of time during which an employee was making contributions under the Retirement Plan for purposes of being eligible for a retirement entitlement. [1973 1st ex.s. c 168 § 1.]

**Appropriation—1973 1st ex.s. c 168:** "There is hereby appropriated to Washington State University from the general fund for the biennium ending June 30, 1975, four hundred fifteen thousand dollars or so much thereof as may be necessary, as the employer's share of the retirement plan contribution costs associated and incident to those members of the retirement plan electing to transfer to the Washington public employees' retirement system as provided for in sections 1 through 9 of this 1973 act. Washington State University shall transfer this appropriation or so much thereof as may be necessary, to the Washington public employees' retirement system on or before January 30, 1974. Should this appropriation be insufficient Washington State University shall request in its 1975-77 budget request an amount sufficient to fully reimburse the Washington public employees' retirement system for any costs associated and incident to those members of the retirement plan electing to transfer to the Washington public employees' retirement system as provided for in sections 1 through 9 of this 1973 act. The retirement plan for the purposes of this section shall be as defined in section 1, subsection (2) of this 1973 act." [1973 1st ex.s. c 168 § 10.]

**Severability—1973 1st ex.s. c 168:** "If any provision of this 1973 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." [1973 1st ex.s. c 168 § 12.]

The above annotations apply to RCW 41.40.500 through 41.40.508.

**41.40.501 Optional entry of WSU classified employees—Transfer authorized—When membership mandatory.** (1) On and after April 24, 1973 and until January 1, 1974, classified employees at Washington State University presently members of the Retirement Plan may irrevocably transfer membership therein to the Washington public employees' retirement system, such transfer being subject to such conditions and limitations as hereinafter set forth in RCW 41.40.502 through 41.40.508, including rules and regulations promulgated to effect the purposes of RCW 41.40.500 through 41.40.508: *Provided*, That such irrevocable transfers of membership shall be made at the following stated intervals: June 1, 1973, October 1, 1973, or January 1, 1974.

(2) All classified employees employed by Washington State University on and after April 24, 1973 and otherwise eligible shall become members of the Washington public employees' retirement system to the exclusion of any other retirement benefit system at such institution unless otherwise hereafter provided by law. [1973 1st ex.s. c 168 § 2.]

**Appropriation—Severability—1973 1st ex.s. c 168:** See notes following RCW 41.40.500.

**41.40.502 Optional entry of WSU classified employees—Amounts to be transferred.** (1) Except as otherwise provided in RCW 41.40.500 through 41.40.508, upon election by a person to transfer his membership to the Washington public employees' retirement system, as authorized in RCW 41.40.501(1), there shall be transferred from the contract(s) issued under the Retirement Plan to the Washington public employees' retirement system the amount which would have been paid at the rates and on the applicable income (as defined RCW 41.40.500(5)) as provided by law and regulations promulgated pursuant thereto had the person been a member of the Washington public employees' retirement system during each month of service at Washington State University: *Provided*, That any person so transferring may elect to eliminate from the membership service credit to be transferred the period of service at Washington State University prior to his contributory membership in the Retirement Plan.

(2) The board shall compute separately the employee and employer amounts that would have been paid from the date of membership service credit to be transferred to the Washington public employees' retirement system. The employee share shall be transferred from the accumulation and/or cash value in the contract(s) attributable to employee contributions made in accordance with the Retirement Plan. The employer share shall be transferred from the accumulation and/or cash value in the contract(s) attributable to Washington State University contributions made in accordance with the Retirement Plan. [1973 1st ex.s. c 168 § 3.]

**Appropriation—Severability—1973 1st ex.s. c 168:** See notes following RCW 41.40.500.

**41.40.503 Optional entry of WSU classified employees—Deficiency payments.** (1) Any person electing to



transfer his membership to the Washington public employees' retirement system shall pay, prior to January 1, 1978, an amount equal to the deficiency, if any, between the employee computed share and the employee accumulation or cash value in the contract(s) required to be transferred as provided for in RCW 41.40.502.

(2) As specifically provided for by appropriation and subject to the limitations of \*section 10, chapter 168, Laws of 1973 1st ex. sess., Washington State University shall pay to the Washington public employees' retirement system an amount equal to the deficiency, if any, between the employer computed share and the employer accumulation or cash value in the contract(s) required to be transferred as provided for in RCW 41.40.502. [1973 1st ex.s. c 168 § 4.]

\*Reviser's note: "section 10, chapter 168, Laws of 1973 1st ex. sess.", an appropriation section, is footnoted to RCW 41.40.500.

Appropriation—Severability—1973 1st ex.s. c 168: See notes following RCW 41.40.500.

**41.40.504 Optional entry of WSU classified employees—Retention of rights and benefits under retirement plan.** Nothing in RCW 41.40.500 through 41.40.508 shall prevent any classified employee at Washington State University presently a member within the Retirement Plan from electing to join the Washington public employees' retirement system if otherwise eligible not later than January 1, 1974 and from electing to retain his rights and benefits under the Retirement Plan, such person's rights under the Washington public employees' retirement system to begin to accrue from such date of membership transfer. [1973 1st ex.s. c 168 § 5.]

Appropriation—Severability—1973 1st ex.s. c 168: See notes following RCW 41.40.500.

**41.40.505 Optional entry of WSU classified employees—Voluntary relinquishment of rights to employer contributions transferred.** Any classified employee at Washington State University electing to transfer membership to the Washington public employees' retirement system from the Retirement Plan and seeking to transfer employee contributions made to the Retirement Plan shall be deemed to have voluntarily relinquished any right to any refund of the amounts transferred to the Washington public employees' retirement system as an employer contribution in accordance with RCW 41.40.502 except as otherwise provided by chapter 41.40 RCW. [1973 1st ex.s. c 168 § 6.]

Appropriation—Severability—1973 1st ex.s. c 168: See notes following RCW 41.40.500.

**41.40.506 Optional entry of WSU classified employees—Employee share rights upon termination from system prior to death.** Any classified employee at Washington State University electing to transfer to the Washington public employees' retirement system from the Retirement Plan and transferring his employee share in the Retirement Plan shall be entitled to a refund of his employee share of the total contributions made in his behalf as determined by the board upon termination from the system prior to his death. [1973 1st ex.s. c 168 § 7.]

Appropriation—Severability—1973 1st ex.s. c 168: See notes following RCW 41.40.500.

**41.40.507 Optional entry of WSU classified employees—Rules and regulations.** Subject to chapter 34.04 RCW, the administrative procedure act, the board shall make rules and regulations necessary to carry out the purposes of RCW 41.40.500 through 41.40.508. [1973 1st ex.s. c 168 § 8.]

Appropriation—Severability—1973 1st ex.s. c 168: See notes following RCW 41.40.500.

**41.40.508 Optional entry of WSU classified employees—Deficiency payments through reduction in retirement allowance.** Notwithstanding any other provision of RCW 41.40.500 through 41.40.508, any person transferring membership to the Washington public employees' retirement system as authorized in RCW 41.40.501 through 41.40.508 and who retires on or before January 1, 1978 may elect to make the payments required in RCW 41.40.503 by a reduction in his or her retirement allowance at such stated intervals as the board shall determine: *Provided*, That should any such person die before the total of such payments as required in RCW 41.40.503 have been made, such person having exercised option I, II or III under RCW 41.40.185 or 41.40.190, such payments shall be deducted at the stated intervals from amounts otherwise owing any beneficiary until such time as they become paid in full. [1973 1st ex.s. c 168 § 9.]

Appropriation—Severability—1973 1st ex.s. c 168: See notes following RCW 41.40.500.

**41.40.515 Optional entry of classified employees of UW and state colleges—Definitions.** For the purposes of this chapter, unless a different meaning is plainly required by context:

(1) "Classified employees" shall mean all nonacademic employees of the University of Washington and the four "state colleges", as defined in RCW 28B.10-.015, who are presently participating, or are presently eligible to participate, in the retirement plan of their employing education institution: *Provided*, That the following nonacademic employees of the University of Washington shall not be included as classified employees for the purposes of \*this 1974 amendatory act: the president of the university; deans, directors, and chairmen of academic or research units; persons employed in a position scheduled for less than twenty hours per week or on an intermittent employment schedule; persons employed in a position primarily as an incident to and in furtherance of their education and training or the education and training of a spouse: *Provided further*, That the following nonacademic employees of each of the four state colleges shall not be included as classified employees for the purposes of \*this 1974 amendatory act: Presidents, academic vice presidents or provosts, deans, chairmen of academic departments, and executive heads of major academic divisions and their principal assistants.

(2) "Retirement plan" shall mean the retirement systems established by the board of regents of the University of Washington and the boards of trustees of each of

the four state colleges pursuant to authority heretofore conferred by law for the purpose of providing retirement income and related benefits to certain employees through private insurers.

(3) "Board" shall mean the retirement board as provided for in RCW 41.40.020, as now or hereafter amended.

(4) "Employer share" shall mean one-half or fifty percent of the total of any employee's accumulation and/or cash value in the contract(s) attributable to contributions made in accordance with the retirement plan.

(5) "Applicable income" shall mean that income which would have qualified as compensation earnable within the meaning of RCW 41.40.010(8) during each month of University of Washington or state college service from the date of such person's initial participation in the retirement plan.

(6) "Contributing membership" shall mean that period of time during which an employee was making contributions under the retirement plan for purposes of being eligible for a retirement entitlement. [1974 ex.s. c 195 § 5.]

**\*Reviser's note:** "this 1974 amendatory act" [1974 ex.s. c 195] consists of RCW 41.40.515 through 41.40.522 and also amendments to RCW 41.40.030, 41.40.120, 41.40.150 and 41.40.380.

**Severability**—1974 ex.s. c 195: See note following RCW 41.40.030.

**41.40.516 Optional entry of classified employees of UW and state colleges—Transfer authorized—When membership mandatory—Election.** (1) On and after May 6, 1974 and until January 1, 1975, classified employees presently members of the retirement plan may irrevocably transfer their years of contributing membership therein to the Washington public employees' retirement system, such transfer being subject to such conditions and limitations as hereinafter set forth in \*this 1974 amendatory act, including rules and regulations promulgated to effect the purposes of \*this 1974 amendatory act.

(2) All classified employees employed by the University of Washington or each of the four state colleges on and after May 6, 1974 and otherwise eligible shall become members of the Washington public employees' retirement system at such institution unless otherwise hereafter provided by law: *Provided*, That persons who, immediately prior to the date of their hiring as classified employees, have for at least two consecutive years held membership in a retirement plan underwritten by the private insurer of the retirement plan of their respective educational institution may irrevocably elect to continue their membership in the retirement plan notwithstanding the provisions of this chapter, if such election is made within thirty days from the date of their hiring as classified employees. If such persons elect to become members of the public employees' retirement system, contributions by them and their employers shall be required from their first day of such employment. [1974 ex.s. c 195 § 6.]

**\*Reviser's note:** "this 1974 amendatory act" [1974 ex.s. c 195] consists of RCW 41.40.515 through 41.40.522 and also amendments to RCW 41.40.030, 41.40.120, 41.40.150 and 41.40.380.

**Severability**—1974 ex.s. c 195: See note following RCW 41.40.030.

**41.40.517 Optional entry of classified employees of UW and state colleges—Amounts to be transferred.**

(1) Except as otherwise provided in this chapter, upon election by a person to transfer his years of contributing membership to the Washington public employees' retirement system, as authorized in RCW 41.40.516(1), there shall be transferred from the contract(s) issued under the retirement plan to the Washington public employees' retirement system the amount which would have been paid, in employee and employer contributions, to the retirement system with interest (as computed by the retirement board) on the applicable income (as defined in RCW 41.40.515(5)) as provided by law and regulations promulgated pursuant thereto had the person been a member of the Washington public employees' retirement system during each month of contributing membership service at the University of Washington or the four state colleges during which such person participated in the retirement plan.

(2) The board shall compute separately the employee and employer amounts that would have been paid, during the time of contributing membership, and which will now be required to be transferred to the Washington public employees' retirement system. The employee share shall be transferred from the accumulation and/or cash value in the contract(s) attributable to employee contributions made in accordance with the retirement plan. The employer share shall be transferred from the accumulation and/or cash value in the contract(s) attributable to University of Washington or state college contributions made in accordance with the retirement plan. [1974 ex.s. c 195 § 7.]

**Severability**—1974 ex.s. c 195: See note following RCW 41.40.030.

**41.40.518 Optional entry of classified employees of UW and state colleges—Deficiency payments.**

In the event that the transfers of moneys for a person electing transfer of membership to the public employees' retirement system as provided in RCW 41.40.515(1) and (2) are not sufficient to equal the total amounts required to be transferred as provided for in \*this 1974 amendatory act, such person shall pay upon his or her transfer of membership the total deficiency required to accomplish such transfer. [1974 ex.s. c 195 § 8.]

**\*Reviser's note:** "this 1974 amendatory act" [1974 ex.s. c 195] consists of RCW 41.40.515 through 41.40.522 and also amendments to RCW 41.40.030, 41.40.120, 41.40.150 and 41.40.380.

**Severability**—1974 ex.s. c 195: See note following RCW 41.40.030.

**41.40.519 Optional entry of classified employees of UW and state colleges—Voluntary relinquishment of rights to employer contributions transferred.**

Any classified employee at the University of Washington or the four state colleges electing to transfer membership to the Washington public employees' retirement system from the retirement plan and seeking to transfer employee contributions made to the retirement plan shall be deemed to have voluntarily relinquished any right to any refund of the amounts transferred to the Washington public employees' retirement system as an employer

contribution in accordance with RCW 41.40.517 except as otherwise provided by chapter 41.40 RCW. [1974 ex.s. c 195 § 9.]

**Severability—1974 ex.s. c 195:** See note following RCW 41.40.030.

**41.40.520 Optional entry of classified employees of UW and state colleges—Employee share rights upon termination from system prior to death.** Any classified employee at the University of Washington or the four state colleges electing to transfer to the Washington public employees' retirement system from the retirement plan and transferring his employee share in the retirement plan shall be entitled to a refund of his employee share of the total contributions made in his behalf as determined by the board upon termination of employment and withdrawal from the system prior to his death. [1974 ex.s. c 195 § 10.]

**Severability—1974 ex.s. c 195:** See note following RCW 41.40.030.

**41.40.521 Optional entry of classified employees of UW and state colleges—Recovery of credit for prior service to establish eligibility.** Recognizing that it is or has been necessary for employees to serve a period of time to establish eligibility for contributing membership in the various retirement plans established by the University of Washington and the four state colleges, any classified employee who elects to transfer to the public employees' retirement system pursuant to RCW 41.40.516(1), may recover such service by paying, to the public employees' retirement system on or before January 1, 1975, the amount of employee and employer contributions with interest (as computed by the retirement board) which would have been made for such service had it been rendered while the employee was a member of the public employees' retirement system. [1974 ex.s. c 195 § 11.]

**Severability—1974 ex.s. c 195:** See note following RCW 41.40.030.

**41.40.522 Optional entry of classified employees of UW and state colleges—Rules and regulations.** Subject to chapter 34.04 RCW, the administrative procedure act, the board shall make such rules and regulations as are necessary to carry out the purposes of \*this 1974 amendatory act. [1974 ex.s. c 195 § 12.]

**\*Reviser's note:** "this 1974 amendatory act" [1974 ex.s. c 195] consists of RCW 41.40.515 through 41.40.522 and also amendments to RCW 41.40.030, 41.40.120, 41.40.150 and 41.40.380.

**Severability—1974 ex.s. c 195:** See note following RCW 41.40.030.

## Chapter 41.41

### STATE EMPLOYEES' RETIREMENT—FEDERAL SOCIAL SECURITY

#### Sections

41.41.010	Plan for covering members under OASI approved.
41.41.020	Terms and provisions of plan.
41.41.030	Effective date for coverage of members.
41.41.900	Severability—1957 c 222.

**41.41.010 Plan for covering members under OASI approved.** The plan for covering the state employee members of the state employees' retirement system under the old age and survivorship provisions of Title II of the federal social security act as amended, required by RCW 41.48.050 as amended by section 5, chapter 4, Laws of the extraordinary session of 1955, approved by the state employees' retirement board of the state employees' retirement system on the 1st day of August, 1955, and approved by the governor of the state of Washington on the 16th day of August, 1955, is hereby approved. [1957 c 222 § 1.]

**41.41.020 Terms and provisions of plan.** The terms and provisions of the plan are as follows:

(1) Each political subdivision of the state employing members of the state employees' retirement system, and such employees, after approval of this plan by its governing body as provided in RCW 41.48.030(4)(f) and after approval by its eligible employees through referendum as provided in RCW 41.48.030 (3) and (4), and the state itself as such a subdivision, and its employees, after approval of this plan by the legislature as provided in RCW 41.48.050(d) and RCW 41.48.030(4)(f) and after approval by its eligible employees through referendum as provided in RCW 41.48.030 (3) and (4), shall be deemed to have accepted and agreed to be bound by the following terms and conditions in consideration of extension of the existing agreement between the secretary of health, education and welfare and the governor to make the protection of the federal old age and survivors insurance program available and applicable to such employees.

(2) As used in this plan the terms quoted below shall have the meanings assigned thereto in this subsection.

"Political subdivision" means any political subdivision, or instrumentality of one or more such subdivisions, or proprietary enterprise acquired, purchased or originated by one or more such subdivisions after December, 1950, which employs members of the state employees' retirement system. The state, its agencies, instrumentalities and institutions of higher learning shall be grouped and considered as a single political subdivision.

"Employee" means any person who is a member of the state employees' retirement system and is employed by a political subdivision, except persons serving in policeman's or fireman's positions and officials compensated on a fee basis.

"Wages" shall have the meaning given in RCW 41.48.020(1) and section 209 of the social security act (42 U.S.C.A. Sec. 409); and refers to the first four thousand two hundred dollars paid to any employee in any calendar year.

"State", where not otherwise clearly indicated by the context, means the commissioner of employment security or other officer designated by the governor to administer the plan at the state level for all participating political subdivisions.

(3) The terms and conditions of this plan are intended and shall be construed to be in conformity with the requirements of the federal social security act as amended and with the requirements of chapter 41.48

RCW, and particularly RCW 41.48.050, as amended by chapter 4, Laws of the extraordinary session of 1955.

(4) The rights and benefits accruing to employees from membership in the state employees' retirement system shall in no way be altered or impaired by this plan or by the additional and supplementary OASI coverage which such employees may receive hereunder. Nothing herein shall be construed to alter in any way the obligations of any political subdivision or its employees to the retirement system.

(5) There shall be no additional cost to or involvement of the state with respect to OASI coverage for state employee members of the state employees' retirement system until this plan has been approved by the legislature.

(6) OASI coverage shall be applicable to all services performed by its employees for a political subdivision which has approved this plan.

(7) Each employee to whom OASI coverage is made applicable under this plan pursuant to an extension or modification under RCW 41.48.030 of the existing agreement between the secretary of health, education and welfare and the governor shall be required to pay into the OASI contribution fund established by RCW 41.48.060 during the period of such coverage contributions with respect to his wages in an amount equal to the employee tax imposed by the federal insurance contributions act (section 3101, Internal Revenue Code of 1954), in consideration of the employee's retention in service by the political subdivision. The subdivision shall withhold such contributions from the wages paid to the employee; and shall remit the contributions so withheld in each calendar quarter to the state for deposit in the contribution fund not later than the twentieth calendar day of the month following that quarter.

(8) Each political subdivision shall pay into the contribution fund with respect to the wages of its employees during the period of their OASI coverage pursuant to this plan contributions in an amount equal to the employer tax imposed by the federal insurance contributions act (section 3111, Internal Revenue Code of 1954), from the fund of the subdivision from which such employees' wages are paid. The subdivision shall remit such contributions to the state for deposit in the contribution fund on a quarterly basis, not later than the twentieth calendar day of the month following each calendar quarter.

(9) If any political subdivision other than that comprising the state, its agencies, instrumentalities and institutions of higher learning fails to remit as provided herein employer contributions or employee contributions, or any part of either, such delinquent contributions may be recovered with interest at the rate of six percent per annum by action in a court of competent jurisdiction against the political subdivision; or such delinquent contributions may at the request of the governor be deducted from any moneys payable to such subdivision by the state.

(10) Each political subdivision shall be charged with a share of the cost of administration of this plan by the state, to be computed as that proportion of the overall

cost of administration which its total annual contributions bear to the total annual contributions paid by all subdivisions on behalf of employees covered by the plan. The state shall compute the share of cost allocable to each subdivision and bill the subdivision therefor at the end of each fiscal year. The subdivision shall within ninety days thereafter remit its share of the cost to the state for deposit in the general fund of the state.

(11) Each political subdivision shall submit to the state, through the employment security department, P.O. Box 367, Olympia, Washington, or such other officer or agency as the governor may subsequently designate, on forms furnished by the state, not later than the twentieth calendar day of the month following the end of each calendar quarter, the following information:

A. The social security account number of each employee;

B. the name of each employee;

C. the amount of wages subject to contributions as required hereunder paid to each employee during the quarter;

D. the total amount of wages subject to contributions paid to all employees during the quarter;

E. the total amount of employee contributions withheld and remitted for the quarter; and

F. the total amount of employer contributions paid by the subdivision for the quarter.

(12) Each political subdivision shall furnish in the same manner as provided in subsection (11), upon reasonable notice, such other and further reports or information as the governor may from time to time require. Each subdivision shall comply with such requirements as the secretary of health, education and welfare or the governor may from time to time establish with respect to any or all of the reports or information which are or may be provided for under subsection (11) or this subsection in order to assure the correctness and verification thereof.

(13) The governing body of each political subdivision shall designate an officer of the subdivision to administer such accounting, reporting and other functions as will be required for the effective operation of this plan within the subdivision, as provided herein. The commissioner of employment security, or such other officer as the governor may designate, shall perform or supervise those functions with respect to employees of the subdivision comprising the state, its agencies, instrumentalities and institutions of higher learning; and shall serve as the representative of the participating political subdivisions in the administration of this plan with the secretary of health, education and welfare.

(14) OASI coverage may be made applicable as provided herein to employees of any political subdivision regardless of the approval or disapproval of this plan by any other subdivision.

(15) Each political subdivision, with the approval of a majority of its employees as indicated by vote thereon in conjunction with the referendum to be held pursuant to RCW 41.48.030 (3) and (4), may designate the first day of any month beginning with January of 1955 as the effective date of OASI coverage for such employees; except that after January 1, 1958, a subdivision may not

so designate an effective date prior to the first day of the current calendar year.

(16) The governor may terminate the operation of this plan in its entirety with respect to any political subdivision, in his discretion, if he finds that the subdivision has failed to comply substantially with any requirement or provision of this plan. The plan shall not be so terminated until reasonable notice and opportunity for hearing thereon have been given to the subdivision under such conditions, consistent with the provisions of the social security act, as shall have been established in regulations by the governor. [1957 c 222 § 2.]

**41.41.030 Effective date for coverage of members.** The effective date of OASI coverage for state employee members of the state employees' retirement system shall be the 1st day of July, 1957; provided the terms and conditions set forth in RCW 41.48.030(3) have been fulfilled. [1957 c 222 § 3.]

**41.41.900 Severability—1957 c 222.** If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected. [1957 c 222 § 4.]

### Chapter 41.44

#### STATE-WIDE CITY EMPLOYEES' RETIREMENT

##### Sections

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*Investment of pension funds: RCW 35.39.040.*

**41.44.010 Title of chapter.** This chapter shall be known and may be cited as the "State-wide City

Employees' Retirement System Law". [1947 c 71 § 1; Rem. Supp. 1947 § 9592-130.]

**Severability—1947 c 71:** "If any provision of this act, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the provision or application so held invalid, and for such purposes the provisions of this act are declared to be severable." [1947 c 71 § 26.] This applies to RCW 41.44.010 through 41.44.250.

**41.44.020 Purpose of chapter.** The purpose of this chapter is to provide for an actuarially sound system for the payment of annuities and other benefits to officers and employees of cities and towns thereby enabling such employees to provide for themselves and their dependents in case of old age, disability and death, and effecting economy and efficiency in the public service by furnishing an orderly means whereby such employees who have become aged or otherwise incapacitated may, without hardship or prejudice, be retired from active service. [1947 c 71 § 2; Rem. Supp. 1947 § 9592-131.]

**41.44.030 Terms defined.** As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the state-wide city employees retirement system provided for herein.

(2) "City" or "cities" includes town or towns.

(3) "Employee" means any appointive officer or employee and shall include elective officials to the extent specified herein.

(4) "Member" means any person included in the membership of the retirement system as provided herein.

(5) "Board" means the "board of trustees" provided for herein.

(6) "Retirement fund" means "state-wide city employees retirement fund" provided for herein.

(7) "Service" means service rendered to a city for compensation; and for the purpose of this chapter a member shall be considered as being in service only while he is receiving compensation from the city for such service or is on leave granted for service in the armed forces of the United States as contemplated in RCW 41.44.120.

(8) "Prior service" means the service of a member for compensation rendered a city prior to the effective date and shall include service in the armed forces of the United States to the extent specified herein and service specified in RCW 41.44.120(5).

(9) "Current service" means service after the employee has become a member of the system.

(10) "Creditable service" means such service as is evidenced by the record of normal contributions, plus prior service as evidenced by prior service certificate.

(11) "Beneficiary" means any person in receipt of a pension, annuity, retirement allowance, disability allowance, or any other benefit herein.

(12) "Compensation" means the compensation payable in cash, plus the monetary value, as determined by the board of trustees, of any allowance in lieu thereof (but for the purposes of this chapter such "compensation" shall not exceed three hundred dollars per month,

except as to those employees of any member city the legislative body of which shall not later than July 1, 1953, have irrevocably elected by resolution or ordinance to increase the limitation herein contained, effective as to all of its employees, from three hundred dollars to four hundred dollars, commencing on said date, or which shall so elect prior to January 1st of any succeeding year, effective as of January 1st of any such succeeding year, and as to such employees shall, commencing on the specified date, not exceed four hundred dollars or an amount equal to such increased limitation established by such ordinance or resolution per month): *Provided however*, That the foregoing limitation shall not apply to uniformed personnel.

(13) "Compensation earnable" means the full rate of compensation that would be payable to an employee if he worked the full normal working time (but for the purposes of this chapter, such "compensation earnable" shall not exceed three hundred dollars per month, except as to those employees of any member city the legislative body of which shall not later than July 1, 1953, have irrevocably elected by resolution or ordinance to increase the limitation herein contained, effective as to all of its employees, from three hundred dollars to four hundred dollars, commencing on said date, or which shall so elect prior to January 1st of any succeeding year, effective as of January 1st of any such succeeding year, and as to such employees shall, commencing on the specified date, not exceed four hundred dollars or an amount equal to such increased limitation established by such ordinance or resolution per month): *Provided, however*, That the foregoing limitation shall not apply to uniformed personnel: *Provided further*, That after January 1, 1968 this term shall mean the full rate of compensation payable to an employee if he worked the full normal working time.

(14) "Final compensation" means the highest average annual compensation earnable in any five consecutive years of actual service rendered during the ten years immediately preceding retirement, or where the employee has less than five consecutive years of actual service, the earnable compensation for the last five years preceding his retirement.

(15) "Matching contribution" means the contribution of the city deposited in an amount equal to the normal contributions of the employee.

(16) "Normal contributions" means the contributions at the rate provided for in RCW 41.44.130, excluding those referred to in subsection (6).

(17) "Released matching contributions" means such "matching contributions" as are no longer held for the benefit of the employee.

(18) "Regular interest" means interest compounded annually at such rate as shall have been adopted by the board of trustees in accordance with the provisions of this chapter.

(19) "Accumulated normal contributions" means the sum of all normal contributions, deducted from the compensation of a member, standing to the credit of his individual account, together with regular interest thereon.

(20) "Pension" means payments derived from contributions made by the city as provided herein.

(21) "Annuity" means payments derived from contributions made by a member as provided herein.

(22) "Retirement allowance" means the pension plus annuity.

(23) "Fiscal year" means any year commencing with January 1st and ending with December 31st next following.

(24) "Miscellaneous personnel" means officers and employees other than those in the uniformed police or fire service: *Provided*, Those members of the fire department who are ineligible to the benefits of a firemen's pension system established by or pursuant to any other state law, are also included in the miscellaneous personnel.

(25) "Uniformed personnel" means any employee who is a policeman in service or who is subject to call to active service or duty as such.

(26) "Effective date" when used with regard to employees means the date on which any individual or group of employees became members of any retirement system and when used with regard to any city or town shall mean the date on which it became a participant.

(27) "Actuarial equivalent" means a benefit of equal value when computed at regular interest upon the basis of such mortality tables as shall be adopted by the board of trustees.

(28) "Persons having an insurable interest in his life" means and includes only such persons who, because of relationship from ties of blood or marriage, have reason to expect some benefit from the continuation of the life of the member.

(29) "Additional contributions" means contributions made pursuant to subsection (6) of RCW 41.44.130.

(30) "Accumulated additional contributions" means the sum of all "additional contributions" made by a member standing to the credit of the individual account, together with regular interest thereon.

(31) "Part time employees" means those employees who, although regularly and continuously employed, do not regularly perform their duties the full number of hours required of other regular employees, including but not confined to such employees as police judges, city attorneys and other officers and employees who are also engaged in outside employment or occupations.

(32) "Excess interest income" means that interest income earned and received from investments in excess of the interest income on investments required to meet actuarial funding requirements. [1967 ex.s. c 28 § 6; 1961 c 227 § 1; 1959 c 70 § 1; 1953 c 228 § 1; 1951 c 275 § 2; 1947 c 71 § 3; Rem. Supp. 1947 § 9592-132.]

**Purpose**—1967 ex.s. c 28: "It is the purpose of this act to provide amendments to existing legislation relating to the state-wide city employees retirement system to provide for an increase of investment earnings to be used for costs in purchasing, safekeeping, servicing and handling of securities, to amend the mandatory retirement age of uniformed personnel from attained age fifty-five to the minimum age for social security benefits, to change the time required for vested rights from ten years to five years in accordance with the recommendation of the federal committee on intergovernmental relations and to help meet competition with private industry by providing additional fringe benefits or an incentive program for city employees to attract and retain competent employees in public service." [1967 ex.s. c 28 § 1.]

**Severability**—1967 ex.s. c 28: "If any provision of this 1967 amendatory act, or its application to any person or circumstance is

held invalid, the remainder of this 1967 amendatory act, or the application of the provision to other persons or circumstances is not affected." [1967 ex.s. c 28 § 8.]

The foregoing annotations apply to RCW 41.44.030, 41.44.070, 41.44.100, 41.44.105, 41.44.140 and 41.44.190.

**41.44.040 System created—Operative date.** A retirement system is hereby authorized for employees of cities, same to become operative after the requisite city or cities or combination thereof, have signified their intention to participate in the retirement system and the board has been appointed and qualified as herein provided. The board may begin to function, establish an office, employ an actuary and such other personnel as necessary and undertake the work of establishing the retirement system but it shall not be required to undertake such work unless necessary moneys are made available through negotiated loans or advances from cities or otherwise.

Whenever cities have notified the governor of election to join the retirement system to an extent which would place three hundred or more employees under the system, the governor shall appoint board members as provided herein and the system so created and established shall be forthwith constituted. The date when the system shall become operative as to any city shall be fixed by the board. [1947 c 71 § 4; Rem. Supp. 1947 § 9592-133.]

*Reviser's note:* Caption for 1947 c 71 § 4 reads as follows: "Sec. 4. Authorization and Creation."

**41.44.050 Election to participate.** Any city or town of the first, second, third or fourth class may elect to participate in the retirement system established by this chapter: *Provided*, That a first class city may establish or maintain any other retirement system authorized by any other law or its charter. The manner of election to participate in a retirement system under this chapter shall be as follows:

(1) The legislative body therein by ordinance making such election;

(2) Approval by vote of the people of an ordinance initiated by the voters making such election;

(3) Approval by vote of the people of an ordinance making such election referended to the people by the legislative body.

Any ordinance providing for participation therein may on petition of the voters be referended to the voters for approval or disapproval.

The referendum or initiative herein provided for shall be exercised under the law relating to legislative initiative or referendum of the particular city; and if the city be one for which the law does not now provide such initiative or referendum, it shall be exercised in the manner provided for legislative initiative and referendum of cities having a commission form of government under chapter 116, Laws of 1911, the city council performing the duties and functions under that law devolving on the commission. A majority vote in the legislative body or by the electorate shall be sufficient to carry or reject. Whenever any city has elected to join the retirement system proper authorities in such city shall immediately file with the board an application for participation under

the conditions included in this chapter on a form approved by the board. In such application the city shall agree to make the contributions required of participating cities in the manner prescribed herein and shall state which employee group or groups are to originally have membership in the system.

In the case of a state association of cities and towns, election to participate shall be by majority vote of the board of directors of the association. [1971 ex.s. c 271 § 13; 1947 c 71 § 5; Rem. Supp. 1947 § 9592-134.]

*Reviser's notes:* (1) Chapter 116, Laws of 1911 is codified in chapter 35.17 RCW, RCW 29.21.030, 29.21.040, 29.21.050, 29.21.090, part, 29.21.130, 29.21.150, part, 29.30.070, part, 29.62.140, 29.85.120, and 29.85.130.

(2) Caption for 1947 c 71 § 5 reads as follows: "Sec. 5. Method of Participation."

*Severability*—1971 ex.s. c 271: See note following RCW 41.32.260.

**41.44.060 Persons excluded.** Policemen in first class cities and all city firemen shall be excluded from the provisions of this chapter, except those employees of the fire department who are not eligible to the benefits of any firemen's pension system established by or pursuant to state law, and who shall be included in the miscellaneous personnel. [1951 c 275 § 3; 1947 c 71 § 6; Rem. Supp. 1947 § 9592-135.]

*Firemen's relief and pensions: Chapters 41.16, 41.18 RCW.*

*Police relief and pensions in first class cities: Chapter 41.20 RCW.*

*Volunteer firemen's relief and pensions: Chapter 41.24 RCW.*

**41.44.070 Board of trustees.** (1) The board of trustees shall consist of seven members, one of whom shall be the state insurance commissioner, ex officio; three elective city officials eligible to the benefits of the system who shall be appointed by the governor from a list of six city officials submitted by the executive committee of the association of Washington cities as the official representative of cities and towns in the state. Original terms of office of the appointees shall be one, two and three years as designated by the governor; thereafter terms shall be for three years duration. Appointments to fill vacancies other than those caused by expiration of a term, shall be for the unexpired term. Appointees shall serve until successors have been appointed and qualified.

In addition to these four members, there shall be three city employees who shall be elected by a secret ballot vote of the city employees who are members of the system. The method and details of such election shall be determined by the board of trustees. The first such election shall be held in June of 1968. The original terms of office for the elected city employee members shall be one, two and three years as designated by the board of trustees, and such terms shall begin July 1, 1968; thereafter terms shall be for three years' duration. In the case of vacancies of elected city employee positions the board of trustees shall appoint city employees to serve for the unexpired terms. Such appointees shall serve until successors have been elected.

(2) The board shall annually, dating from the first officially recorded meeting, elect a chairman and secretary. Four members shall constitute a quorum.

(3) Each member of the board shall take an oath of office that he will diligently and honestly administer the affairs of the board, and that he will not knowingly violate or wilfully permit to be violated any of the provisions of this chapter. [1967 ex.s. c 28 § 7; 1947 c 71 § 7; Rem. Supp. 1947 § 9592-136.]

**Purpose—Severability—1967 ex.s. c 28.** See notes following RCW 41.44.030.

**41.44.080 Powers and duties of board—Compensation—Liability.** The administration of the system is hereby vested in the board of trustees created in RCW 41.44.070 of this chapter and the board shall:

(1) Keep in convenient form such data as shall be deemed necessary for actuarial valuation purposes;

(2) From time to time, through its actuary, make an actuarial investigation into the mortality and service experience of the beneficiaries under this chapter and the various accounts created for the purpose of showing the financial status of the retirement fund;

(3) Adopt for the retirement system the mortality tables and such other tables as shall be deemed necessary;

(4) Certify annually the amount of appropriation which each city shall pay into the retirement fund in the next fiscal year, at such a time that the local authorities shall have ample opportunity for including such expense in the budget;

(5) Keep a record of all its proceedings, which shall be open to inspection by the public;

(6) From time to time adopt such rules and regulations not inconsistent with this chapter, for the administration of the provisions of this chapter, for the administration of the fund created by this chapter and the several accounts thereof, and for the transaction of the business of the board;

(7) Provide for investment, reinvestment, deposit and withdrawal of funds;

(8) Prepare and publish annually a financial statement showing the condition of the fund and the various accounts thereof, and setting forth such other facts, recommendations and data as may be of use in the advancement of knowledge concerning the state-wide city employees retirement system, and furnish a copy thereof to each city which has joined the retirement system, and to such members as may request copies thereof;

(9) Serve without compensation but shall be reimbursed for expense incident to service as individual members thereof;

(10) Determine equitable amount of administrative expense and death-in-line-of-duty benefit expense to be borne by each city;

(11) Make available to any city considering participation in the system, the services of the actuary employed by the board for the purpose of ascertaining the probable cost of such participation. The cost of any such calculation or valuation shall be paid by the city requesting same to the retirement system;

(12) Perform such other functions as are required for the execution of the provisions of this chapter;

(13) No member of the board shall be liable for the negligence, default or failure of any employee or of any

other member of the board to perform the duties of his office and no member of the board shall be considered or held to be an insurer of the funds or assets of the retirement system but shall be liable only for his own personal default or individual failure to perform his duties as such member and to exercise reasonable diligence to provide for the safeguarding of the funds and assets of the system.

(14) Fix the amount of interest to be credited at a rate which shall be based upon the net annual earnings of the fund for the preceding twelve-month period and from time to time make any necessary changes in such rate.

(15) Distribute excess interest income to retired members on a cost of living index basis, as published by the United States department of health, education and welfare, applied only to the annuity and current service portion of the retired members' retirement allowance: *Provided*, That such distribution shall not exceed the income earned and received on open end investments. [1961 c 227 § 2; 1951 c 275 § 4; 1949 c 171 § 1; 1947 c 71 § 8; Rem. Supp. 1949 § 9592-137.]

**41.44.090 Contributions by cities—Withdrawal from system.** (1) There shall be paid into the retirement fund by contributions of each city the amounts necessary to pay the following:

(a) Contributions equal to those deposited by employees;

(b) Prior service credits at such rate as may be selected;

(c) That part of a retirement allowance necessary to raise it to a specified minimum;

(d) An equitable share of the administrative costs, all of which costs are to be paid by the cities;

(e) An equitable share of the cost of the death-in-the-line-of-duty benefit, all of which costs are to be paid by the cities.

Any city having in its employ ten or more employees who are members of the system may elect to contribute, in lieu of its contributions set forth in item (a) above, an amount estimated actuarially necessary to match at retirement the accumulated normal contributions of those of its members who will ultimately retire for service or disability; provided that such election shall be made by resolution or ordinance of the legislative body of such city and, in order to become effective for the remainder of the year 1953, shall be made on or before July 1, 1953, and thereafter any election so made shall be made prior to January 1, 1954, to become then effective or prior to January 1st of any succeeding year to become effective on January 1st of such succeeding year.

Any city may, with the approval of the board, further elect to contribute in lieu of its contributions set forth in items (b) and (c) above, an amount estimated actuarially, necessary to amortize over a period of not to exceed thirty years, all liabilities on account of the participation of such a city, which are not covered by the contributions of its employees, its funds on hand and its contributions provided for in item (a) above or the contributions elected to be made in lieu thereof in cases



where such city shall have elected to make said contribution in lieu of the contributions required in said item (a); provided that such election shall be made by resolution or ordinance of the legislative body of such city and, in order to become effective for the remainder of the year 1953, shall be made on or before July 1, 1953, and thereafter any election so made shall be made prior to January 1, 1954, to become then effective or prior to January 1st of any succeeding year to become effective on January 1st of such succeeding year.

In the event that any city shall be making either of the lieu contributions as hereinabove set forth, the resulting contributions shall be adjusted to conform with facts and conditions disclosed by each succeeding actuarial valuation.

(2) Payment of the obligation set forth in subsection (1) of this section may be made in advance or may be paid currently as contributions are received from employees and pensions are paid to retired members: *Provided*, That the share of administrative expense and expense of the death-in-the-line-of-duty benefits shall be paid as soon as funds are available to make such payment and the board shall have the right to require any city that has withdrawn from the system, to annually, at the beginning of each calendar year, deposit and pay in cash an amount estimated by the board to be sufficient to meet the obligation of such city for the ensuing year to those of its members receiving a retirement allowance. From time to time each city may apply reserves in payment of the obligations set forth above as contemplated in RCW 41.44.200.

(3) The board shall furnish each city with an estimate of the amount necessary to pay the obligations of the city in the ensuing fiscal year and the city shall provide therefor in its budget. The board shall cause to be kept an account with each city, crediting the account with such advances and payments as are made by the city and debiting the account with such charges as properly accrue against the city. The board shall furnish each city with a monthly statement of the amount of matching contributions, prior service charges and charges for minimum retirement allowances properly accruing by reason of payment of retirement allowances and deposit of contributions of members.

(4) Notwithstanding anything to the contrary, the retirement system shall not be liable for the payment of any retirement allowances or other benefits on account of the employees or retired members of any city under this chapter, for which reserves or guarantees have not been properly set up by such city or its employees to pay such retirement allowances or other benefits: *Provided*, That nothing herein contained shall be so construed to prevent the establishment of a reserve account for annuities and pensions in which shall be placed at the time of retirement of any member the balances of the retiring member's contribution and the city's matching funds for such member and from which account all annuities and current service pensions shall be paid.

(5) Any city may, by majority vote of its electors, withdraw from participation in the retirement system two years after giving written notice to the board of such

action by the electorate. It is hereby specifically provided, however, that the city's obligation to those members receiving or eligible to a retirement allowance prior to such termination of participation shall continue in full force and effect as provided in this chapter. Members not receiving or being eligible to a retirement allowance at time of such termination shall be paid their accumulated contributions on demand. Should it develop that any such city is entitled to a refund such refund shall be made within one year following demand of city entitled thereto. [1953 c 228 § 2; 1951 c 275 § 5; 1949 c 171 § 2; 1947 c 71 § 9; Rem. Supp. 1949 § 9592-138.]

**41.44.100 Retirement fund—Deposit—Investment—Cost.** (1) A fund is hereby created and established to be known as the "state-wide city employees retirement fund," and shall consist of all moneys paid into it in accordance with the provisions of this chapter, whether such moneys shall take the form of cash, securities, or other assets: *Provided*, That such assets shall be public funds to the extent necessary to authorize any bank to deposit such collateral security necessary and required under the laws of the state to secure the deposit of public funds belonging to a city.

(2) The board of trustees shall be the custodian of the retirement fund and shall arrange for the safekeeping thereof. Subject to such provisions as may be prescribed by law for the deposit of city funds in banks, cash belonging to the retirement fund may be deposited in any licensed national bank or banks in the state, or in any bank, banks or corporations authorized or licensed to do a banking business and organized under the laws of the state of Washington; and may be withdrawn on order of the board for the purpose of making such payments as are authorized and required by this chapter.

(3) The board may invest pension fund moneys in such securities of the United States, states, Dominion of Canada, public housing authorities, municipal corporations and other public bodies, as are designated by the laws of the state as lawful investments for the funds of mutual savings banks, and to invest not to exceed twenty-five percent of the system's total investments in the securities of any corporations or public utility bodies as are designated by the laws of the state as lawful investments for the funds of mutual savings banks: *Provided*, That not more than five percent of the system's total investments may be made in the securities of any one of such corporations or public utility bodies.

(4) Subject to the limitations hereinafter provided, investment of pension funds may also be made in amounts not to exceed twenty-five percent of the system's total investments in the shares of certain open-end investment companies: *Provided*, That not more than five percent of the system's total investments may be made in the shares of any one such open-end investment company. The total amount invested in any one company shall not exceed five percent of the assets of such company, and shall only be made in the shares of such companies as are registered as "open-end companies" under the federal investment company act of 1940, as amended. Such company must be at least ten years old and have net assets of at least five million dollars. It

must have no outstanding bonds, debentures, notes, or other evidences of indebtedness, or any stock having priority over the shares being purchased, either as to distribution of assets or payment of dividends. It must have paid dividends from investment income in each of the ten years next preceding purchase. The maximum selling commission on its shares may not exceed seven and one-half percent of the sum of the asset value plus such commission.

(5) Investment of pension funds may also be made in the bonds of any municipal corporation or other public body of the state; and in any of the bonds or warrants, including local improvement bonds or warrants within the protection of the local improvement guaranty fund law, issued by any city or town which is a member of the system. Investment of pension funds may also be made in the bonds or other obligations of any other state or territory of the United States or of any political subdivision, agency or instrumentality of any such state, territory, or political subdivision thereof.

Investment of pension funds may also be made in bonds or other obligations insured or guaranteed or which are covered by a repurchase agreement in whole or in part by the federal government or through any corporation, administrator, agency or instrumentality which is or hereafter may be created by the federal government.

(6) In order to provide for an equitable apportionment of the cost of the making and handling of the system's investments, the board may charge against the annual earnings from the system's investments, including income from the same and gains realized from the purchase and sale of its securities, a portion of such earnings computed on the book value of the investments held by the system at the end of its fiscal year, for the purpose of paying the cost of purchasing, safekeeping, servicing and handling its securities: *Provided*, That such portion shall not exceed one-half of one percent of such value and shall not exceed the net gain from the operations for the year: *Provided further*, That such charge shall not be considered as an administrative expense payable solely by the cities. [1967 ex.s. c 28 § 3; 1965 ex.s. c 99 § 1; 1957 c 158 § 1; 1953 c 228 § 3; 1951 c 275 § 6; 1949 c 171 § 3; 1947 c 71 § 10; Rem. Supp. 1949 § 9592-139.]

**Purpose—Severability—1967 ex.s. c 28.** See notes following RCW 41.44.030.

**41.44.105 Supplemental benefits fund.** (1) The board of trustees shall establish, in addition to the several benefits provided for, an additional and separate fund to be known as the "supplemental benefits fund" to provide for the payment of supplemental benefits, as hereinafter provided for employees of municipalities electing to participate in said fund.

(2) Any municipality which has elected to participate in this retirement system may elect to have the employees of the municipality participate in and be covered by the supplemental benefits fund. Such election is authorized to be made in any manner authorized by RCW 41.44.050, as now or hereafter amended, as it relates to participation in the system.

(3) A municipality which once elects to participate in the supplemental benefits fund shall never discontinue participation in the fund as to members who are covered in the fund.

(4) Membership in the fund shall be terminated by cessation of membership in the system.

(5) Each municipality which elects to participate in the supplemental benefits fund shall contribute to that fund, in addition to normal contributions and prior service contributions as required, such additional percentage of each payment of earnings as may be fixed by the board, on recommendation of the actuary, as necessary to accumulate the reserves needed to pay the anticipated benefit: *Provided*, That the rate of contribution to the supplemental benefits fund shall be on the full compensation of the member.

(6) The supplemental benefit for covered employees shall be an allowance not to exceed fifteen percent of average final compensation payable at the time of retirement.

(7) Should the service of a member be discontinued by other than death or retirement, the benefits and privileges as provided by RCW 41.44.190 as now or hereafter amended, shall apply.

(8) A municipality which elects to participate in the supplemental benefits fund shall provide such benefits for all members employed by such city. [1967 ex.s. c 28 § 2.]

**Purpose—Severability—1967 ex.s. c 28.** See notes following RCW 41.44.030.

**41.44.110 Membership.** (1) Subject to subsection (2) of this section, membership of this retirement system shall be composed of the following groups of employees in any participating city or cities:

- (a) Miscellaneous personnel as defined in this chapter;
- (b) Uniformed personnel as defined in this chapter;

(c) Elective officials, who shall have the right to membership in this retirement system upon filing written notice of such election with the board of trustees;

(d) Employees of the retirement system itself shall be entitled to membership and any costs in connection with such membership shall be a part of the cost of administration.

(e) Employees of any state association of cities and towns shall be entitled to membership, upon election to participate made by the board of directors pursuant to RCW 41.44.050, and any costs in connection with such membership which would be borne by a city in the case of employees of a city shall be borne by the association.

(2) Any city may, when electing to participate in this retirement system in the manner set forth in RCW 41.44.050, include any one group or combination of the groups mentioned in subsection (1) of this section. For an initial period not to exceed one year from the effective date of any city's entry into this system, if so provided at the time of its election to participate, only a majority of the employees of any group or combination of groups must be members of the system.

At all times subsequent to the effective date of the city's entry into this system, or at all times after expiration of such initial period, if such initial period is established at the time of the city's election to participate, all employees of any group or combination of groups must be included or excluded as members of this system. Groups (c) and (d) shall be considered as being composed of miscellaneous personnel as far as benefits and obligations are concerned except when the contrary is clearly indicated.

(3) Subject to subsection (2) of this section, membership in the retirement system shall be compulsory for all employees in groups (a) and (b), after qualification as provided in subsection (4) of this section.

(4) Subject to subsection (2) of this section, all employees in city service, on the effective date, or on June 9, 1949, or on expiration of the initial period therein provided if they have completed six consecutive months' service or six months' service in any calendar year prior to the expiration of such initial period, shall be members of the system, provided that such employees who are not regular full time employees and are earning less than one hundred dollars per month, or are part time employees serving in an official or special capacity may with the acquiescence of the legislative body of the city or town in which they are employed, elect on or before January 1, 1950, to discontinue membership by giving written notice of such election to the board. All other regular employees earning more than one hundred dollars per month shall become members upon the completion of six consecutive months' service or six months' service in any calendar year. Any employee otherwise eligible, employed in a permanent position, may elect in writing to become a member of the system at any time during the initial period, or at any time prior to completing such six months' service. Such individual employees other than regular employees, who are earning less than one hundred dollars per month or who are serving in an official or special capacity may elect to become members with the acquiescence of the legislative body of the city or town in which they are employed upon the completion of six months of consecutive service or six months' service in any calendar year.

(5) It shall be the duty of the proper persons in each city to immediately report to the board routine changes in the status of personnel and to immediately furnish such other information regarding the employment of members as the board may from time to time require.

(6) Should any member withdraw more than one-quarter of his accumulated contributions, or should he die or be retired, he shall thereupon cease to be a member.

(7) Transfer of any employee from one city to another shall not cause the employee to lose membership in the system providing the city to which he transfers participates in the retirement system created herein. [1971 ex.s. c 271 § 14; 1965 ex.s. c 99 § 2; 1961 c 227 § 3; 1953 c 228 § 4; 1951 c 275 § 7; 1949 c 171 § 4; 1947 c 71 § 11; Rem. Supp. 1949 § 9592-140.]

**Severability**—1971 ex.s. c 271: See note following RCW 41.32.260.

**41.44.120 Prior service credit.** (1) Subject to subsections (4) and (5) of this section the following members shall be entitled to prior service credit:

- (a) Each member in service on the effective date.
- (b) Each member entering after the effective date if such entry is within one year after rendering service prior to the effective date.
- (c) Each member entering in accordance with the provisions and subject to the conditions and limitations prescribed in subsection (5) of this section.

As soon as practicable, the board shall issue to each member entitled to prior service credit a certificate certifying the aggregate length of service rendered prior to the effective date. Such certificate shall be final and conclusive as to his prior service unless hereafter modified by the board, upon application of the member.

(2) Each city joining the system shall have the privilege of selecting the rate at which prior service pensions shall be calculated for its employees and may select any one of the three rates set forth below:

- (a) 1.33% of final compensation multiplied by the number of years of prior service credited to the member. This rate may be referred to as "full prior service credit."
- (b) 1.00% of final compensation multiplied by the number of years of prior service credited to the member. This rate may be referred to as "full [*three-fourths*] prior service credit."
- (c) .667% of final compensation multiplied by the number of years of prior service credited to the member. This rate may be referred to as "one-half prior service credit."

(3) The above rates shall apply at the age of sixty-two or over for members included in the miscellaneous personnel and at age sixty or over for members in the uniformed personnel: *Provided*, That if a member shall retire before attaining either of the ages above referred to, the total prior service pension shall be reduced to the percentages computed and established in accordance with the following tables, to wit:

Miscellaneous Personnel				
Percent of Full Prior Service Allowable				
Male		Female		
Age	Factor	Age	Factor	
45	65.48	45	66.78	
46	66.86	46	67.91	
47	68.29	47	69.09	
48	69.77	48	70.34	
49	71.28	49	71.67	
50	72.82	50	73.10	
51	74.43	51	74.71	
52	76.13	52	76.41	
53	77.93	53	78.21	
54	79.84	54	80.11	
55	81.86	55	82.12	
56	84.00	56	84.24	
57	86.28	57	86.50	
58	88.69	58	88.89	
59	91.26	59	91.42	
60	94.00	60	94.11	

Male		Female	
Age	Factor	Age	Factor
61	96.90	61	96.96
62	100.00	62	100.00

Percent of Full Prior Service Allowable  
Uniformed Personnel

Age	Factor
45	69.66
46	71.13
47	72.65
48	74.22
49	75.83
50	77.47
51	79.18
52	80.99
53	82.91
54	84.93
55	87.09
56	89.37
57	91.79
58	94.36
59	97.09
60	100.00

(4) If sickness, injury or service in the armed forces of the United States during the national emergency identified with World War I or World War II and/or service in the armed forces of the United States of America for extended active duty by any employee who shall have been regularly granted a leave of absence from the city service by reason thereof, prevents any regular employee from being in service on the effective date, the board shall grant prior service credit to such person when he is again employed. The legislative authority in each participating city shall specify the amount of prior service to be granted or current service credit to be made available to such employees: *Provided*, That in no case shall such service credit exceed five years. Certificate of honorable discharge from or documentary evidence of such service shall be submitted to the board before any such credit may be granted or made available. Prior or current service rates, or both, for such employees shall not exceed the rates established for fellow employees.

(5) There shall be granted to any person who was an employee of a private enterprise or a portion thereof which shall be hereafter acquired by a city as a matter of public convenience or necessity, where it is in the public interest to retain the trained personnel of such enterprise or portion thereof, credit for prior service for the period such person was actually employed by such private enterprise, except that this shall apply only to those persons who shall be employees of such enterprise or portion thereof at the time of its acquisition by the city and who remain in the service of such city until the effective date of membership of such person under this chapter.

There shall be granted to any person who was an employee of any state association of cities and towns, which association elects to participate in the retirement system established by this chapter, credit for prior service for the period such person was actually employed by such association, except that this shall apply only to

those persons who shall be employees of such association on May 21, 1971.

Credit for such prior service shall be given only if payment for the additional cost of including such service has been made or if payment of such additional cost or reimbursement therefor has been otherwise provided for to the satisfaction of the board or if such person be entitled to any private pension or retirement benefits as a result of such service with such private enterprise, credit will be given only if he agrees at the time of his employment by the municipality to accept a reduction in the payment of any benefits payable under this chapter that are based in whole or in part on such added and accredited service by the amount of these private pension or retirement benefits received. The conditions and limitations provided for in this subsection (5) shall be embodied in any certificate of prior service issued or granted by the board where any portion of the prior service credited under this subsection is included therein.

The city may receive payments for these purposes from a third party and shall make from such payments contributions with respect to such prior service as may be necessary to enable the fund to assume its obligations. [1971 ex.s. c 271 § 15; 1959 c 70 § 2; 1957 c 158 § 2; 1951 c 275 § 8; 1947 c 71 § 12; Rem. Supp. 1947 § 9592-141.]

**Reviser's note:** In subsection (2)(b) the word "full" was substituted for "three-fourths" in the 1971 amendatory act [1971 ex.s. c 271], but the change was not indicated by deletion and addition marks.

**Severability—1971 ex.s. c 271:** See note following RCW 41.32.260.

**41.44.130 Contributions by employees.** (1) The normal rates of contribution of members shall be based on sex and age at time of entry into the system, which age shall be the age at the birthday nearest the date of such entry.

(2) The normal rates of contribution for miscellaneous personnel shall be so fixed as to provide an annuity which, together with the pension provided by the city, shall produce as nearly as may be, a retirement allowance at the age of sixty-two years, of one and one-third percent of the final compensation multiplied by the number of years of service of the retiring employee. The normal rate established for age sixty shall be the rate for any member who has attained a greater age before entrance into the retirement system and the normal contribution established for age twenty-four shall be the rate for any member who enters the system at an earlier age.

(3) The normal rates of contribution for uniformed personnel shall be so fixed as to provide an annuity which, together with the pension that would be derived from equal contributions by the city, shall produce as nearly as may be for members who enter service at age thirty-seven or below, a retirement allowance, at age fifty-five with twenty-five or more years of service, or at an age greater than fifty-five after twenty-five years of service, equal to fifty percent of final compensation; and for members entering service at ages over thirty-seven, a retirement allowance at age sixty-two which shall be the same proportion of fifty percent of final compensation as

the member's actual years credited bear to twenty-five years. The normal rate established for age fifty shall be the rate for any member who has attained a greater age before entrance into the retirement system.

(4) Subject to the provisions of this chapter, the board shall adopt rules and regulations governing the making of deductions from the compensation of employees and shall certify to the proper officials in each city the normal rate of contribution for each member provided for in subsections (2) and (3) of this section. The proper officials in each city shall apply such rate of contribution to the full compensation of uniformed personnel and to so much of the compensation of miscellaneous personnel as does not exceed three hundred dollars per month, or four hundred dollars per month, or to any increased amount of such compensation as to members whose member cities have duly elected to increase the limitation provided for in subsection (12) of RCW 41.44.030 and shall certify to the board on each and every payroll the total amount to be contributed and shall furnish immediately to the board a copy of each and every payroll; and each of said amounts shall be forwarded immediately to the board and the board shall credit the deduction shown on such payroll to individual accounts of the members represented on such payrolls.

(5) Every member shall be deemed to consent and agree to the contribution made and provided for herein, and shall receipt in full for his salary or compensation. Payment less said contributions shall be a full and complete discharge of all claims and demands whatsoever for the service rendered by such person during the period covered by such payment, except his claim to the benefits to which he may be entitled under the provisions of this chapter.

(6) Any member may elect to contribute in excess of the contributions provided for in this section in accordance with rules to be established by the board for the purpose of providing additional benefits, but the exercise of this privilege shall not place on the member city or cities any additional financial obligation. The board shall have authority to fix the rate of interest to be paid or allowed upon the additional contributions and from time to time make any necessary changes in said rate. Refunds of additional contributions shall be governed by the same rules as those covering normal contributions unless the board shall establish separate rules therefor. [1965 ex.s. c 99 § 3; 1961 c 227 § 4; 1957 c 158 § 3; 1951 c 275 § 9; 1947 c 71 § 13; Rem. Supp. 1947 § 9592-142.]

**41.44.140 Retirement for service.** Retirement of a member for service shall be made by the board as follows:

(1) Each member included in the miscellaneous personnel in service on the effective date, who, on or before such effective date, has attained the age of sixty-five years or over shall be compulsorily retired forthwith: *Provided*, That there shall be no compulsory retirements for a period of two years immediately following the effective date, but any member having attained the age of sixty-five may voluntarily retire at any time after

attaining such age. Members included in the miscellaneous personnel attaining age sixty-five after effective date shall be retired on the first day of the calendar month next succeeding the month in which the member shall have attained sixty-five, but none of such members shall be subject to compulsory retirement until two years after the effective date. The legislative authority of the city shall have the privilege at all times of extending time for retirement of any such member to his attainment of any age not exceeding age seventy: *Provided*, That any such extension shall not increase the retirement age of such member in excess of one year at a time.

(2) Any member included in the miscellaneous personnel may retire by filing with the board a written application duly attested, setting forth on what date he desires to be retired, such application to be made at least thirty days prior to date of retirement: *Provided*, That said member, at the time specified for his retirement, shall have attained the age of sixty years, or shall have thirty years of creditable service regardless of attained age: *Provided further*, That during the two years immediately following the effective date voluntary service retirement of such members under sixty-two years of age shall not be granted.

(3) Each member included in the uniformed personnel in service on the effective date who on or before such effective date has attained the minimum age for social security benefits shall be compulsorily retired forthwith: *Provided*, That there shall be no compulsory service retirements for a period of two years immediately following the effective date, but any such member having attained the minimum age for social security benefits may voluntarily retire at any time after attaining such age. Members included in the uniformed personnel attaining the minimum age for social security benefits after the effective date shall be retired on the first day of the calendar month next succeeding the month in which the members shall have attained the minimum age for social security benefits, but none of such members shall be subject to compulsory retirement until two years after the effective date. The legislative authority shall have the privilege at all times of extending time for retirement of any such member: *Provided*, That any such extension shall not increase the retirement age of such member in excess of one year at a time.

(4) Any member included in the uniformed personnel may retire by filing with the board a written application duly attested, setting forth on what date he desires to be retired, such application to be made at least thirty days prior to date of retirement: *Provided*, That said members, at the time specified for retirement, shall have twenty-five years of creditable service regardless of age, or shall have attained the age of fifty-five years regardless of years of creditable service: *Provided further*, That during the two years immediately following the effective date voluntary service retirement of such members under the minimum age for social security benefits shall not be granted.

(5) After the retirement of any employee, any member city, by unanimous vote of its legislative body and with the consent of the board, may reemploy or retain

such employee in its service to fill a supervisory or key position. [1967 ex.s. c 28 § 4; 1965 ex.s. c 99 § 4; 1961 c 227 § 5; 1953 c 228 § 5; 1951 c 275 § 10; 1947 c 71 § 14; Rem. Supp. 1947 § 9592-143.]

**Purpose—Severability—1967 ex.s. c 28:** See notes following RCW 41.44.030.

**41.44.150 Allowance on retirement for service.** (1) A member upon retirement for service, shall receive a retirement allowance subject to the provisions of subsection (2) of this section, which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his accumulated normal contributions at the time of his retirement; and

(b) A pension provided by the contributions of the city, equal to the annuity purchased by the accumulated normal contributions of the member;

(c) For any member having credit for prior service an additional pension, provided by the contributions of the city, as set forth in RCW 41.44.120 at the rate selected by the city employing the member;

(d) Any member, excepting a part time employee, who has ten or more years of creditable service and who is retired by reason of attaining the age of sixty-five or over if included in the miscellaneous personnel or the age of fifty-five or over if included in the uniformed personnel, and whose retirement allowance is calculated to be less than sixty dollars per month, shall receive such additional pension, provided by the contributions of the city, as will make his total retirement allowance equal to sixty dollars per month. An annuity purchased by accumulated additional contributions in such case shall be paid in addition to the minimum guaranteed as herein provided. A part time employee having ten or more years of creditable service, retired by reason of attaining the ages in this subdivision specified and whose retirement allowance is calculated to be less than forty dollars per month, shall receive such additional pension, provided by the contributions of the city, as will make the total retirement allowance equal to forty dollars per month, together with an annuity purchased by his accumulated additional contributions, if any, in addition to the minimum guaranteed.

Nothing herein contained shall be construed in a manner to increase or to decrease any pension being paid or to be paid to a member retired prior to June 11, 1953.

(e) Any member, excepting a part time employee, who has been or is retired by reason of attaining the age of sixty-five or over if included in the miscellaneous personnel or the age of fifty-five or over if included in the uniformed personnel, and whose retirement allowance is calculated to be less than sixty dollars per month, shall receive such additional pension, provided by the contributions of the city, as will make his total retirement allowance equal to six dollars per month for each year of his creditable service: *Provided*, That the total additional retirement allowance shall be limited to an amount equal to such amount as will make his total retirement allowance not more than sixty dollars per month. An annuity purchased by accumulated additional contributions, if any, in such case shall be paid in addition to the minimum guaranteed, as herein provided.

Nothing herein contained shall be construed in a manner to increase or to decrease any pension being paid or to be paid to a member retired prior to June 11, 1953.

(f) The normal retirement age for uniformed personnel shall be age fifty-five with twenty-five years of creditable service, or shall be at an age greater than age fifty-five upon the completion of twenty-five years or more of creditable service. Upon retirement at the normal age, the retirement allowance shall be equal to fifty percent of final compensation. If retirement occurs at an age other than the normal age, the retirement allowance shall be the same proportion of fifty percent of final compensation as the member's actual years of service bears to the years of service that were or would have been served up to the normal retirement age: *Provided*, That if retirement occurs prior to the normal age of retirement, said allowance shall be the actuarial equivalent of said allowance at the normal age of retirement.

Nothing herein contained shall be construed in a manner to increase or to decrease any pension being paid or to be paid to a member retired prior to August 6, 1965.

(2) If the retirement allowance of the member as provided in this section, is in excess of three-fourths of his final compensation, the pension of the member, purchased by the contributions of the city, shall be reduced to such an amount as shall make the member's retirement allowance equal to three-fourths of his final compensation, except as provided in subdivision (3) of this section.

(3) A member, upon retirement from service, shall receive in addition to the retirement allowance provided in this section, an additional annuity which shall be the actuarial equivalent of any accumulated additional contributions which he has to his credit at the time of his retirement. [1965 ex.s. c 99 § 5; 1961 c 227 § 6; 1957 c 158 § 4; 1953 c 228 § 6; 1951 c 275 § 11; 1949 c 171 § 5; 1947 c 71 § 15; Rem. Supp. 1949 § 9592-144.]

**41.44.160 Retirement for disability.** Any member who has at least ten years of creditable service within the fifteen years immediately preceding retirement and has not attained the age of sixty-five years, or who attains or has attained the age of sixty-five years prior to two years after the effective date, may be retired by the board for permanent and total disability, either ordinary or accidental not incurred in line of duty, and any member, regardless of his age or years of service, may be retired by the board for any permanent and total disability incurred in line of duty, upon examination as follows:

Any member while in service, or while physically or mentally incapacitated for the performance of duty, if such incapacity has been continuous from discontinuance of city service, shall be examined by such medical authority as the board shall employ, upon the application of the head of the office or department in which the member is employed with approval of the legislative body, or upon application of said member, or a person acting in his behalf, stating that said member is permanently and totally incapacitated, either physically or mentally, for the performance of duty and ought to be

retired. If examination shows, to the satisfaction of the board, that the member should be retired, he shall be retired forthwith: *Provided*, That no such application shall be considered or granted upon the application of a member unless said member or someone in his behalf, in case of the incapacity of a member, shall have filed the application within a period of one year from and after the discontinuance of service of said member: *Provided*, The board shall retire the said member for disability forthwith: *Provided*, That the disability retirement allowance shall be effective on the first of the month following that in which the member last received salary or wages in city service.

The board shall secure such medical services and advice as it may deem necessary to carry out the purpose of this section and RCW 41.44.180. [1965 ex.s. c 99 § 6; 1951 c 275 § 12; 1949 c 171 § 6; 1947 c 71 § 16; Rem. Supp. 1947 § 9592-145.]

**41.44.170 Allowance on retirement for disability.** On retirement for permanent and total disability not incurred in line of duty a member shall receive a retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated normal contributions; and

(2) A pension provided by the contributions of the city which, together with his annuity provided by his accumulated normal contributions, shall make his retirement allowance equal to thirty percent of his final compensation for the first ten years of service, which allowance shall be increased by one and one-half percent for each year of service in excess of ten years to a maximum of fifty percent of his final compensation; otherwise he shall receive a retirement allowance of forty dollars per month or, except as to a part time employee, such sum, monthly, not in excess of sixty dollars per month, as is equal to six dollars per month for each year of his creditable service, whichever is greater. If the retirement allowance of a part time employee, based upon the pension hereinabove provided, does not exceed forty dollars per month, then such part time employee shall receive a retirement allowance of forty dollars per month and no more.

Nothing herein contained shall be construed in a manner to increase or to decrease any pension being paid or to be paid to a member retired prior to August 6, 1965.

(3) If it appears to the satisfaction of the board that permanent and total disability was incurred in line of duty, a member shall receive in lieu of the retirement allowance provided under subdivisions (1) and (2) of this section full pay from, and be furnished all hospital and medical care by, the city for a period of six months from the date of his disability, and commencing at the expiration of such six month period, shall receive a retirement allowance, regardless of his age or years of service, equal to fifty percent of his final compensation exclusive of any other benefit he may receive.

(4) No disability retirement allowance shall exceed seventy-five percent of final compensation, anything herein to the contrary notwithstanding, except as provided in subdivision (7) of this section.

(5) Upon the death of a member while in receipt of a disability retirement allowance, his accumulated contributions, as they were at the date of his retirement, less any annuity payments made to him, shall be paid to his estate, or to such persons having an insurable interest in his life as he shall have nominated by written designation duly executed and filed with the board. In the alternative, if there be a surviving spouse, or if no surviving spouse, there are surviving a child or children under the age of eighteen years, upon written notice to the board by such spouse, or if there be no such spouse, by the duly appointed, qualified and acting guardian of such child or children, within sixty days of the date of such member's death, there shall be paid to such spouse during his or her lifetime, or, if there be no such spouse, to such child or children, until they shall reach the age of eighteen years, a monthly pension equal to one-half of the monthly final compensation of such deceased member. If any such spouse or child or children shall marry, then such person so marrying shall thereafter receive no further pension herein provided.

(6) If disability is due to intemperance, wilful misconduct, or violation of law, on the part of the member, the board, in its discretion, may pay to said member, in one lump sum his accumulated contribution, in lieu of a retirement allowance, and such payment shall constitute full satisfaction of all obligations of the city to such member.

(7) In addition to the annuity and pension provided for in subdivisions (1) and (2) of this section, a member shall receive an annuity which shall be the actuarial equivalent of his accumulated additional contributions. [1973 1st ex.s. c 154 § 78; 1965 ex.s. c 99 § 7; 1961 c 227 § 7; 1957 c 158 § 5; 1953 c 228 § 7; 1951 c 275 § 13; 1947 c 71 § 17; Rem. Supp. 1947 § 9592-146.]

**Severability**—1973 1st ex.s. c 154: See note following RCW 2.12.030.

**41.44.180 Examination of disability beneficiary—**  
**Reentry.** (1) The board may, at its pleasure, require any disability beneficiary under age sixty-two in the miscellaneous personnel and under age fifty-five in the uniformed personnel to undergo medical examination by medical authority designated by the board. Upon the basis of such examination the board shall determine whether such disability beneficiary is still totally and permanently incapacitated, either physically or mentally, for service in the office or department of the city where he was employed or in any other position in that city, the duties of which he might reasonably be expected to carry out.

(2) If the board shall determine that the beneficiary is not so incapacitated his retirement allowance shall be canceled and he shall be reinstated forthwith in city service. If the city is unable to find employment for a disability beneficiary found to be no longer totally and permanently disabled, the board shall continue the disability retirement allowance of the beneficiary until such time as employment is available, except as provided in paragraph (4) of this section.

(3) Should a disability beneficiary reenter city service and be eligible for membership in the retirement system,

his retirement allowance shall be canceled and he shall immediately become a member of the retirement system, his rate of contribution for future years being that established for his age at the time of such reentry. His individual account shall be credited with his accumulated contributions less the annuity payments made to him. An amount equal to the accumulated normal contributions so credited to him shall again be held for the benefit of said member and shall no longer be included in the amounts available to meet the obligations of the city on account of benefits that have been granted. Such member shall receive credit for prior service in the same manner as if he had never been retired for disability.

(4) Should any disability beneficiary under age sixty-two in the miscellaneous personnel or under age fifty-five in the uniformed personnel, refuse to submit to medical examination, his retirement allowance may be discontinued until his withdrawal of such refusal, and should refusal continue for one year, his retirement allowance may be canceled. Should said disability beneficiary, prior to attaining age sixty-two or age fifty-five, as the case may be, engage in a gainful occupation the board shall reduce the amount of his retirement allowance to an amount, which when added to the compensation earned by him in such occupation, shall not exceed the amount of the final compensation on the basis of which his retirement allowance was determined. Should the earning capacity of such beneficiary be further altered, the board may further alter his retirement allowance as indicated above. When said disability beneficiary reaches age sixty-two, if included in the miscellaneous personnel, or age fifty-five, in the uniformed personnel, his retirement allowance shall be made equal to the amount upon which he was originally retired, and shall not again be modified for any cause except as provided in RCW 41.44.250.

(5) Should the retirement allowance of any disability beneficiary be canceled for any cause other than reentrance into city service, he shall be paid his accumulated contributions, less annuity payments made to him. [1961 c 227 § 8; 1947 c 71 § 18; Rem. Supp. 1947 § 9592-147.]

**41.44.190 Withdrawal from system—Reentry—**  
**Payment on death of member.** (1) Should service of a member of the miscellaneous personnel be discontinued except by death or retirement, he shall be paid six months after the day of discontinuance such part of his accumulated contributions as he shall demand. Six months after the date of such discontinuance, unless on leave of absence regularly granted, or unless he has exercised the option hereinafter provided, his rights to all benefits as a member shall cease, without notice, and his accumulated contributions shall be returned to him in any event or held for his account if for any reason the return of the same is prevented. Should service of a member of the uniformed personnel be discontinued except by death or retirement, he shall be paid six months after the day of discontinuance such part of his accumulated contributions as he shall demand, and six months after the date of such discontinuance, unless on

leave of absence regularly granted, his rights to all benefits as a member shall cease, without notice, and his accumulated contributions shall be returned to him in any event, or held for his account if for any reason the same is prevented: *Provided*, That the board may in its discretion, grant the privilege of withdrawal in the amounts above specified at any time following such discontinuance. Any member whose service is discontinued except by death or retirement, and who has five or more years of creditable service when such discontinuance occurs, may, at his option, leave his accumulated contributions in the fund and thereby be entitled to receive a deferred retirement allowance commencing at retirement age sixty for miscellaneous personnel and at age fifty-five for uniformed personnel, such retirement allowance to be computed in the same manner provided in subsection (1) of RCW 41.44.150: *Provided*, That this option may be revoked at any time prior to commencement of annuity payments by filing a written notice of such intention with the board together with a written application for a refund of such accumulated contributions. The board may establish rules and regulations to govern withdrawal and redeposit of contributions.

(2) Should a former member, within five years after discontinuance of service, return to service in the same city in which he was employed he may restore to the fund in such manner as may be agreed upon by such person and the board, his withdrawn normal accumulated contributions as they were at the time of his separation from service and upon completion of such redeposit all his rights and privileges existing at the time of discontinuance of service shall be restored and his obligations as a member shall begin again. The rate of contribution of such returning member shall be the same as it was at the time he separated from service.

(3) Upon the death of any person who has not been retired, pursuant to the provisions hereof, there shall be paid to his estate, or to such persons having an insurable interest in his life as he shall have nominated by written designation duly executed and filed with the board, his accumulated contributions less any payments therefrom already made to him. Such payment may be made in one lump sum or may be paid in installments over a period of not to exceed five years, as may be designated by the member or his beneficiary, with such rate of interest as may be determined by the board.

(4) In lieu of the death benefit otherwise payable under subsection (3) of this section, there shall be paid a total allowance equal to one-fourth average final compensation per month to the surviving spouse of a member with at least twenty years service as such, at the time of death and who has not been retired and who, by reason of membership in the system, is covered by the Old Age and Survivors Insurance provisions of the Federal Social Security Act, but not at the time of death qualified to receive the benefits thereof. Said allowance shall become payable upon the death of said member or upon the date the surviving spouse becomes ineligible for any benefit payment from the Federal OASI, if later, and shall cease upon death or remarriage, or upon the date the surviving spouse would become entitled, upon application therefor; to any insurance benefit from the



Federal OASI system, whichever event shall first occur: *Provided*, That said benefit shall cease upon the beneficiary becoming employed by any member city of said system: *Provided further*, That this allowance shall consist of:

(a) An amount which shall be the actuarial equivalent of the normal contributions at the time specified for retirement;

(b) An amount provided by the contributions of the city, equal to the annuity purchased by the accumulated normal contributions of the member;

(c) Such additional amount, provided by the contributions of the city, as will make the total allowance equal to one-fourth average final compensation per month;

(d) An annuity purchased by the accumulated additional contributions, if any, in addition to the minimum guaranteed.

(5) In lieu of the death benefit otherwise payable under subsection (3) of this section, the surviving spouse of a member who dies after having attained the minimum requirements for his service retirement as required by RCW 41.44.140 may elect to receive the allowance which would have been paid to such surviving spouse had the member been retired on the date of his death and had he elected to receive the lesser retirement allowances provided for in option C of RCW 41.44.220.

(6) If a former member shall, within one year from date of discontinuance of service, be employed by another city participating in this retirement system he shall have the privilege of redepositing and the matching contributions deposited by the city or cities in which he was formerly employed shall again be held for the benefit of such member. If such redepositing member possessed a prior service certificate the city employing him at time of retirement shall accept the liability evidenced by such certificate.

Reinstatement of a prior service certificate shall be effective only upon a showing that normal contributions are on deposit in the retirement fund, to the credit of the member, covering all current service. [1967 ex.s. c 28 § 5; 1965 ex.s. c 99 § 8; 1961 c 227 § 9; 1951 c 275 § 14; 1947 c 71 § 19; Rem. Supp. 1947 § 9592-148.]

**Purpose—Severability—1967 ex.s. c 28:** See notes following RCW 41.44.030.

**41.44.200 Withdrawal—Procedure as to city's contribution.** Whenever a member withdraws his accumulated normal contributions the matching contributions of the city so released shall be transferred to a reserve account created for the purpose of showing the amount of credits due each city through such operation. Such credits may be used by the city to apply on any charges made against the city but only so much thereof as will insure leaving in such account an amount estimated to be sufficient to again match contributions redeposited by employees returning to service as contemplated in RCW 41.44.190. The board may credit such reserve accounts with interest at such rate as the board deems equitable: *Provided*, That as to any member city which has elected to and is making contributions in lieu of those required in RCW 41.44.090(1)(a), there shall be no release of the city's matching contributions

after the date of its commencement to make such lieu contributions: *Provided further*, That any released contributions of any such city which have been credited to its reserve account prior to the date of such commencement, shall be available to it for the purposes hereinabove specified, unless the board shall determine that their immediate use for such purposes would result in a harmful effect upon the assets of the system, in which event the board shall have the right to defer their use for a reasonable time in which to permit it to make adjustments in the current assets of the system to prevent the same. [1953 c 228 § 8; 1947 c 71 § 20; Rem. Supp. 1947 § 9592-140.]

**41.44.210 Benefit on death in line of duty.** Upon the death of any member who dies from injuries or disease arising out of or incurred in the performance of his duty or duties, of which the board of trustees shall be the judge, if death occurs within one year from date of discontinuance of city service caused by such injury, there shall be paid to his estate or to such person or persons having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the board, the sum of one thousand dollars, purchased by the contributions of the cities participating in the retirement system; and in addition thereto there shall be paid to the surviving spouse during such spouse's lifetime, or if there be no surviving spouse, then to his minor child or children until they shall have reached the age of eighteen years, a monthly pension equal to one-half the monthly final compensation of such deceased member. If any such spouse, or child or children shall marry, then such person so marrying shall thereafter receive no further pension herein provided. Cost of the lump sum benefit above provided shall be determined by actuarial calculation and prorated equitably to each city. The benefits provided in this section shall be exclusive of any other benefits due the member under this chapter. [1973 1st ex.s. c 154 § 79; 1961 c 227 § 10; 1957 c 158 § 6; 1947 c 71 § 21; Rem. Supp. 1947 § 9592-150.]

**Severability—1973 1st ex.s. c 154:** See note following RCW 2.12.030.

**41.44.220 Optional allowance on retirement.** A member may elect to receive in lieu of the retirement allowance provided for in RCW 41.44.150, its actuarial equivalent in the form of a lesser retirement allowance, payable in accordance with the terms and conditions of one of the options set forth below in this section. Election of any option must be made by written application filed with the board at least thirty days in advance of retirement, or may be made by any member after he has attained the minimum requirements for his service retirement as required by RCW 41.44.140, and shall not be effective unless approved by the board prior to retirement of the member.

Option A. The lesser retirement allowance shall be payable to the member throughout his life: *Provided*, That if he die before he receives in annuity payments referred to in paragraph (a) of subsection (1) of RCW 41.44.150 a total amount equal to the amount of his accumulated contributions as it was at date of his

retirement, the balance of such accumulated contributions shall be paid in one sum to his estate or to such person having an insurable interest in his life as he shall nominate by written designation duly executed and filed with the board.

Option B. The lesser retirement allowance shall be payable to the member throughout life, and after death of the member, one-half of the lesser retirement allowance shall be continued throughout the life of and paid to the wife or husband of this member.

Option C. The lesser retirement allowance shall be payable to the member throughout life, and after death of the member it shall be continued throughout the life of and paid to the wife or husband of the member.

A member may apply for some other benefit or benefits and the board may grant such application provided such other benefit or benefits, together with the reduced retirement allowance, shall be certified by the actuary to be of equivalent value to his retirement allowance.

The surviving spouse may elect to receive a cash refund of the member's accumulated contributions in lieu of the monthly benefit under either Option B or Option C. [1965 ex.s. c 99 § 9; 1947 c 71 § 22; Rem. Supp. 1947 § 9592-151.]

**41.44.230 Monthly payments.** A pension, annuity, or a retirement allowance granted under the provisions of this chapter, unless otherwise specified herein, shall be payable in monthly installments, and each installment shall cover for the current calendar month. [1947 c 71 § 23; Rem. Supp. 1947 § 9592-152.]

**41.44.240 Rights immune from legal process.** The right of a person to a pension, annuity or a retirement allowance, to the return of contribution, the pension, annuity or retirement allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter shall not be subject to execution, garnishment, or any other process whatsoever. [1947 c 71 § 24; Rem. Supp. 1947 § 9592-153.]

**41.44.250 Suspension of retirement allowance.** The payment of any retirement allowance to a member who has been retired from service shall be suspended during the time that the beneficiary is in receipt of compensation for service to any city or town that is a member of the state-wide city employees' retirement system, except as to the amount by which such retirement allowance may exceed such compensation for the same period. It is the intent of this section to prevent any retired person from being able to receive both his retirement allowance and compensation for service to any city or town that is a member of the state-wide city employees' retirement system: *Provided*, That nothing in this section shall prevent county or state welfare departments from furnishing to any retired employee under the terms of this chapter the hospital, medical, dental and other benefits granted to pensioners under the provisions of Title 74 RCW. [1951 c 275 § 15; 1947 c 71 § 25; Rem. Supp. 1947 § 9592-154.]

**41.44.260 Merger of existing or new systems into state-wide system—Contract.** The council or other legislative body of any city or town in which there has been established or may hereafter be established by ordinance or pursuant to authority granted, or hereafter granted, by any of the laws of the state of Washington, any retirement system, pension, relief or disability system, excluding any system directly established by the legislature of the state of Washington and by its terms made compulsory, shall have the right by a legal contract in writing to merge or integrate its existing system with that of the state-wide city employees' retirement system established by chapter 71, Laws of 1947 [Chapter 41.44 RCW]. Any such contract shall contain appropriate provisions granting to any member of the systems integrated or merged the right to elect to withdraw his or her accumulated contributions accrued to the effective date of the merger or integration where the contract would result in a reduction or impairment of the benefits provided for in the existing system of which he or she is a member, and no such contracts shall be effective which shall reduce or impair the benefits which employees who are receiving benefits from either of the integrated systems would have received had the integration or merger not been effected. [1949 c 137 § 1; Rem. Supp. 1949 § 9592-133a.]

**41.44.270 Agreements between board and cities which accept social security act benefits.** Should any member city of the state-wide city employees retirement system established pursuant to this chapter, hereafter take advantage of any benefits lawfully available to its employees and their survivors under the old age and survivors insurance system embodied in the social security act, or should any city which has lawfully taken advantage of such benefits desire to become a member of the state-wide city employees retirement system, such city and the board shall have the power to enter into an agreement mutually satisfactory to both parties adjusting the contributions to be made by such city and by its employees and the benefits to be paid by the state-wide city employees retirement system, in such a manner to permit the participation of such city in the system as a member with reduced benefits to its employees and reduced contributions by the city and by its employees: *Provided*, That such adjustment shall be made upon an actuarially sound basis and that as to all matters, other than those changed by such agreement, the provisions of the state-wide city employees retirement system law shall apply: *Provided further*, That unless such an agreement is entered into by mutual consent of such city and the board, all of the provisions of the state-wide city employees retirement system law shall be applicable. [1953 c 228 § 9.]

**41.44.300 System abolished—Date—Transfer of assets, liabilities and responsibilities.** Notwithstanding any provisions of chapter 41.44 RCW to the contrary, the state-wide employees' retirement system shall no longer exist after January 1, 1972, at which time all assets, liabilities, and responsibilities of the state-wide city employees' retirement system shall be transferred to

and assumed by the Washington public employees' retirement system as provided for in RCW 41.40.405 through 41.40.407. [1971 c 75 § 4.]

### Chapter 41.47

#### ACCEPTANCE OF OLD AGE AND SURVIVORS' INSURANCE—1941 ACT

##### Sections

- 41.47.010 Benefits of federal act accepted.
- 41.47.020 Wage deductions.
- 41.47.030 Operation of statute limited.
- 41.47.040 Severability as to coverage.
- 41.47.050 Contingent effective date.

*Designation of agency to carry out federal social security disability program: RCW 43.17.120, 43.17.130.*

**41.47.010 Benefits of federal act accepted.** The state of Washington in behalf of all its eligible officials and employees and the eligible officials and employees of all its counties, cities and towns, and of any and all other of its municipal corporations and political subdivisions which levy taxes and employ and pay salaries and wages to officials and employees including public utility districts, hereby accepts the benefits of the old age and survivors' insurance benefit provisions of the federal social security act, whenever the provisions of such act are extended to embrace such officials and employees. [1941 c 205 § 1; Rem. Supp. 1941 § 9998-57. Formerly RCW 74.40.010.]

**41.47.020 Wage deductions.** Any and all officials and boards having charge of the preparation of payrolls and payment of salaries and wages to such eligible officials and employees are hereby authorized and directed to make payroll and salary and wage deductions and to handle and dispose of the same as required by such federal act; and any official or board being authorized to disburse funds respectively for the office, department or division of the state, county, city or town, or other municipal corporation or political subdivision in which any such eligible official or employee is employed is authorized to pay and disburse out of any funds available for the operation and maintenance of such office, department or division such sums and dispose of and handle the same in such manner as is required and necessary to make payments and benefits of said federal act available to such eligible officials and employees. [1941 c 205 § 2; Rem. Supp. 1941 § 9998-58. Formerly RCW 74.40.020.]

**41.47.030 Operation of statute limited.** Nothing contained in this chapter shall deprive any person of benefits under any existing pension system, nor repeal, amend, modify or supersede any law, charter amendment or ordinance establishing or pertaining to an existing pension system. [1941 c 205 § 3; Rem. Supp. 1941 § 9998-59. Formerly RCW 74.40.030.]

**41.47.040 Severability as to coverage.** If it is found by any judicial authority of competent jurisdiction that the provisions of this chapter may not become applicable to any group of officials or employees for any reason,

such inapplicability shall not prevent the same from becoming applicable as herein provided to the other officials and employees embraced herein. [1941 c 205 § 4; Rem. Supp. 1941 § 9998-60. Formerly RCW 74.40.040.]

**41.47.050 Contingent effective date.** This chapter shall take effect at the time and in the manner provided by the state Constitution unless at that time the federal social security act has not been amended to cover officials and employees of the state, county, city and other municipal corporations and political subdivisions, in which event it shall take effect and become operative on the first day of the second month following the month when such federal act shall become applicable to such state officials and employees. [1941 c 205 § 5; Rem. Supp. 1941 § 9998-61. Formerly RCW 74.40.050.]

### Chapter 41.48

#### FEDERAL SOCIAL SECURITY FOR PUBLIC EMPLOYEES

##### Sections

- 41.48.010 Purpose—Construction.
- 41.48.020 Definitions.
- 41.48.030 Agreement with secretary of health, education, and welfare.
- 41.48.040 Employees' contributions.
- 41.48.050 Extension of social security benefits to employees of political subdivisions—Termination, procedure.
- 41.48.060 OASI contribution fund.
- 41.48.070 Employees may elect.
- 41.48.080 Administration costs—Allocation.
- 41.48.090 Rules and regulations.
- 41.48.100 Governor may delegate authority.

*Acceptance of old age and survivors' insurance: Chapter 41.47 RCW.*  
*Application forms—Licenses—Mention of race or religion prohibited: RCW 43.01.100, 43.01.110.*  
*Emergency services: Chapter 38.52 RCW.*  
*Hours and wages of department of social and health services personnel: RCW 72.01.042, 72.01.043.*  
*Plan for coverage of members of teachers' retirement system: Chapter 41.33 RCW.*  
*Plan for OASI coverage of members of state employees' retirement system: Chapter 41.41 RCW.*  
*Trusts for employee benefits: Chapter 49.64 RCW.*

**41.48.010 Purpose—Construction.** In order to extend to employees of the state and its political subdivisions and to the dependents and survivors of such employees, the basic protection accorded to others by the old age and survivors insurance system embodied in the social security act, it is hereby declared to be the policy of the legislature, subject to the limitations of this chapter, that such steps be taken as to provide such protection to employees of the state and its political subdivisions on as broad a basis as is permitted under the social security act. Persons now members of or protected by any state or local pension or retirement plan or system may be covered under the federal social security act only as provided by the federal social security act amendments of 1954. (Public Law No. 761.) It is hereby declared to be the policy of the legislature in enacting the succeeding sections of this title that the protection

afforded the employees in positions covered by a retirement system on the date an agreement under this title is made applicable to service performed in such positions, or receiving periodic benefits under such retirement system at such time, will not be impaired as the result of making the agreements so applicable whether the agreement provides for supplementation, integration or coordination. [1955 ex.s. c 4 § 1; 1951 c 184 § 1.]

**41.48.020 Definitions.** For the purposes of this chapter:

(1) "Wages" means all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash, except that such term shall not include that part of such remuneration which, even if it were for "employment" within the meaning of the federal insurance contributions act, would not constitute "wages" within the meaning of that act;

(2) "Employment" means any service performed by an employee in the employ of the state, or any political subdivision thereof, for such employer, except (a) service which in the absence of an agreement entered into under this chapter would constitute "employment" as defined in the social security act; or (b) service which under the social security act may not be included in an agreement between the state and the secretary of health, education, and welfare entered into under this chapter;

(3) "Employee" includes all officers and employees of the state or its political subdivisions except officials compensated on a fee basis;

(4) "Secretary of health, education, and welfare" includes any individual to whom the secretary of health, education, and welfare has delegated any of his functions under the social security act with respect to coverage under such act of employees of states and their political subdivisions, and with respect to any action taken prior to April 11, 1953, includes the federal security administrator and any individual to whom such administrator has delegated any such function;

(5) "Political subdivision" includes an instrumentality of the state, of one or more of its political subdivisions, or of the state and one or more of its political subdivisions. Such term also includes a proprietary enterprise acquired, purchased or originated by the state or any of its political subdivisions subsequent to December, 1950. Such a subdivision may elect to accept federal OASI coverage under this chapter.

(6) "Federal insurance contributions act" means subchapter A of chapter 9 of the federal internal revenue code of 1939 and subchapters A and B of chapter 21 of the federal internal revenue code of 1954, as such codes have been and may from time to time be amended; and the term "employee tax" means the tax imposed by section 1400 of such code of 1939 and section 3101 of such code of 1954. [1955 ex.s. c 4 § 2; 1953 c 62 § 1; 1951 c 184 § 2.]

**41.48.030 Agreement with secretary of health, education, and welfare.** (1) The governor is hereby authorized to enter on behalf of the state into an agreement

with the secretary of health, education, and welfare consistent with the terms and provisions of this chapter, for the purpose of extending the benefits of the federal old-age and survivors insurance system to employees of the state or any political subdivision not members of an existing retirement system, or to members of a retirement system established by the state or by a political subdivision thereof or by an institution of higher learning with respect to services specified in such agreement which constitute "employment" as defined in RCW 41.48.020. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration, and other appropriate provisions as the governor and secretary of health, education, and welfare shall agree upon, but, except as may be otherwise required by or under the social security act as to the services to be covered, such agreement shall provide in effect that—

(a) Benefits will be provided for employees whose services are covered by the agreement (and their dependents and survivors) on the same basis as though such services constituted employment within the meaning of title II of the social security act;

(b) The state will pay to the secretary of the treasury, at such time or times as may be prescribed under the social security act, contributions with respect to wages (as defined in RCW 41.48.020), equal to the sum of the taxes which would be imposed by the federal insurance contributions act if the services covered by the agreement constituted employment within the meaning of that act;

(c) Such agreement shall be effective with respect to services in employment covered by the agreement or modification thereof performed after a date specified therein but in no event may it be effective with respect to any such services performed prior to the first day of the calendar year immediately preceding the calendar year in which such agreement or modification of the agreement is accepted by the secretary of health, education and welfare.

(d) All services which constitute employment as defined in RCW 41.48.020 and are performed in the employ of the state by employees of the state, shall be covered by the agreement;

(e) All services which (i) constitute employment as defined in RCW 41.48.020, (ii) are performed in the employ of a political subdivision of the state, and (iii) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the governor under RCW 41.48.050, shall be covered by the agreement; and

(f) As modified, the agreement shall include all services described in either paragraph (d) or paragraph (e) of this subsection and performed by individuals to whom section 218(c)(3)(C) of the social security act is applicable, and shall provide that the service of any such individual shall continue to be covered by the agreement in case he thereafter becomes eligible to be a member of a retirement system; and

(g) As modified, the agreement shall include all services described in either paragraph (d) or paragraph (e)

of this subsection and performed by individuals in positions covered by a retirement system with respect to which the governor has issued a certificate to the secretary of health, education, and welfare pursuant to subsection (5) of this section.

(h) Law enforcement officers and firemen of each political subdivision of this state who are covered by the Washington Law Enforcement Officers' and Fire Fighters' Retirement System Act (chapter 209, Laws of 1969 ex. sess.) as now in existence or hereafter amended shall constitute a separate "coverage group" for purposes of the agreement entered into under this section and for purposes of section 218 of the social security act. To the extent that the agreement between this state and the federal secretary of health, education, and welfare in existence on the date of adoption of this subsection is inconsistent with this subsection, the governor shall seek to modify the inconsistency.

(2) Any instrumentality jointly created by this state and any other state or states is hereby authorized, upon the granting of like authority by such other state or states, (a) to enter into an agreement with the secretary of health, education, and welfare whereby the benefits of the federal old-age and survivors insurance system shall be extended to employees of such instrumentality, (b) to require its employees to pay (and for that purpose to deduct from their wages) contributions equal to the amounts which they would be required to pay under RCW 41.48.040(1) if they were covered by an agreement made pursuant to subsection (1) of this section, and (c) to make payments to the secretary of the treasury in accordance with such agreement, including payments from its own funds, and otherwise to comply with such agreements. Such agreement shall, to the extent practicable, be consistent with the terms and provisions of subsection (1) and other provisions of this chapter.

(3) The governor is empowered to authorize a referendum, and to designate an agency or individual to supervise its conduct, in accordance with the requirements of section 218(d)(3) of the social security act, and subsection (4) of this section on the question of whether service in all positions covered by a retirement system established by the state or by a political subdivision thereof should be excluded from or included under an agreement under this chapter. If a retirement system covers positions of employees of the state of Washington, of the institutions of higher learning, and positions of employees of one or more of the political subdivisions of the state, then for the purpose of the referendum as provided herein, there may be deemed to be a separate retirement system with respect to employees of the state, or any one or more of the political subdivisions, or institutions of higher learning and the governor shall authorize a referendum upon request of the subdivisions' or institutions' of higher learning governing body: *Provided however*, That if a referendum of state employees generally fails to produce a favorable majority vote then the governor may authorize a referendum covering positions of employees in any state department who are compensated in whole or in part from grants made to this state under title III of the federal social security act: *Provided*, That any city or town affiliated with the state-

wide city employees retirement system organized under chapter 41.44 RCW may at its option agree to a plan submitted by the board of trustees of said state-wide city employees retirement system for inclusion under an agreement under this chapter if the referendum to be held as provided herein indicates a favorable result: *Provided further*, That the teachers' retirement system be considered one system for the purpose of the referendum except as applied to the several \*colleges of education. The notice of referendum required by section 218(d)(3)(C) of the social security act to be given to employees shall contain or shall be accompanied by a statement, in such form and such detail as the agency or individual designated to supervise the referendum shall deem necessary and sufficient, to inform the employees of the rights which will accrue to them and their dependents and survivors, and the liabilities to which they will be subject, if their services are included under an agreement under this chapter.

(4) The governor, before authorizing a referendum, shall require the following conditions to be met:

(a) The referendum shall be by secret written ballot on the question of whether service in positions covered by such retirement system shall be excluded from or included under the agreement between the governor and the secretary of health, education, and welfare provided for in RCW 41.48.030(1);

(b) An opportunity to vote in such referendum shall be given and shall be limited to eligible employees;

(c) Not less than ninety days' notice of such referendum shall be given to all such employees;

(d) Such referendum shall be conducted under the supervision (of the governor or) of an agency or individual designated by the governor;

(e) The proposal for coverage shall be approved only if a majority of the eligible employees vote in favor of including services in such positions under the agreement;

(f) The state legislature, in the case of a referendum affecting the rights and liabilities of state employees covered under the state employees' retirement system and employees under the teachers' retirement system, and in all other cases the local legislative authority or governing body, shall have specifically approved the proposed plan and approved any necessary structural adjustment to the existing system to conform with the proposed plan.

(5) Upon receiving satisfactory evidence that with respect to any such referendum the conditions specified in subsection (4) of this section and section 218(d)(3) of the social security act have been met, the governor shall so certify to the secretary of health, education, and welfare.

(6) If the legislative body of any political subdivision of this state certifies to the governor that a referendum has been held under the terms of RCW 41.48.050(1)(i) and gives notice to the governor of termination of social security for any coverage group of the political subdivision, the governor shall give two years advance notice in writing to the federal department of health, education, and welfare of such termination of the agreement

entered into under this section with respect to said coverage group. [1971 ex.s. c 257 § 19; 1967 c 5 § 1; 1957 c 170 § 1; 1955 ex.s. c 4 § 3; 1951 c 184 § 3.]

**\*Reviser's note:** The "colleges of education" were redesignated state colleges by 1961 c 62 § 1, formerly RCW 28.81.005, decodified in the 1969 education code.

**Purpose—Severability—1971 ex.s. c 257:** See notes following RCW 41.26.030.

**41.48.040 Employees' contributions.** (1) Every employee of the state whose services are covered by an agreement entered into under RCW 41.48.030 shall be required to pay for the period of such coverage, into the contribution fund established by RCW 41.48.060, contributions, with respect to wages (as defined in RCW 41.48.020), equal to the amount of employee tax which would be imposed by the federal insurance contributions act if such services constituted employment within the meaning of that act. Such liability shall arise in consideration of the employees' retention in the service of the state, or his entry upon such service, after the enactment of this chapter.

(2) The contribution imposed by this section shall be collected by deducting the amount of the contribution from wages as and when paid, but failure to make such deduction shall not relieve the employee from liability for such contribution.

(3) If more or less than the correct amount of the contribution imposed by this section is paid or deducted with respect to any remuneration, proper adjustments, or refund if adjustment is impracticable, shall be made, without interest, in such manner and at such times as the state agency shall prescribe. [1955 ex.s. c 4 § 4; 1951 c 184 § 4.]

**41.48.050 Extension of social security benefits to employees of political subdivisions—Termination, procedure.** (1) Each political subdivision of the state is hereby authorized to submit for approval by the governor a plan hereby authorized to submit for approval by the governor a plan for extending the benefits of title II of the social security act, in conformity with the applicable provisions of such act, to those employees of such political subdivisions who are not covered by an existing pension or retirement system. Each pension or retirement system established by the state or a political subdivision thereof is hereby authorized to submit for approval by the governor a plan for extending the benefits of title II of the social security act, in conformity with applicable provisions of such act, to members of such pension or retirement system. Each such plan and any amendment thereof shall be approved by the governor if he finds that such plan, or such plan as amended, is in conformity with such requirements as are provided in regulations of the governor, except that no such plan shall be approved unless—

(a) It is in conformity with the requirements of the social security act and with the agreement entered into under RCW 41.48.030;

(b) It provides that all services which constitute employment as defined in RCW 41.48.020 and are performed in the employ of the political subdivision by employees thereof, shall be covered by the plan;

(c) It specifies the source or sources from which the funds necessary to make the payments required by paragraph (a) of subsection (3) and by subsection (4) of this section are expected to be derived and contains reasonable assurance that such sources will be adequate for such purposes;

(d) It provides that in the plan of coverage for members of the state teachers' retirement system or for state employee members of the state employees' retirement system, there shall be no additional cost to or involvement of the state until such plan has received prior approval by the legislature;

(e) It provides for such methods of administration of the plan by the political subdivision as are found by the governor to be necessary for the proper and efficient administration of the plan;

(f) It provides that the political subdivision will make such reports, in such form and containing such information, as the governor may from time to time require and comply with such provisions as the governor or the secretary of health, education, and welfare may from time to time find necessary to assure the correctness and verification of such reports; and

(g) It authorizes the governor to terminate the plan in its entirety, in his discretion, if he finds that there has been a failure to comply substantially with any provision contained in such plan, such termination to take effect at the expiration of such notice and on such conditions as may be provided by regulations of the governor and may be consistent with the provisions of the social security act.

(h) It provides that law enforcement officers and fire fighters of each political subdivision of this state who are covered by the Washington Law Enforcement Officers' and Fire Fighters' Retirement System Act (chapter 209, Laws of 1969 ex. sess.) as now in existence or hereafter amended shall constitute a separate "coverage group" for purposes of the plan or agreement entered into under this section and for purposes of section 216 of the social security act. To the extent that the plan or agreement entered into between the state and any political subdivision of this state is inconsistent with this subsection, the governor shall seek to modify the inconsistency.

(i) It provides that the plan or agreement may be terminated by any political subdivision as to any such coverage group upon giving at least two years advance notice in writing to the governor, effective at the end of the calendar quarter specified in the notice. It shall specify that before notice of such termination is given, a referendum shall be held among the members of the coverage group under the following conditions:

(i) The referendum shall be conducted under the supervision of the legislative body of the political subdivision.

(ii) Not less than sixty days' notice of such referendum shall be given to members of the coverage group.

(iii) An opportunity to vote by secret ballot in such referendum shall be given and shall be limited to all members of the coverage group.

(iv) The proposal for termination shall be approved only if a majority of the coverage group vote in favor of termination.

(v) If a majority of the coverage group vote in favor of termination, the legislative body of the political subdivision shall certify the results of the referendum to the governor and give notice of termination of such coverage group.

(2) The governor shall not finally refuse to approve a plan submitted by a political subdivision under subsection (1), and shall not terminate an approved plan, without reasonable notice and opportunity for hearing to the political subdivision affected thereby.

(3) (a) Each political subdivision as to which a plan has been approved under this section shall pay into the contribution fund, with respect to wages (as defined in RCW 41.48.020), at such time or times as the governor may by regulation prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the governor under RCW 41.48.030.

(b) Each political subdivision required to make payments under paragraph (a) of this subsection is authorized, in consideration of the employee's retention in, or entry upon, employment after enactment of this chapter, to impose upon each of its employees, as to services which are covered by an approved plan, a contribution with respect to his wages (as defined in RCW 41.48.020), not exceeding the amount of employee tax which is imposed by the federal insurance contributions act, and to deduct the amount of such contribution from his wages as and when paid. Contributions so collected shall be paid into the OASI contribution fund in partial discharge of the liability of such political subdivision or instrumentality under paragraph (a) of this subsection. Failure to deduct such contribution shall not relieve the employee or employer of liability therefor.

(4) Delinquent payments due under paragraph (a) of subsection (3) may, with interest at the rate of six percent per annum, be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor or may, at the request of the governor, be deducted from any other moneys payable to such subdivision by any department or agency of the state. [1971 ex.s. c 257 § 20; 1955 ex.s. c 4 § 5; 1951 c 184 § 5.]

**Purpose—Severability—**1971 ex.s. c 257: See notes following RCW 41.26.030.

**41.48.060 OASI contribution fund.** (1) There is hereby established a special fund in the state treasury to be known as the OASI contribution fund. All interest earnings presently in and all interest earnings accruing to this fund in accordance with RCW 39.58.120 shall be deposited in the state's general fund. Such fund shall consist of and there shall be deposited in such fund: (a) All contributions and penalties collected under RCW 41.48.040 and 41.48.050; (b) all moneys appropriated thereto under this chapter; (c) any property or securities belonging to the fund; and (d) all sums recovered upon

the bond of the custodian or otherwise for losses sustained by the fund and all other moneys received for the fund from any other source. All moneys in the fund shall be mingled and undivided. Subject to the provisions of this chapter, the governor is vested with full power, authority and jurisdiction over the fund, including all moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof and are consistent with the provisions of this chapter.

(2) The OASI contribution fund shall be established and held separate and apart from any other funds of the state and shall be used and administered exclusively for the purpose of this chapter. Withdrawals from such fund shall be made for, and solely for (a) payment of amounts required to be paid to the secretary of the treasury pursuant to an agreement entered into under RCW 41.48.030; (b) payment of refunds provided for in RCW 41.48.040(3); and (c) refunds of overpayments, not otherwise adjustable, made by a political subdivision or instrumentality.

(3) From the OASI contribution fund the custodian of the fund shall pay to the secretary of the treasury such amounts and at such time or times as may be directed by the governor in accordance with any agreement entered into under RCW 41.48.030 and the social security act.

(4) The treasurer of the state shall be ex officio treasurer and custodian of the OASI contribution fund and shall administer such fund in accordance with the provisions of this chapter and the directions of the governor and shall pay all warrants drawn upon it in accordance with the provisions of this section and with the regulations as the governor may prescribe pursuant thereto. [1973 c 126 § 14; 1967 c 213 § 1; 1951 c 184 § 6.]

**41.48.070 Employees may elect.** The governing body of any political subdivision having any coverage group, as the term is defined in title II of the social security act, not covered by a state or municipal retirement system may submit for an advisory vote to the members of such coverage group the question of whether they prefer coverage by federal old-age and survivors insurance or coverage by a state or municipal retirement system. [1951 c 184 § 7.]

**41.48.080 Administration costs—Allocation.** All costs allocable to the administration of this chapter shall be charged to and paid to the general fund by the participating divisions and instrumentalities of the state pro rata according to their respective contributions. [1951 c 184 § 9.]

**41.48.090 Rules and regulations.** The governor shall make and publish such rules and regulations, not inconsistent with the provisions of this chapter, as he finds necessary or appropriate to the efficient administration of the functions with which he is charged under this chapter. [1951 c 184 § 10.]

**41.48.100 Governor may delegate authority.** Any authority conferred upon the governor by this chapter may be exercised by an official or state agency designated by him. [1951 c 184 § 11.]

### Chapter 41.50

#### DEPARTMENT OF RETIREMENT SYSTEMS

##### Sections

41.50.010	Definitions.
41.50.020	Department of retirement systems—Created—Director.
41.50.030	Transfer of powers, duties and functions of certain systems, boards and administrators to department of retirement systems.
41.50.040	Manner of selection and terms of transferred board members not affected.
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41.50.060	Delegation of powers, duties and functions—Director's responsibilities.
41.50.070	Personnel.
41.50.080	Investment of funds of various systems.
41.50.090	Department succeeds to and vested with transferred powers, duties and functions—Boards to be kept informed—Approval of rules—Disability benefit applications.
41.50.100	Proposed legislation.
41.50.800	Apportionment of budgeted funds of affected agencies.
41.50.801	Continuation of rules, pending business, contracts, investments, etc.
41.50.802	Transfer of reports, documents, etc., property, funds, assets, appropriations, etc.
41.50.803	Savings.
41.50.804	Existing collective bargaining agreements not affected.
41.50.900	Severability—1975-'76 2nd ex.s. c 105.

*Office of state actuary: Chapter 44.44 RCW.*

**41.50.010 Definitions.** As used in this chapter, unless the context clearly indicates otherwise:

(1) "Department" means the department of retirement systems;

(2) "Director" means the director of the department of retirement systems. [1975-'76 2nd ex.s. c 105 § 3.]

**41.50.020 Department of retirement systems—Created—Director.** There is created a department of state government to be known as the department of retirement systems. The executive and administrative head of the department shall be the director, who shall be appointed by the governor with the consent of the senate. The director shall serve at the pleasure of the governor and may be removed upon written notification by the governor to the respective retirement boards.

The director shall have complete charge of and supervisory powers over the department and shall be paid a salary fixed by the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in the position of director while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate at which time he shall present to that body the name of the person appointed to the position of director. [1975-'76 2nd ex.s. c 105 § 4.]

**41.50.030 Transfer of powers, duties and functions of certain systems, boards and administrators to department of retirement systems.** As soon as possible but not more than one hundred and eighty days after March 19, 1976,

there is transferred to the department of retirement systems, except as otherwise provided in this chapter, all powers, duties, and functions of:

(1) The Washington public employees' retirement system and the retirement board thereof;

(2) The Washington state teachers' retirement system and the board of trustees thereof;

(3) The Washington law enforcement officers' and fire fighters' retirement system and the retirement board thereof;

(4) The Washington state patrol retirement system and the retirement board thereof;

(5) The Washington judicial retirement system and the retirement board thereof; and

(6) The state treasurer with respect to the administration of the judges' retirement fund imposed pursuant to chapter 2.12 RCW. [1975-'76 2nd ex.s. c 105 § 5.]

**41.50.040 Manner of selection and terms of transferred board members not affected.** This chapter shall not affect the manner for selecting members of the boards affected by RCW 41.50.030, nor shall it affect the terms of any members serving on such boards. [1975-'76 2nd ex.s. c 105 § 6.]

**41.50.050 Powers, duties and functions of director.** The director shall:

(1) Have the authority to organize the department into not more than two divisions, each headed by an assistant director;

(2) Have free access to all files and records of various funds assigned to the department for investment purposes and inspect and audit the files and records as deemed necessary;

(3) Prepare written reports at least quarterly summarizing the investment and bond management activities of the department, which reports shall be sent to the governor, to ways and means committees of the house and senate, to members of the finance advisory committee, to all agencies having a direct financial interest in the investment of funds or issuance and sale of bonds by the director, and to other persons on request;

(4) Employ personnel to carry out the general administration of the department;

(5) Submit an annual written report of the activities of the department to the governor and the legislature, including recommendations for statutory changes the director believes to be desirable;

(6) Adopt such rules and regulations as are necessary to carry out the powers, duties, and functions of the department pursuant to the provisions of chapter 34.04 RCW. [1975-'76 2nd ex.s. c 105 § 7.]

**41.50.060 Delegation of powers, duties and functions—Director's responsibilities.** The director may delegate the performance of such powers, duties, and functions, other than those relating to rule making, to employees of the department, but the director shall remain and be responsible for the official acts of the employees of the department.

The director shall be responsible for the public employees' retirement system, the teachers' retirement



system, the judicial retirement system, the law enforcement officers' and fire fighters' retirement system, and the Washington state patrol retirement system. [1975-'76 2nd ex.s. c 105 § 8.]

**41.50.070 Personnel.** In addition to the exemptions set forth in RCW 41.06.070, the assistant directors, not to exceed two, and an internal auditor shall also be exempt from the application of the state civil service law, chapter 41.06 RCW.

The officers and exempt personnel appointed by the director pursuant to this section shall be paid salaries fixed by the governor in accordance with the procedure established by law for fixing salaries for officers exempt from the operation of the state civil service law.

All employees classified under chapter 41.06 RCW and engaged in duties pertaining to the functions transferred by this chapter shall be assigned to the department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state merit system. [1975-'76 2nd ex.s. c 105 § 9.]

**41.50.080 Investment of funds of various systems.** The director, with the approval of the respective boards, shall provide for the investment of all funds of the Washington public employees' retirement system, the teachers' retirement system, the Washington law enforcement officers' and fire fighters' retirement system, the Washington state patrol retirement system, the Washington judicial retirement system, and the judges' retirement fund, pursuant to RCW 43.84.150, and shall authorize the state finance committee to execute all such transactions. [1975-'76 2nd ex.s. c 105 § 10.]

**41.50.090 Department succeeds to and vested with transferred powers, duties and functions—Boards to be kept informed—Approval of rules—Disability benefit applications.** (1) Except as otherwise provided in this section, on the effective date of transfer as provided in RCW 41.50.030, the department shall succeed to and is vested with all powers, duties, and functions now or by any concurrent act of this 1976 legislature vested in the individual retirement boards set forth in RCW 41.50-.030 relating to the administration of their various retirement systems, including but not limited to the power to appoint a staff and define the duties thereof: *Provided*, That actuarial services required by the department shall be performed by the state actuary as provided in RCW 44.44.040.

(2) The department shall keep each retirement board fully informed on the administration of the corresponding retirement system, and shall furnish any information requested by a retirement board.

(3) Rules proposed by the director under RCW 2.10-.050, 2.10.070, 41.26.060, 41.32.160, 41.40.020, or 43.43.140 shall be submitted to the appropriate retirement boards for review prior to adoption. After receiving approval of the members of the appropriate board, such rules shall become effective as provided by the administrative procedure act, chapter 34.04 RCW.

(4) Each retirement board shall continue to perform all functions as are vested in it by law with respect to applications for benefits paid upon either temporary or permanent disability, with such staff assistance from the department as may be required. [1975-'76 2nd ex.s. c 105 § 11.]

**41.50.100 Proposed legislation.** All proposed legislation to be submitted by a retirement board as a departmental request shall be first submitted to the director for evaluation. The director shall obtain an initial actuarial estimate of the costs on each system of the changes contained in the proposed legislation as if the legislation were applicable to each system. The results of such estimate shall be then transmitted to the retirement board which has requested the proposed legislation. The board may modify its legislative proposal into final form for introduction as a bill on the basis of the estimate. The final form of the legislative proposal shall be returned to the director who shall obtain a final actuarial estimate of the costs applied in the same manner as the initial estimate. On or before September 1, the director shall transmit the final legislative proposal together with the actuarial estimates to the governor for consideration in his budget requests and to the chairmen of the ways and means committees of the legislature. [1975-'76 2nd ex.s. c 105 § 12.]

**41.50.800 Apportionment of budgeted funds of affected agencies.** If apportionments of budgeted funds are required because of the transfers herein authorized, the director of the office of program planning and fiscal management shall certify such apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustment in funds and appropriation accounts and equipment records in accordance with such certification. [1975-'76 2nd ex.s. c 105 § 13.]

**41.50.801 Continuation of rules, pending business, contracts, investments, etc.** On the effective date of transfer as provided in RCW 41.50.030, all rules and regulations, and all pending business before any of the retirement boards whose powers, duties, and functions are transferred to the department by this chapter shall be continued and acted upon by the department.

All existing contracts and obligations pertaining to the functions herein transferred shall remain in full force and effect, and shall be performed by the department. None of the transfers directed by this chapter shall affect the validity of any act performed by a retirement board or by any official or employee thereof prior to the effective date of transfer as provided in RCW 41.50.030.

None of the transfers involving investment of funds by any of the retirement boards shall affect the validity of any act performed by such boards or by any official or employee thereof prior to the effective date of transfer as provided in RCW 41.50.030. [1975-'76 2nd ex.s. c 105 § 14.]

**41.50.802 Transfer of reports, documents, etc., property, funds, assets, appropriations, etc.** All reports, documents, surveys, books, records, files, papers, or other writings relating to the administration of the powers, duties, and functions transferred by this chapter shall be made available to the department and to the state actuary.

All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the powers, duties, and functions transferred by this chapter shall be made available to the department.

All funds, credits, or other assets held in connection with powers, duties, and functions transferred by this chapter shall be assigned to the department.

Any appropriations made to any committee, division, board, or any other state agency for the purpose of carrying out the powers, duties, and functions transferred by this chapter shall, in the manner prescribed by the director of the office of program planning and fiscal management, be transferred and credited to the department for the purpose of carrying out such transferred powers, duties, and functions. [1975-'76 2nd ex.s. c 105 § 15.]

**41.50.803 Savings.** Nothing in this chapter nor in the amendment of RCW 43.17.010, 43.17.020, or 43.33.070 shall be construed to affect any existing rights acquired under RCW 43.17.010, 43.17.020, or 43.33.070 except as to the governmental agencies referred to and their officials and employees, nor as affecting any actions, activities, or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor any administrative action taken thereunder; and neither the abolition of any agency or division thereof nor any transfer of powers, duties, and functions as provided in this chapter shall affect the validity of any act performed by such agency or division thereof or any officer thereof prior to the effective date of transfer as provided in RCW 41.50.030. [1975-'76 2nd ex.s. c 105 § 16.]

**41.50.804 Existing collective bargaining agreements not affected.** Nothing contained in this chapter shall be construed to alter any existing collective bargaining agreement until any such agreement has expired or until any such bargaining unit has been modified by action of the personnel board as provided by law. [1975-'76 2nd ex.s. c 105 § 17.]

**41.50.900 Severability—1975-'76 2nd ex.s. c 105.** See note following RCW 41.04.270.

### Chapter 41.52 PUBLIC PENSION COMMISSION

#### Sections

- 41.52.010 Created—Composition—Qualifications and appointment of members.
- 41.52.020 Terms—Vacancies.
- 41.52.030 Expenses—Officers—Personnel—Quorum.
- 41.52.040 Powers and duties.

41.52.050 Right of access to files and records of public pension systems—Minutes, reports, etc., to be forwarded to commission.

41.52.060 Examination of records—Subpoena of witnesses, fees.

41.52.070 Appointment of investment counsel—Qualifications—Duties.

*Community college board to consult within preparation of study report on faculty-pension plan: RCW 28B.50.570.*

**41.52.010 Created—Composition—Qualifications and appointment of members.** There is created the state public pension commission. The commission shall consist of five members of the house of representatives to be appointed by the speaker thereof, five members of the senate to be appointed by the president of the senate, and five members to be appointed by the governor: *Provided*, That no more than three senators nor more than three representatives shall be appointed from the same political party. All original legislative members shall be appointed before the close of the 1963 extraordinary session of the legislature and successors shall be appointed before the close of each regular session thereafter: *Provided, further*, That if prior to the close of each regular session, the governor shall issue a proclamation convening the legislature into extraordinary session following such regular session, then such appointments shall be made as a matter of closing business of such extraordinary session. Legislative members shall be subject to confirmation, as to senate members by the senate, and as to house members by the house. No terms of legislative members shall be extended without such confirmation.

The members appointed by the governor shall have the following qualifications: (1) At least one of the members shall be experienced in actuarial principles; (2) One member shall be a trustee or official of a retirement system; and (3) Three members shall have had general experience and knowledge in fields pertinent to retirement system operating, but shall not at the time of appointment or during their terms of office be trustees or officials in any retirement system. [1969 c 10 § 2; 1963 ex.s. c 17 § 1.]

**41.52.020 Terms—Vacancies.** The members of the commission shall be appointed biennially for terms commencing July 1st and expiring on June 30th on each succeeding odd-numbered year and shall serve until their successors are appointed or elected, and qualified. The terms of office of legislative members who shall not continue to be members of the senate and house shall cease as of the date the certificates of election of their successors are issued. Vacancies in office of legislative members shall be filled by appointment from the same house by the remaining legislative members of that house. All vacancies shall be filled for the remainder of the unexpired term. Vacancies in memberships appointed by the governor shall be filled by appointment by the governor. [1963 ex.s. c 17 § 2.]

**41.52.030 Expenses—Officers—Personnel—Quorum.** The members of the commission shall be reimbursed for their expenses incurred while attending sessions of the commission or meetings of any committees

of the commission or while engaged on other commission business authorized by the commission, at the rates provided in RCW 44.04.120, as now or hereafter amended. The commission shall select a chairman, vice chairman and secretary from among its members. The commission shall have authority to select and employ such research, technical, and clerical personnel and consultants as it deems necessary to carry out its powers and duties, whose compensation and salaries shall be fixed by the commission. A majority of the membership shall constitute a quorum. [1967 c 128 § 1; 1963 ex.s. c 17 § 3.]

**41.52.040 Powers and duties.** The commission shall have the following powers and duties:

(1) Study the pension and benefit laws applicable to officers and employees in governmental service throughout the state and appraise and evaluate the existing laws pertaining to this subject;

(2) Study and consider the financial problems of the several retirement and pension funds and make recommendations as to revisions in financial provisions and methods of amortizing the accrued liabilities of such funds without impairment of any of the rights and equities of participants and beneficiaries but in conformity with sound and established principles of financing pension fund obligations;

(3) Study and make recommendations concerning the extension of pension coverage to public employees to whom pension protection has not been accorded;

(4) Study and make recommendations concerning the preservation and continuity of earned rights and credits in public employment for pension purposes including a thorough study of the legal, financial and other aspects of so-called legal vesting of pension rights;

(5) Evaluate all pension proposals in terms of policy, cost implications, and their impact on other public employee retirement programs;

(6) Consider all aspects of pension planning and operation aiming toward the development of a standard pension policy grounded in fundamental principles;

(7) Consider the feasibility of codifying pension laws;

(8) Make available to such public officers and employees at all levels of government as it shall deem advisable, information as to pension and benefit studies, recommendations, and evaluations as to afford them an opportunity to become familiar with all aspects of pension problems so they may develop sound legislative and fiscal policies in accordance with established concepts of good retirement planning and sound financing;

(9) Report from time to time, at least biennially, to the members of the legislature, and to the governor, its conclusions and recommendations;

(10) Prepare an explanatory note for each pension bill introduced in the legislature, which note shall briefly explain the financial impact and policies of the bill, indicate the impact on the relative position of the system affected with the other public pension systems, and which shall be attached to or printed upon the printed bill;

(11) Study and make recommendations on the investment policies and procedures of all public pension systems. [1967 c 128 § 2; 1963 ex.s. c 17 § 4.]

**41.52.050 Right of access to files and records of public pension systems—Minutes, reports, etc., to be forwarded to commission.** (1) The commission, its staff and consultants as ordered by the commission shall have access to all files and records of the public pension systems in the state for inspection and review;

(2) The governing boards of all public pension systems in the state shall promptly forward to the commission copies of their minutes of meetings, actuarial reports, annual reports, reports on portfolio including changes in investment holdings showing sales, purchases and exchanges, and any other report which is approved for distribution by the board of trustees of any system. [1967 c 128 § 3.]

**41.52.060 Examination of records—Subpoena of witnesses, fees.** In the discharge of any duty herein imposed, the commission or any personnel under its authority and its subcommittees shall have the authority to examine and inspect all files, records and accounts of any public retirement system or board, and to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the superior courts.

In the case of the failure on the part of any person to comply with any subpoena issued in behalf of the commission, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the superior court of any county, or the judge thereof, on application of the commission, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

Each witness who appears before the commission by its order, other than a state official or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record in accordance with RCW 2.40.010, which shall be audited and paid upon the presentation of proper vouchers signed by such witness and approved by the secretary and chairman of the commission. [1967 c 128 § 4.]

**41.52.070 Appointment of investment counsel—Qualifications—Duties.** The state public pension commission shall employ on a contractual basis a qualified investment counsel. Such counsel shall be a business organization having experience in securities analyses and investment counseling for both private and public pension funds on a national basis for a minimum of three consecutive years during the five years immediately prior to employment by the commission. The counsel shall not be engaged in the business of buying, selling or otherwise marketing securities during the time of its employment by the commission.

The securities counsel shall make periodic examinations of the transactions and portfolio of each public pension system in the state. The administrator of each

pension system shall cooperate with and make its records available to the counsel. The counsel shall file a copy of its examination report with the public pension system examined and also with the public pension commission. The public pension commission shall include in its biennial report to the legislature a summarization of all such examination reports. The securities counsel shall be available on request of the board of trustees of any public retirement system in the state of Washington for investment counseling pertaining to any or all proposed changes in the investment portfolio of that system. [1967 c 160 § 1.]

### Chapter 41.56

## PUBLIC EMPLOYEES' COLLECTIVE BARGAINING

### Sections

- 41.56.010 Declaration of purpose.
- 41.56.020 Application of chapter.
- 41.56.030 Definitions.
- 41.56.040 Right of employees to organize and designate representatives without interference.
- 41.56.050 Disagreement in selection of bargaining representative—Intervention by commission.
- 41.56.060 Determination of bargaining unit—Bargaining representative.
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- 41.56.140 Unfair labor practices for public employer enumerated.
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- 41.56.170 Commission to prevent unfair labor practices and issue remedial orders—Procedure—Complaint—Notice of hearing—Answer—Intervening parties—Commission not bound by technical rules of evidence.
- 41.56.180 Commission to prevent unfair labor practices and issue remedial orders—Procedure—Subpoena power—Oaths and affirmations—Receiving evidence.
- 41.56.190 Commission to prevent unfair labor practices and issue remedial orders—Procedure—Petition to court for enforcement of order or other relief—Transcript filed—Notice—Court decree.
- 41.56.200 Department to prevent unfair labor practices and issue remedial orders—Application to state higher education personnel.
- 41.56.210 Department to prevent unfair labor practices and issue remedial orders—Application to state civil service employees.
- 41.56.220 Right of employee representing bargaining unit to be absent from employment during legislative session—Replacement.
- 41.56.400 Interim committee on public employees collective bargaining—Created.
- 41.56.405 Interim committee on public employees collective bargaining—Membership.

- 41.56.410 Interim committee on public employees collective bargaining—Chairman—Officers—Rules of procedure—Ad hoc committees—Legislative members as liaison members to council—Staff.
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- 41.56.905 Uniformed personnel—Provisions additional—Liberal construction—1973 c 131.
- 41.56.910 Severability—1973 c 131.
- 41.56.950 Retroactive date in collective bargaining agreements allowable, when.

**Reviser's note:** Throughout chapter 41.56 RCW the phrase "this act" has been changed to "this chapter". "This act" [1967 ex.s. c 108] is codified as this chapter and RCW 41.06.150.

**41.56.010 Declaration of purpose.** The intent and purpose of this chapter is to promote the continued improvement of the relationship between public employers and their employees by providing a uniform basis for implementing the right of public employees to join labor organizations of their own choosing and to be represented by such organizations in matters concerning their employment relations with public employers. [1967 ex.s. c 108 § 1.]

**41.56.020 Application of chapter.** This chapter shall apply to any county or municipal corporation, or any political subdivision of the state of Washington except as otherwise provided by RCW 47.64.030, 47.64.040, 54.04.170, 54.04.180, \*28.72.010 through 28.72.090, and chapter 53.18 RCW. [1967 ex.s. c 108 § 2.]

**\*Reviser's note:** RCW "28.72.010 through 28.72.090" was repealed and reenacted as RCW 28A.72.010 through 28A.72.090.

**41.56.030 Definitions.** As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter as designated by RCW 41.56.020, or any subdivision of such public body.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit,

or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) "Commission" means the public employment relations commission.

(6) "Uniformed personnel" means (a) law enforcement officers as defined in RCW 41.26.030 as now or hereafter amended, of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of AA counties or (b) fire fighters as that term is defined in RCW 41.26.030, as now or hereafter amended. [1975 1st ex.s. c 296 § 15; 1973 c 131 § 2; 1967 ex.s. c 108 § 3.]

**Effective date**—1975 2nd ex.s. c 5: See RCW 41.58.901.

**Construction**—1973 c 131: See RCW 41.56.905.

**Severability**—1973 c 131: See RCW 41.56.910.

*Public employment relations commission: Chapter 41.58 RCW.*

**41.56.040 Right of employees to organize and designate representatives without interference.** No public employer, or other person, shall directly or indirectly, interfere with, restrain, coerce, or discriminate against any public employee or group of public employees in the free exercise of their right to organize and designate representatives of their own choosing for the purpose of collective bargaining, or in the free exercise of any other right under this chapter. [1967 ex.s. c 108 § 4.]

**41.56.050 Disagreement in selection of bargaining representative—Intervention by commission.** In the event that a public employer and public employees are in disagreement as to the selection of a bargaining representative the commission shall be invited to intervene as is provided in RCW 41.56.060 through 41.56.090. [1975 1st ex.s. c 296 § 16; 1967 ex.s. c 108 § 5.]

**Effective date**—1975 2nd ex.s. c 5: See RCW 41.58.901.

**41.56.060 Determination of bargaining unit—Bargaining representative.** The commission, after hearing upon reasonable notice, shall decide in each application for certification as an exclusive bargaining representative, the unit appropriate for the purpose of collective bargaining. In determining, modifying, or combining the bargaining unit, the commission shall consider the duties, skills, and working conditions of the public

employees; the history of collective bargaining by the public employees and their bargaining representatives; the extent of organization among the public employees; and the desire of the public employees. The commission shall determine the bargaining representative by (1) examination of organization membership rolls, (2) comparison of signatures on organization bargaining authorization cards, or (3) by conducting an election specifically therefor. [1975 1st ex.s. c 296 § 17; 1967 ex.s. c 108 § 6.]

**Effective date**—1975 2nd ex.s. c 5: See RCW 41.58.901.

**41.56.070 Election to ascertain bargaining representative.** In the event the commission elects to conduct an election to ascertain the exclusive bargaining representative, and upon the request of a prospective bargaining representative showing written proof of at least thirty percent representation of the public employees within the unit, the commission shall hold an election by secret ballot to determine the issue. The ballot shall contain the name of such bargaining representative and of any other bargaining representative showing written proof of at least ten percent representation of the public employees within the unit, together with a choice for any public employee to designate that he does not desire to be represented by any bargaining agent. Where more than one organization is on the ballot and neither of the three or more choices receives a majority vote of the public employees within the bargaining unit, a run-off election shall be held. The run-off ballot shall contain the two choices which received the largest and second-largest number of votes. No question concerning representation may be raised within one year of a certification or attempted certification. Where there is a valid collective bargaining agreement in effect, no question of representation may be raised except during the period not more than ninety nor less than sixty days prior to the expiration date of the agreement. Any agreement which contains a provision for automatic renewal or extension of the agreement shall not be a valid agreement; nor shall any agreement be valid if it provides for a term of existence for more than three years. [1975 1st ex.s. c 296 § 18; 1967 ex.s. c 108 § 7.]

**Effective date**—1975 2nd ex.s. c 5: See RCW 41.58.901.

**41.56.080 Certification of bargaining representative—Scope of representation.** The bargaining representative which has been determined to represent a majority of the employees in a bargaining unit shall be certified by the commission as the exclusive bargaining representative of, and shall be required to represent, all the public employees within the unit without regard to membership in said bargaining representative: *Provided*, That any public employee at any time may present his grievance to the public employer and have such grievance adjusted without the intervention of the exclusive bargaining representative, if the adjustment is not inconsistent with the terms of a collective bargaining agreement then in effect, and if the exclusive bargaining representative has been given reasonable opportunity to be present at any initial meeting called for the resolution

of such grievance. [1975 1st ex.s. c 296 § 19; 1967 ex.s. c 108 § 8.]

**Effective date**—1975 2nd ex.s. c 5: See RCW 41.58.901.

**41.56.090 Rules and regulations.** The commission shall promulgate, revise or rescind such rules and regulations as it may deem necessary or appropriate to administer the provisions of this chapter in conformity with the intent and purpose of this chapter and consistent with the best standards of labor-management relations. [1975 1st ex.s. c 296 § 20; 1967 ex.s. c 108 § 9.]

**Effective date**—1975 2nd ex.s. c 5: See RCW 41.58.901.

**41.56.100 Authority and duty of employer to engage in collective bargaining—Limitations—Mediation upon failure to agree.** A public employer shall have the authority to engage in collective bargaining with the exclusive bargaining representative and no public employer shall refuse to engage in collective bargaining with the exclusive bargaining representative: *Provided*, That nothing contained herein shall require any public employer to bargain collectively with any bargaining representative concerning any matter which by ordinance, resolution or charter of said public employer has been delegated to any civil service commission or personnel board similar in scope, structure and authority to the board created by chapter 41.06 RCW. Upon the failure of the public employer and the exclusive bargaining representative to conclude a collective bargaining agreement, any matter in dispute may be submitted by either party to the commission. [1975 1st ex.s. c 296 § 21; 1967 ex.s. c 108 § 10.]

**Effective date**—1975 2nd ex.s. c 5: See RCW 41.58.901.

*Arbitration of labor disputes: Chapter 49.08 RCW.*

**41.56.110 Dues—Deduction from pay.** Upon the written authorization of any public employee within the bargaining unit and after the certification or recognition of such bargaining representative, the public employer shall deduct from the pay of such public employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative. [1973 c 59 § 1; 1967 ex.s. c 108 § 11.]

**41.56.120 Right to strike not granted.** Nothing contained in this chapter shall permit or grant any public employee the right to strike or refuse to perform his official duties. [1967 ex.s. c 108 § 12.]

**41.56.122 Collective bargaining agreements—Authorized provisions.** A collective bargaining agreement may:

(1) Contain union security provisions: *Provided*, That nothing in this section shall authorize a closed shop provision: *Provided further*, That agreements involving union security provisions must safeguard the right of nonassociation of public employees based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member. Such

public employee shall pay an amount of money equivalent to regular union dues and initiation fee to a nonreligious charity or to another charitable organization mutually agreed upon by the public employee affected and the bargaining representative to which such public employee would otherwise pay the dues and initiation fee. The public employee shall furnish written proof that such payment has been made. If the public employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization. When there is a conflict between any collective bargaining agreement reached by a public employer and a bargaining representative on a union security provision and any charter, ordinance, rule, or regulation adopted by the public employer or its agents, including but not limited to, a civil service commission, the terms of the collective bargaining agreement shall prevail.

(2) Provide for binding arbitration of a labor dispute arising from the application or the interpretation of the matters contained in a collective bargaining agreement. [1975 1st ex.s. c 296 § 22; 1973 c 59 § 2.]

**Effective date**—1975 2nd ex.s. c 5: See RCW 41.58.901.

**41.56.125 Arbitrators—Selection—Additional method.** In addition to any other method for selecting arbitrators, the parties may request the public employment relations commission to, and the commission shall, appoint a qualified person who may be an employee of the commission to act as an arbitrator to assist in the resolution of a labor dispute between such public employer and such bargaining representative arising from the application of the matters contained in a collective bargaining agreement. The arbitrator shall conduct such arbitration of such dispute in a manner as provided for in the collective bargaining agreement: *Provided*, That the commission shall not collect any fees or charges from such public employer or such bargaining representative for services performed by the commission under the provisions of this chapter: *Provided further*, That the provisions of chapter 49.08 RCW shall have no application to this chapter. [1975 1st ex.s. 296 § 23; 1973 c 59 § 3.]

**Effective date**—1975 2nd ex.s. c 5: See RCW 41.58.901.

**41.56.130 Rules and regulations of state personnel board—Mandatory subjects.** See RCW 41.06.150.

**41.56.140 Unfair labor practices for public employer enumerated.** It shall be an unfair labor practice for a public employer:

(1) To interfere with, restrain, or coerce public employees in the exercise of their rights guaranteed by this chapter;

(2) To control, dominate or interfere with a bargaining representative;

(3) To discriminate against a public employee who has filed an unfair labor practice charge;

(4) To refuse to engage in collective bargaining. [1969 ex.s. c 215 § 1.]

**41.56.150 Unfair labor practices for bargaining representative enumerated.** It shall be an unfair labor practice for a bargaining representative:

(1) To interfere with, restrain, or coerce public employees in the exercise of their rights guaranteed by this chapter;

(2) To induce the public employer to commit an unfair labor practice;

(3) To discriminate against a public employee who has filed an unfair labor practice charge;

(4) To refuse to engage in collective bargaining. [1969 ex.s. c 215 § 2.]

**41.56.160 Commission to prevent unfair labor practices and issue remedial orders.** The commission is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders. This power shall not be affected or impaired by any means of adjustment, mediation or conciliation in labor disputes that have been or may hereafter be established by law. [1975 1st ex.s. c 296 § 24; 1969 ex.s. c 215 § 3.]

**Effective date—**1975 2nd ex.s. c 5: See RCW 41.58.901.

**41.56.170 Commission to prevent unfair labor practices and issue remedial orders—Procedure—Complaint—Notice of hearing—Answer—Intervening parties—Commission not bound by technical rules of evidence.** Whenever a charge has been made concerning any unfair labor practice, the commission shall have power to issue and cause to be served a complaint stating the charges in that respect, and containing a notice of hearing before the commission at a place therein fixed to be held not less than seven days after the serving of said complaint. Any such complaint may be amended by the commission any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint within five days after the service of such original or amended complaint and to appear in person or otherwise to give testimony at the place and time set in the complaint. In the discretion of the commission, any other person may be allowed to intervene in the said proceedings and to present testimony. In any such proceeding the commission shall not be bound by technical rules of evidence prevailing in the courts of law or equity. [1975 1st ex.s. c 296 § 25; 1969 ex.s. c 215 § 4.]

**Effective date—**1975 2nd ex.s. c 5: See RCW 41.58.901.

**41.56.180 Commission to prevent unfair labor practices and issue remedial orders—Procedure—Subpoena power—Oaths and affirmations—Receiving evidence.** For the purpose of all hearings and investigations, which, in the opinion of the commission, are necessary and proper for the exercise of the powers vested in it by RCW 41.56.140 through 41.56.190, the commission shall at all reasonable times have access to, for the purposes of examination, and the right to examine, copy or photograph any evidence, including payrolls or lists of employees, of any person being investigated or proceeded against that relates to any matter under

investigation or in question. The commission shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the commission. The commission, or any agent, or agency designated by the commission for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. [1975 1st ex.s. c 296 § 26; 1969 ex.s. c 215 § 5.]

**Reviser's note.** "this act" translated to "RCW 41.56.140 through 41.56.190"; 1969 ex.s. c 215 included sections codified as RCW 28B.16.230, 41.06.300 and 41.56.400 through 41.56.420.

**Effective date—**1975 2nd ex.s. c 5: See RCW 41.58.901.

**41.56.190 Commission to prevent unfair labor practices and issue remedial orders—Procedure—Petition to court for enforcement of order or other relief—Transcript filed—Notice—Court decree.** The commission, or any party to the commission proceedings, thirty days after the commission has entered its findings of fact, shall have power to petition the superior court of the state within the county wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, or if such court be on vacation or in recess, then to the superior court of any county adjoining the county wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was made and the findings and order of the commission. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the commission. [1975 1st ex.s. c 296 § 27; 1969 ex.s. c 215 § 6.]

**Effective date—**1975 2nd ex.s. c 5: See RCW 41.58.901.

**41.56.200 Department to prevent unfair labor practices and issue remedial orders—Application to state higher education personnel.** See RCW 28B.16.230.

**41.56.210 Department to prevent unfair labor practices and issue remedial orders—Application to state civil service employees.** See RCW 41.06.340.

**41.56.220 Right of employee representing bargaining unit to be absent from employment during legislative session—Replacement.** Any public employee who represents fifty percent or more of a bargaining unit or who represents on a state-wide basis a group of five or more bargaining units shall have the right to absent himself from his employment without pay and without suffering

any discrimination in his future employment and without losing benefits incident to his employment while representing his bargaining unit at the legislature of the state of Washington during any regular or extraordinary session thereof: *Provided*, That such employee is replaced by his bargaining unit with an employee who shall be paid by the employer and who shall be qualified to perform the duties and obligations of the absent member in accordance with the rules of the civil service or other standards established by his employer for such absent employee. [1969 ex.s. c 174 § 1.]

**41.56.400 Interim committee on public employees collective bargaining—Created.** There is hereby created a committee to study the public employees collective bargaining act as provided in chapter 41.56 RCW. As used in RCW 41.56.400 through 41.56.420 unless the context indicates otherwise the term "committee" shall mean the interim committee on public employees collective bargaining. [1969 ex.s. c 215 § 7.]

**Reviser's note:** "this act" translated to RCW 41.56.400 through 41.56.420; 1969 ex.s. c 215 included sections codified in RCW 28B-16.230, 41.06.340, and 41.56.140 through 41.56.190.

**Appropriation—1969 ex.s. c 215:** "There is hereby appropriated out of the general fund to the legislative council for the biennium ending June 30, 1971, to carry out the purposes of sections 7, 8, 9, 10 and 11 of this act the sum of twenty-five thousand dollars, or so much thereof as may be necessary." [1969 ex.s. c 215 § 12.] Sections 7, 8, 9, 10 and 11 of this act are RCW 41.56.400 through 41.56.420.

**41.56.405 Interim committee on public employees collective bargaining—Membership.** The committee shall have the following membership:

(1) Two senators to be appointed by the president of the senate, not more than one from the same political party, and two representatives to be appointed by the speaker of the house, not more than one from the same political party;

(2) Three representatives of public employees as "public employees" is defined in RCW 41.56.030 to be appointed by the governor; and

(3) Three representatives of public employers as "public employers" is defined in RCW 41.56.030 to be appointed by the governor.

In addition, the department of labor and industries shall cooperate with the committee and maintain a liaison representative, who shall be a nonvoting member. [1969 ex.s. c 215 § 8.]

**41.56.410 Interim committee on public employees collective bargaining—Chairman—Officers—Rules of procedure—Ad hoc committees—Legislative members as liaison members to council—Staff.** The committee, by majority vote, shall select from among the members a chairman and such other officers as the committee shall deem appropriate. The committee, by majority vote, may prescribe rules of procedure for itself, may from time to time establish ad hoc committees, and may take such other action as it shall deem appropriate to accomplish its purposes.

The legislative members of the committee shall serve as liaison members to the legislative council. The staff of

the legislative council shall serve as the staff of the committee and shall provide such clerical, research and other assistance as the committee shall deem appropriate to accomplish its purposes. [1969 ex.s. c 215 § 9.]

**41.56.415 Interim committee on public employees collective bargaining—Reimbursement for expenses—Manner of payment.** The members of the committee shall receive no compensation but shall be reimbursed for their expenses while attending meetings of the committee in the same manner as legislators engaged in interim committee business as in RCW 44.04.120. Payment of expenses shall be made by vouchers approved in the same manner as other expenses of the legislative council. [1969 ex.s. c 215 § 10.]

**41.56.420 Interim committee on public employees collective bargaining—Duties—Reports—Recommendations to include proposed legislation.** The committee shall study the operation of chapter 108, Laws of 1967 extraordinary session, relating to public employees collective bargaining, including an evaluation of the collective bargaining practices and procedures of uniformed personnel, and review the efficacy of RCW 28.75.130 (28B.16.130), 41.06.340, 41.56.140 through 41.56.190 and 41.56.400 through 41.56.420 or any part thereof as a means of furthering and improving management relationships within public service. The committee shall submit its report to the governor and the state legislature, with a copy to the legislative council, prior to the convening of any regular session of the legislature, or to any special session if the committee deems it appropriate. The report shall contain specific recommendations as to necessary or desirable changes, if any, in the law, and shall also include any proposed legislation necessary to implement the recommendations of the committee. [1973 c 131 § 9; 1969 ex.s. c 215 § 11.]

**Construction—1973 c 131:** See RCW 41.56.905.

**Severability—1973 c 131:** See RCW 41.56.910.

**41.56.430 Uniformed personnel—Legislative declaration.** The intent and purpose of \*this 1973 amendatory act is to recognize that there exists a public policy in the state of Washington against strikes by uniformed personnel as a means of settling their labor disputes; that the uninterrupted and dedicated service of these classes of employees is vital to the welfare and public safety of the state of Washington; that to promote such dedicated and uninterrupted public service there should exist an effective and adequate alternative means of settling disputes. [1973 c 131 § 1.]

**\*Reviser's note:** "this 1973 amendatory act" [1973 c 131] consists of RCW 41.56.430-41.56.490, 41.56.905, 41.56.910, and the 1973 c 131 amendments to RCW 41.56.030 and 41.56.420.

**Construction—1973 c 131:** See RCW 41.56.905.

**Severability—1973 c 131:** See RCW 41.56.910.

**41.56.440 Uniformed personnel—Negotiations—Impasse defined—Fact-finding panel—Hearings—Findings.** Negotiations between representatives of the public employer and uniformed personnel shall be commenced at least five months prior to the



submission of the budget to the legislative body of the public employer. If after a forty-five day period of negotiation between representatives of the public employer and uniformed personnel, an agreement has not been concluded, then an impasse is declared to exist, and either party may voluntarily submit the matters in dispute to mediation, as provided for in RCW 41.56.100: *Provided*, That this forty-five day time period may be modified by mutual written agreement of the representatives of the public employer and uniformed personnel. If the parties have still not reached agreement after a ten day period of mediation, a fact-finding panel shall be created in the following manner: Each party shall appoint one member within two days; the two appointed members shall then choose a third member within two days who shall act as chairman of the panel. If the two members so appointed cannot agree within two days to the appointment of a third member, either party may request, and the commission shall name a third member who shall be chairman of the fact-finding panel and who may be an employee of the commission. The panel shall begin hearings on the matters in dispute within five days of the formation of the fact-finding panel and shall conclude such hearings and issue findings of fact and recommendations to the parties within thirty days of the date upon which hearings were commenced.

Reasonable notice of such hearings shall be given to the parties who shall appear and be heard either in person or by counsel or other representative. Hearings shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. Minutes of the proceedings shall be taken. Any oral or documentary evidence and other data deemed relevant by the panel may be received in evidence. The panel shall have the power to administer oaths, require the attendance of witnesses, and the production of such books, papers, contracts, agreements, and documents as may be deemed by the panel material to a just determination of the issues in dispute and to issue subpoenas. Costs of each party's appointee shall be paid by the party, and the costs of proceedings otherwise shall be borne by the commission.

In making its findings, the fact-finding panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and as additional standards of guidelines to aid it in developing its recommendations, it shall take into consideration those factors set forth in RCW 41.56.460. [1975-'76 2nd ex.s. c 14 § 1; 1975 1st ex.s. c 296 § 28; 1973 c 131 § 3.]

**Effective date**—1975 2nd ex.s. c 5: See RCW 41.58.901.

**Construction**—1973 c 131: See RCW 41.56.905.

**Severability**—1973 c 131: See RCW 41.56.910.

**41.56.450 Uniformed personnel—Arbitration panel—Powers and duties—Hearings—Findings and determination.** If an agreement has not been reached within forty-five days after mediation and fact-finding has commenced, an arbitration panel shall be created in the following manner: Each party shall submit a list of three persons to the commission, which shall then name one from each list as members to the panel, all within two days: *Provided*, That this forty-five day time period

may be modified by mutual written agreement of the representatives of the public employer and uniformed personnel. The two appointed members shall utilize one of the two following options in the appointment of the third member, who shall act as chairman of the panel: (1) By mutual consent, the two appointed members may jointly request the commission, and the commission shall appoint a third member within two days of such request. Costs of each party's appointee shall be borne by each party respectively; other costs of the arbitration proceedings shall be borne by the commission; or (2) The two appointed members shall choose a third member within two days. The costs of each party's appointee shall be borne by each party respectively, and the costs of the proceedings otherwise shall be shared equally between the parties.

If the two members so appointed under alternative (2) cannot agree within two days to the appointment of a third member, either party may apply to the superior court of the county where the labor disputes exist and request that the third member of the panel be appointed as provided by RCW 7.04.050. The panel thus composed shall be deemed an agency of the executive director and a state agency for the purposes of \*this 1973 amendatory act. The panel shall hold hearings on the matters in dispute within five days after the formation of the arbitration panel and take oral or written testimony.

Reasonable notice of such hearings shall be given to the parties who shall appear and be heard either in person or by counsel or other representative. Hearings shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. A recording of the proceedings shall be taken. Any oral or documentary evidence and other data deemed relevant by the panel may be received in evidence. The panel shall have the power to administer oaths, require the attendance of witnesses, and the production of such books, papers, contracts, agreements and documents as may be deemed by the panel material to a just determination of the issues in dispute and to issue subpoenas. If any person refuses to obey such subpoena or refuses to be sworn to testify, or any witness, party or attorney of a party is guilty of any contempt while in attendance at any hearing held hereunder, the panel may invoke the jurisdiction of the superior court in the county where a labor dispute exists and such court shall have jurisdiction to issue an appropriate order. Any failure to obey such order may be punished by the court as a contempt thereof.

The hearing conducted by the panel shall be concluded within twenty days of the time of commencement and, within fifteen days after conclusion of the hearings, the chairman shall make written findings of fact and a written determination of the dispute based upon the issues presented, a copy of which shall be mailed or otherwise delivered to the employees' negotiating agent or its attorney or other designated representative and to the employer or the employer's attorney or designated representative. The decision made by the panel shall be final and binding upon both parties, subject to review by the superior court upon the application of either party solely upon the question of whether the decision of the

panel was arbitrary or capricious. [1975-'76 2nd ex.s. c 14 § 2; 1975 1st ex.s. c 296 § 29; 1973 c 131 § 4.]

**\*Reviser's note:** "this 1973 amendatory act", see note following RCW 41.56.430.

**Effective date**—1975 2nd ex.s. c 5: See RCW 41.58.901.

**Construction**—1973 c 131: See RCW 41.56.905.

**Severability**—1973 c 131: See RCW 41.56.910.

**41.56.460 Uniformed personnel—Arbitration panel—Basis for determination.** In making its determination, the panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and as additional standards or guidelines to aid it in reaching a decision, it shall take into consideration the following factors:

(a) The constitutional and statutory authority of the employer.

(b) Stipulations of the parties.

(c) Comparison of the wages, hours and conditions of employment of the uniformed personnel of cities and counties involved in the proceedings with the wages, hours, and conditions of employment of uniformed personnel of cities and counties respectively of similar size on the west coast of the United States.

(d) The average consumer prices for goods and services, commonly known as the cost of living.

(e) Changes in any of the foregoing circumstances during the pendency of the proceedings.

(f) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment.

(g) Findings of fact made by the fact-finder pursuant to RCW 41.56.440. [1973 c 131 § 5.]

**Construction**—1973 c 131: See RCW 41.56.905.

**Severability**—1973 c 131: See RCW 41.56.910.

**41.56.470 Uniformed personnel—Arbitration panel—Rights of parties.** During the pendency of the proceedings before the arbitration panel, existing wages, hours and other conditions of employment shall not be changed by action of either party without the consent of the other but a party may so consent without prejudice to his rights or position under \*this 1973 amendatory act. [1973 c 131 § 6.]

**\*Reviser's note:** "this 1973 amendatory act", see note following RCW 41.56.430.

**Construction**—1973 c 131: See RCW 41.56.905.

**Severability**—1973 c 131: See RCW 41.56.910.

**41.56.480 Uniformed personnel—Refusal to submit to procedures—Invoking jurisdiction of superior court—Contempt.** If the representative of either or both the uniformed personnel and the public employer refuse to submit to the procedures set forth in RCW 41.56.440 and 41.56.450, the parties, or the commission on its own motion, may invoke the jurisdiction of the superior court for the county in which the labor dispute exists and such court shall have jurisdiction to issue an appropriate order. A failure to obey such order may be punished by the court as a contempt thereof. A decision of the arbitration panel shall be final and binding on the

parties, and may be enforced at the instance of either party, the arbitration panel or the commission in the superior court for the county where the dispute arose. [1975 1st ex.s. c 296 § 30; 1973 c 131 § 7.]

**Effective date**—1975 2nd ex.s. c 5: See RCW 41.58.901.

**Construction**—1973 c 131: See RCW 41.56.905.

**Severability**—1973 c 131: See RCW 41.56.910.

**41.56.490 Uniformed employees—Strikes prohibited—Violations—Fines.** The right of uniformed employees to engage in any strike, work slowdown or stoppage is not granted. Where an organization, recognized as the bargaining representative of uniformed employees subject to this chapter, as amended by \*this 1973 amendatory act, wilfully disobeys a lawful order of enforcement by a superior court pursuant to RCW 41.56.480 and 41.56.490, or wilfully offers resistance to such order, whether by strike or otherwise, the punishment for each day that such contempt persists, may be a fine fixed in the discretion of the court in an amount not to exceed two hundred fifty dollars per day. Where an employer wilfully disobeys a lawful order of enforcement by a superior court pursuant to RCW 41.56.480 or wilfully offers resistance to such order, the punishment for each day that such contempt persists may be a fine, fixed at the discretion of the court in an amount not to exceed two hundred fifty dollars per day to be assessed against the employer. [1973 c 131 § 8.]

**\*Reviser's note:** "this 1973 amendatory act", see note following RCW 41.56.430.

**Construction**—1973 c 131: See RCW 41.56.905.

**Severability**—1973 c 131: See RCW 41.56.910.

**41.56.900 Short title—Effective date—1967 ex.s. c 108.** RCW 41.56.010 through 41.56.900 and 41.06.150 shall be known as the "Public Employees' Collective Bargaining Act" and shall take effect on July 1, 1967. [1967 ex.s. c 108 § 14.]

**41.56.905 Uniformed personnel—Provisions additional—Liberal construction—1973 c 131.** The provisions of \*this 1973 amendatory act relating to uniformed personnel are intended to be additional to other remedies and shall be liberally construed to accomplish their purpose. If any provision of \*this 1973 amendatory act conflicts with any other statute, ordinance, rule or regulation of any public employer as it relates to uniformed employees, the provisions of \*this 1973 amendatory act shall control. [1973 c 131 § 10.]

**\*Reviser's note:** "this 1973 amendatory act", see note following RCW 41.56.430.

**41.56.910 Severability—1973 c 131.** If any provisions of this 1973 amendatory 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. [1973 c 131 § 11.]

**41.56.950 Retroactive date in collective bargaining agreements allowable, when.** Whenever a collective bargaining agreement between a public employer and a

bargaining representative is concluded after the termination date of the previous collective bargaining agreement between the same parties, the effective date of such collective bargaining agreement may be the day after the termination date of the previous collective bargaining agreement and all benefits included in the new collective bargaining agreement including wage increases may accrue beginning with such effective date as established by this section. [1971 ex.s. c 187 § 1.]

### Chapter 41.58

## PUBLIC EMPLOYMENT LABOR RELATIONS

### Sections

41.58.005	Intent—Construction.
41.58.010	Public employment relations commission—Created—Membership—Terms—Vacancies—Quorum—Report.
41.58.015	Compensation and travel expenses of members—Executive director—Employees.
41.58.020	Powers and duties of commission.
41.58.030	Office.
41.58.040	Duties of employers and employees.
41.58.050	Rules and regulations.
41.58.800	Transfer of employees to commission.
41.58.801	Transfer of reports, documents, records, property, etc., funds, appropriations, etc.
41.58.802	Procedure for transfer of budgeted fund or equipment.
41.58.803	Continuation and savings.
41.58.900	Effective dates—1975 2nd ex.s. c 5.
41.58.901	Effective date—1975 1st ex.s. c 296 §§ 4, 6, and 8 through 39.

**41.58.005 Intent—Construction.** (1) It is the intent of the legislature by the adoption of \*this 1975 amendatory act to provide, in the area of public employment, for the more uniform and impartial (a) adjustment and settlement of complaints, grievances, and disputes arising out of employer-employee relations and, (b) selection and certification of bargaining representatives by transferring jurisdiction of such matters to the public employment relations commission from other boards and commissions. It is further the intent of the legislature, by such transfer, to achieve more efficient and expert administration of public labor relations administration and to thereby ensure the public of quality public services.

(2) Nothing contained in \*this 1975 amendatory act shall be construed to alter any existing collective bargaining unit or the provisions of any existing bargaining agreement.

(3) Nothing contained in \*this 1975 amendatory act shall be construed to alter any power or authority regarding the scope of collective bargaining in the employment areas affected by \*this 1975 amendatory act, but \*this amendatory act shall be construed as transferring existing jurisdiction and authority to the public employment relations commission.

(4) Nothing contained in \*this 1975 amendatory act shall be construed to prohibit the consideration or adjustment of complaints or grievances by the public employer. [1975 1st ex.s. c 296 § 1.]

**\*Reviser's note:** "this 1975 amendatory act" or "this amendatory act" [1975 1st ex.s. c 296] consists of chapter 41.58 RCW, amendments to RCW 28A.72.020, 28A.72.060, 28A.72.080, 28A.72.100, 28B.52.020, 28B.52.060, 28B.52.080, 41.56.030, 41.56.050, 41.56.060,

41.56.070, 41.56.080, 41.56.090, 41.56.100, 41.56.122, 41.56.125, 41.56.160, 41.56.170, 41.56.180, 41.56.190, 41.56.440, 41.56.450, 41.56.480, 43.22.260, 43.22.270, 47.64.010, 47.64.030, 47.64.040, 49.08.010, 49.08.020, 53.18.030, to the repeal of RCW 47.64.020, and to additions to chapter 41.58 RCW by 1975 2nd ex.s. c 5. RCW 28A.72.020, 28A.72.060, 28A.72.080 and 28A.72.100 were repealed by 1975 2nd ex.s. c 5 § 7.

**41.58.010 Public employment relations commission—Created—Membership—Terms—Vacancies—Quorum—Report.** (1) There is hereby created the public employment relations commission (hereafter called the "commission") to administer the provisions of this chapter. The commission shall consist of three members who shall be citizens appointed by the governor by and with the advice and consent of the senate: *Provided*, That no member appointed when the legislature was not in session shall continue to be a member of the commission if that person's appointment shall have been rejected by the senate during the next legislative session. One of the original members shall be appointed for a term of three years, one for a term of four years, and one for a term of five years. Their successors shall be appointed for terms of five years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. Commission members shall be eligible for reappointment. The governor shall designate one member to serve as chairman of the commission. Any member of the commission may be removed by the governor, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause. Commission members shall not be eligible for state retirement under chapter 41.40 RCW by virtue of their service on the commission.

(2) In making citizen member appointments initially, and subsequently thereafter, the governor shall be cognizant of the desirability of appointing persons knowledgeable in the area of labor relations in the state.

(3) A vacancy in the commission shall not impair the right of the remaining members to exercise all of the powers of the commission, and two members of the commission shall, at all times, constitute a quorum of the commission.

(4) The commission shall at the close of each fiscal year make a report in writing to the legislature and to the governor stating the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the commission, and an account of all moneys it has disbursed. [1975 2nd ex.s. c 5 § 1.]

**41.58.015 Compensation and travel expenses of members—Executive director—Employees.** (1) Each member of the commission shall be paid fifty dollars for each day in which he has actually attended a meeting of the commission officially held. The members of the commission may receive any number of daily payments for official meetings of the commission actually attended. Members of the commission shall also be reimbursed for travel expenses incurred in the discharge of their official duties on the same basis as is provided in

RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(2) The commission shall appoint an executive director whose annual salary shall be determined under the provisions of RCW 43.03.028. He shall perform such duties and have such powers as the commission shall prescribe in order to carry out the provisions of this chapter, including assisting employees and employers in the settlement of labor disputes through mediation and fact-finding. The executive director, with such assistance as may be provided by the attorney general and such additional legal assistance consistent with chapter 43.10 RCW, shall have authority on behalf of the commission, in matters concerning the investigation of charges and issuance of complaints under this chapter.

(3) The commission shall employ such employees as it may from time to time find necessary for the proper performance of its duties, consistent with the provisions of this chapter.

(4) The payment of all of the expenses of the commission, including travel expenses incurred by the members or employees of the commission under its orders, shall be subject to the provisions of RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [1975-'76 2nd ex.s. c 34 § 91; 1975 2nd ex.s. c 5 § 2.]

**Effective date—Severability—**1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

**41.58.020 Powers and duties of commission.** (1) It shall be the duty of the commission, in order to prevent or minimize interruptions growing out of labor disputes, to assist employers and employees to settle such disputes through mediation and fact-finding.

(2) The commission, through the director, may proffer its services in any labor dispute involving a political subdivision, municipal corporation, or the community college system of the state, either upon its own motion or upon the request of one or more of the parties to the dispute, whenever in its judgment such dispute threatens to cause a substantial disruption to the public welfare.

(3) If the director is not able to bring the parties to agreement by mediation within a reasonable time, he shall seek to induce the parties to voluntarily seek other means of settling the dispute without resort to strike or other coercion, including submission to the employees in the bargaining unit of the employer's last offer of settlement for approval or rejection in a secret ballot. The failure or refusal of either party to agree to any procedure suggested by the director shall not be deemed a violation of any duty or obligation imposed by this chapter.

(4) Final adjustment by a method agreed upon by the parties is declared to be the desirable method for settlement of grievance disputes arising over the application or interpretation of an existing collective bargaining agreement. The commission is directed to make its mediation and fact-finding services available in the settlement of such grievance disputes only as a last resort. [1975 1st ex.s. c 296 § 4.]

**41.58.030 Office.** The principal office of the commission shall be in the city of Olympia, but it may meet and

exercise any or all of its powers at any other place in the state. [1975 1st ex.s. c 296 § 5.]

**41.58.040 Duties of employers and employees.** In order to prevent or minimize disruptions to the public welfare growing out of labor disputes, employers and employees and their representatives shall:

(1) Exert every reasonable effort to make and maintain agreements concerning rates of pay, hours, and working conditions, including provision for adequate notice of any proposed change in the terms of such agreements;

(2) Whenever a dispute arises over the terms or application of a collective bargaining agreement and a conference is requested by a party or prospective party thereto, arrange promptly for such a conference to be held and endeavor in such conference to settle such dispute expeditiously; and

(3) In case such dispute is not settled by conference, participate fully and promptly in such meetings as may be undertaken by the commission under this chapter for the purpose of aiding in a settlement of the dispute. [1975 1st ex.s. c 296 § 6.]

**41.58.050 Rules and regulations.** The board shall have authority from time to time to make, amend, and rescind, in the manner prescribed by the administrative procedure act, chapter 34.04 RCW, such rules and regulations as may be necessary to carry out the provisions of this chapter. [1975 1st ex.s. c 296 § 7.]

**41.58.800 Transfer of employees to commission.** All employees of the department of labor and industries classified under the provisions of chapter 41.06 RCW, the state civil service law, whose positions are entirely concerned with functions transferred to the commission by chapter 296, Laws of 1975 1st ex. sess. shall be transferred to the jurisdiction of the commission. [1975 2nd ex.s. c 5 § 3.]

**41.58.801 Transfer of reports, documents, records, property, etc., funds, appropriations, etc.** All reports, documents, surveys, books, records, files, papers, or other writings in the possession of the marine employee commission, the office of the superintendent of public instruction, the state board for community college education, and the department of labor and industries and pertaining to the functions transferred to the commission by chapter 296, Laws of 1975 1st ex. sess. shall by January 1, 1976, be delivered to the custody of the commission. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the functions transferred by chapter 296, Laws of 1975 1st ex. sess. shall by January 1, 1976, be transferred to the commission.

Any appropriation or portion thereof remaining as of January 1, 1976, and which is made to an agency for the purpose of carrying out functions transferred from such agency pursuant to chapter 296, Laws of 1975 1st ex. sess., shall, by January 1, 1976, be transferred and credited to the commission for the purpose of carrying out such functions. This paragraph shall not affect the

transfer of moneys prior to January 1, 1976, pursuant to section 67, chapter 169 [269], Laws of 1975 1st ex. sess.

Whenever any question arises as to the transfer of any funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the performance of the functions transferred under chapter 296, Laws of 1975 1st ex. sess., the director of program planning and fiscal management or his successor shall make a determination as to the proper allocation and certify the same to the state agencies concerned. [1975 2nd ex.s. c 5 § 4.]

**41.58.802 Procedure for transfer of budgeted fund or equipment.** Where transfers of budgeted funds or equipment are required under \*this act, the director of program planning and fiscal management shall certify such transfers to the agencies affected, the state auditor and the state treasurer all of whom shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with such certification. [1975 2nd ex.s. c 5 § 5.]

\*Reviser's note: "this act" [1975 2nd ex.s. c 5] see note following RCW 41.58.005.

**41.58.803 Continuation and savings.** On January 1, 1976, all rules and regulations, and all business pending before the agencies or divisions thereof from whom functions are transferred pursuant to chapter 296, Laws of 1975 1st ex. sess. and which pertain to such functions shall be continued and acted upon by the commission. All existing contracts and obligations pertaining to such functions shall remain in full force and effect, but shall be performed by the commission in lieu of the agency from whom the functions are transferred. The transfer of any functions shall not affect the validity of any act performed by such agency or division thereof or any officer or employee thereof prior to the effective date of the transferral of such functions.

Notwithstanding any other provisions of \*this act, contracts or agreements are authorized between the commission and other agencies with respect to functions transferred from other agencies pursuant to chapter 296, Laws of 1975 1st ex. sess. Such contract or agreement may provide for an employee or employees of such other agencies or other person or persons to continue to provide services relating to pending business which is transferred to the commission as of January 1, 1976, until such pending business is completed. [1975 2nd ex.s. c 5 § 6.]

\*Reviser's note: "this act" [1975 2nd ex.s. c 5] see note following RCW 41.58.005.

**41.58.900 Effective dates—1975 2nd ex.s. c 5.** 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 on September 8, 1975, except for the provisions of sections 6 and 7 which shall be effective on January 1, 1976. [1975 2nd ex.s. c 5 § 9.]

**41.58.901 Effective date—1975 1st ex.s. c 296 §§ 4, 6, and 8 through 39.** Sections 4, 6, and 8 through 39 of chapter 296, Laws of 1975 1st ex. sess. shall not be effective until January 1, 1976. [1975 2nd ex.s. c 5 § 8.]

### Chapter 41.59

#### EDUCATIONAL EMPLOYMENT RELATIONS ACT

##### Sections

41.59.010	Purpose.
41.59.020	Definitions.
41.59.040	Commission, travel expenses of, employees, and payments to members—Executive director, appointment and duties.
41.59.050	Commission, principal office of.
41.59.060	Employee rights enumerated—Fees and dues, deduction from pay.
41.59.070	Election to ascertain exclusive bargaining representative, when—Run-off election—Decertification election.
41.59.080	Determination of bargaining unit—Standards.
41.59.090	Certification of exclusive bargaining representative—Scope of representation.
41.59.100	Union security provisions—Scope—Agency shop provision, collection of dues or fees.
41.59.110	Commission, rules and regulations of—Federal precedents as standard.
41.59.120	Resolving impasses in collective bargaining—Mediation—Fact-finding with recommendations—Other.
41.59.130	Binding arbitration procedures authorized.
41.59.140	Unfair labor practices for employer, employee organization, enumerated.
41.59.150	Commission to prevent unfair labor practices—Scope.
41.59.160	Applicability of administrative procedure act provisions to commission action.
41.59.170	Effective date of certain agreements—Increased benefits during agreement authorized, when.
41.59.180	Employees in specialized job category may be excluded, when.
41.59.900	Short title.
41.59.910	Construction of chapter—Effect on existing agreements—Collective bargaining agreement prevails where conflict.
41.59.920	Construction of chapter—Employee's rights preserved.
41.59.930	Construction of chapter—Employer's responsibilities and rights preserved.
41.59.940	Effective date—1975 1st ex.s. c 288.
41.59.950	Severability—1975 1st ex.s. c 288.

Reviser's note: Phrase "the commission" is used throughout chapter 41.59 RCW; 1975 1st ex.s. c 288 § 4 wherein the commission created was vetoed by the governor; reference to the proviso in RCW 41.59.020(3) below, together with amendments and repeals in 1975 2nd ex.s. c 5 (codified in chapter 41.58 RCW) suggests commission to be that created in RCW 41.58.010.

**41.59.010 Purpose.** It is the purpose of this chapter to prescribe certain rights and obligations of the educational employees of the school districts of the state of Washington, and to establish procedures governing the relationship between such employees and their employers which are designed to meet the special requirements and needs of public employment in education. [1975 1st ex.s. c 288 § 2.]

**41.59.020 Definitions.** As used in this chapter:

(1) The term "employee organization" means any organization, union, association, agency, committee, council, or group of any kind in which employees participate, and which exists for the purpose, in whole or in part, of collective bargaining with employers.

(2) The term "collective bargaining" or "bargaining" means the performance of the mutual obligation of the

representatives of the employer and the exclusive bargaining representative to meet at reasonable times in light of the time limitations of the budget-making process, and to bargain in good faith in an effort to reach agreement with respect to the wages, hours, and terms and conditions of employment: *Provided*, That prior law, practice or interpretation shall be neither restrictive, expansive, nor determinative with respect to the scope of bargaining. A written contract incorporating any agreements reached shall be executed if requested by either party. The obligation to bargain does not compel either party to agree to a proposal or to make a concession.

In the event of a dispute between an employer and an exclusive bargaining representative over the matters that are terms and conditions of employment, the commission shall decide which item(s) are mandatory subjects for bargaining and which item(s) are nonmandatory.

(3) The term "commission" means \*the education employment relations commission established by section 4 of this 1975 act: *Provided*, That if the legislature creates another board, commission, or division of a state agency comprehensively assuming administrative responsibilities for labor relations or collective bargaining in the public sector, "commission" for the purposes of \*\*this chapter shall mean such board, commission, or division as therein created.

(4) The terms "employee" and "educational employee" means any certificated employee of a school district, except:

(a) The chief executive officer of the employer.

(b) The chief administrative officers of the employer, which shall mean the superintendent of the district, deputy superintendents, administrative assistants to the superintendent, assistant superintendents, and business manager. Title variation from all positions enumerated in this subsection (b) may be appealed to the commission for determination of inclusion in, or exclusion from, the term "educational employee".

(c) Confidential employees, which shall mean:

(i) Any person who participates directly on behalf of an employer in the formulation of labor relations policy, the preparation for or conduct of collective bargaining, or the administration of collective bargaining agreements, except that the role of such person is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment; and

(ii) Any person who assists and acts in a confidential capacity to such person.

(d) Unless included within a bargaining unit pursuant to RCW 41.59.080, any supervisor, which means any employee having authority, in the interest of an employer, to hire, assign, promote, transfer, layoff, recall, suspend, discipline, or discharge other employees, or to adjust their grievances, or to recommend effectively such action, if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment, and shall not include any persons solely by reason of their membership on a faculty tenure or other governance committee or body. The term "supervisor" shall include only those employees who

perform a preponderance of the above-specified acts of authority.

(e) Unless included within a bargaining unit pursuant to RCW 41.59.080, principals and assistant principals in school districts.

(5) The term "employer" means any school district.

(6) The term "exclusive bargaining representative" means any employee organization which has:

(a) Been selected or designated pursuant to the provisions of this chapter as the representative of the employees in an appropriate collective bargaining unit; or

(b) Prior to January 1, 1976, been recognized under a predecessor statute as the representative of the employees in an appropriate collective bargaining or negotiations unit.

(7) The term "person" means one or more individuals, organizations, unions, associations, partnerships, corporations, boards, committees, commissions, agencies, or other entities, or their representatives.

(8) The term "nonsupervisory employee" means all educational employees other than principals, assistant principals and supervisors. [1975 1st ex.s. c 288 § 3.]

**Reviser's note:** \*(1) Phrase "the education employment relations commission established by section 4 of this 1975 act", see note following chapter digest.

\*\* (2) Session law [1975 1st ex.s. c 288 § 3] language here reads "this 1975 amendatory act"; in addition to sections codified in this chapter, said act included section 4 thereof, vetoed by the governor, amendments to RCW 28A.01.130 and 28A.67.065, and the repeal of chapter 28A.72 RCW.

**41.59.040 Commission, travel expenses of, employees, and payments to members—Executive director, appointment and duties.** (1) Each member of the commission shall be paid fifty dollars for each day during which the member has actually attended a meeting of the commission officially held, or in attending to such other business of the commission as may be authorized thereby. There shall be no limitation on the number of such daily payments that the members of the commission may receive for official meetings of the commission actually attended. Members of the commission shall also be reimbursed for travel expenses incurred in the discharge of their official duties as is provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(2) The commission shall appoint an executive director whose annual salary shall be determined under the provisions of RCW 43.03.028, and who shall perform such duties and have such powers as the commission shall prescribe in order to carry out the provisions of this chapter. The executive director, unless otherwise provided in \*this chapter, shall have authority to act on behalf of the commission in matters concerning the administration of this chapter and shall perform such administrative duties as prescribed by the commission, with such assistance as may be provided by the attorney general and such additional legal assistance not inconsistent with chapter 43.10 RCW.

(3) When necessary to carry out or enforce any action or decision of the commission, the executive director shall have authority to petition any court of competent

jurisdiction for an order requiring compliance with commission action or decision.

(4) The commission shall employ such employees as it may from time to time find necessary for the proper performance of its duties consistent with the provisions of this chapter and such rules and regulations promulgated thereunder.

(5) All of the expenses of the commission, including travel expenses incurred by the members or employees of the commission, and under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the commission or by any individual it designates for that purpose. Such travel expenses shall be reimbursed in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [1975-'76 2nd ex.s. c 34 § 92; 1975 1st ex.s. c 288 § 5.]

**\*Reviser's note:** Session law [1975 1st ex.s. c 288 § 5] language here reads "this 1975 act"; for translation thereof see Reviser's note (2) following RCW 41.59.020.

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**Compensation and expenses of members—Executive director—Employees:** RCW 41.58.015.

**41.59.050 Commission, principal office of.** The principal office of the commission shall be in the city of Olympia, but it may meet and exercise any or all of its powers at any other place in the state of Washington. [1975 1st ex.s. c 288 § 6.]

**Office:** RCW 41.58.030.

**41.59.060 Employee rights enumerated—Fees and dues, deduction from pay.** (1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter.

(2) The exclusive bargaining representative shall have the right to have deducted from the salary of employees, upon receipt of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative, unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to RCW 41.59.100, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit. [1975 1st ex.s. c 288 § 7.]

**41.59.070 Election to ascertain exclusive bargaining representative, when—Run-off election—Decertification election.** (1) Any employee organization may file a request with the commission for recognition as the exclusive representative. Such request shall allege that a majority of the employees in an appropriate collective bargaining unit wish to be represented for the purpose of collective bargaining by such organization, shall describe the grouping of jobs or positions which constitute the unit claimed to be appropriate, shall be supported by credible evidence demonstrating that at least thirty percent of the employees in the appropriate unit desire the organization requesting recognition as their exclusive representative, and shall indicate the name, address, and telephone number of any other interested employee organization, if known to the requesting organization.

(2) The commission shall determine the exclusive representative by conducting an election by secret ballot, except under the following circumstances:

(a) In instances where a serious unfair labor practice has been committed which interfered with the election process and precluded the holding of a fair election, the commission shall determine the exclusive bargaining representative by an examination of organization membership rolls or a comparison of signatures on organization bargaining authorization cards.

(b) In instances where there is then in effect a lawful written collective bargaining agreement between the employer and another employee organization covering any employees included in the unit described in the request for recognition, the request for recognition shall not be entertained unless it shall be filed within the time limits prescribed in subsection (3) of this section for decertification or a new recognition election.

(c) In instances where within the previous twelve months another employee organization has been lawfully recognized or certified as the exclusive bargaining representative of any employees included in the unit described in the request for recognition, the request for recognition shall not be entertained.

(d) In instances where the commission has within the previous twelve months conducted a secret ballot election involving any employees included in the unit described in the request for recognition in which a majority of the valid ballots cast chose not to be represented by any employee organization, the request for recognition shall not be entertained.

(3) Whenever the commission conducts an election to ascertain the exclusive bargaining representative, the ballot shall contain the name of the proposed bargaining representative and of any other bargaining representative showing written proof of at least ten percent representation of the educational employees within the unit, together with a choice for any educational employee to designate that he or she does not desire to be represented by any bargaining agent. Where more than one organization is on the ballot and neither of the three or more choices receives a majority of the valid ballots cast by the educational employees within the bargaining unit, a run-off election shall be held. The run-off ballot shall contain the two choices which receive the largest and second largest number of votes. No question concerning

representation may be raised within one year of a certification or attempted certification. Where there is a valid collective bargaining agreement in effect, no question of representation may be raised except during the period not more than ninety nor less than sixty days prior to the expiration date of the agreement. In the event that a valid collective bargaining agreement, together with any renewals or extensions thereof, has been or will be in existence for three years, then the question of representation may be raised not more than ninety nor less than sixty days prior to the third anniversary date of the agreement or any renewals or extensions thereof as long as such renewals and extensions do not exceed three years; and if the exclusive bargaining representative is removed as a result of such procedure, the then existing collective bargaining agreement shall be terminable by the new exclusive bargaining representative so selected within sixty days after its certification or terminated on its expiration date, whichever is sooner, or if no exclusive bargaining representative is so selected, then the agreement shall be deemed to be terminated at its expiration date or as of such third anniversary date, whichever is sooner.

(4) Within the time limits prescribed in subsection (3) of this section, a petition may be filed signed by at least thirty percent of the employees of a collective bargaining unit, then represented by an exclusive bargaining representative, alleging that a majority of the employees in that unit do not wish to be represented by an employee organization, requesting that the exclusive bargaining representative be decertified, and indicating the name, address and telephone number of the exclusive bargaining representative and any other interested employee organization, if known. Upon the verification of the signatures on the petition, the commission shall conduct an election by secret ballot as prescribed by subsection (3) of this section. [1975 1st ex.s. c 288 § 8.]

**41.59.080 Determination of bargaining unit—Standards.** The commission, upon proper application for certification as an exclusive bargaining representative or upon petition for change of unit definition by the employer or any employee organization within the time limits specified in RCW 41.59.070(3), and after hearing upon reasonable notice, shall determine the unit appropriate for the purpose of collective bargaining. In determining, modifying or combining the bargaining unit, the commission shall consider the duties, skills, and working conditions of the educational employees; the history of collective bargaining; the extent of organization among the educational employees; and the desire of the educational employees; except that:

(1) A unit including nonsupervisory educational employees shall not be considered appropriate unless it includes all such nonsupervisory educational employees of the employer; and

(2) A unit that includes only supervisors may be considered appropriate if a majority of the employees in such category indicate by vote that they desire to be included in such a unit; and

(3) A unit that includes only principals and assistant principals may be considered appropriate if a majority of

such employees indicate by vote that they desire to be included in such a unit; and

(4) A unit that includes both principals and assistant principals and other supervisory employees may be considered appropriate if a majority of the employees in each category indicate by vote that they desire to be included in such a unit; and

(5) A unit that includes supervisors and/or principals and assistant principals and nonsupervisory educational employees may be considered appropriate if a majority of the employees in each category indicate by vote that they desire to be included in such a unit; and

(6) A unit that includes only employees in vocational-technical institutes or occupational skill centers may be considered to constitute an appropriate bargaining unit if the history of bargaining in any such school district so justifies; and

(7) Notwithstanding the definition of collective bargaining, a unit that contains only supervisors and/or principals and assistant principals shall be limited in scope of bargaining to compensation, hours of work, and the number of days of work in the annual employment contracts. [1975 1st ex.s. c 288 § 9.]

**41.59.090 Certification of exclusive bargaining representative—Scope of representation.** The employee organization which has been determined to represent a majority of the employees in a bargaining unit shall be certified by the commission as the exclusive bargaining representative of, and shall be required to represent all the employees within the unit without regard to membership in that bargaining representative: *Provided*, That any employee at any time may present his grievance to the employer and have such grievance adjusted without the intervention of the exclusive bargaining representative, as long as such representative has been given an opportunity to be present at that adjustment and to make its views known, and as long as the adjustment is not inconsistent with the terms of a collective bargaining agreement then in effect. [1975 1st ex.s. c 288 § 10.]

**41.59.100 Union security provisions—Scope—Agency shop provision, collection of dues or fees.** A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues. All union security provisions must safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on



such matter, the commission shall designate the charitable organization. [1975 1st ex.s. c 288 § 11.]

**41.59.110 Commission, rules and regulations of—Federal precedents as standard.** (1) The commission shall promulgate, revise, or rescind, in the manner prescribed by the administrative procedure act, chapter 34.04 RCW, such rules and regulations as it may deem necessary and appropriate to administer the provisions of this chapter, in conformity with the intent and purpose of this chapter, and consistent with the best standards of labor-management relations.

(2) The rules, precedents, and practices of the national labor relations board, provided they are consistent with this chapter, shall be considered by the commission in its interpretation of this chapter, and prior to adoption of any aforesaid commission rules and regulations. [1975 1st ex.s. c 288 § 12.]

**41.59.120 Resolving impasses in collective bargaining—Mediation—Fact-finding with recommendations—Other.** (1) Either an employer or an exclusive bargaining representative may declare that an impasse has been reached between them in collective bargaining and may request the commission to appoint a mediator for the purpose of assisting them in reconciling their differences and resolving the controversy on terms which are mutually acceptable. If the commission determines that its assistance is needed, not later than five days after the receipt of a request therefor, it shall appoint a mediator in accordance with rules and regulations for such appointment prescribed by the commission. The mediator shall meet with the parties or their representatives, or both, forthwith, either jointly or separately, and shall take such other steps as he may deem appropriate in order to persuade the parties to resolve their differences and effect a mutually acceptable agreement. The mediator, without the consent of both parties, shall not make findings of fact or recommend terms of settlement. The services of the mediator, including, if any, per diem expenses, shall be provided by the commission without cost to the parties. Nothing in this subsection (1) shall be construed to prevent the parties from mutually agreeing upon their own mediation procedure, and in the event of such agreement, the commission shall not appoint its own mediator unless failure to do so would be inconsistent with the effectuation of the purposes and policy of this chapter.

(2) If the mediator is unable to effect settlement of the controversy within ten days after his or her appointment, either party, by written notification to the other, may request that their differences be submitted to fact-finding with recommendations, except that the time for mediation may be extended by mutual agreement between the parties. Within five days after receipt of the aforesaid written request for fact-finding, the parties shall select a person to serve as fact-finder and obtain a commitment from that person to serve. If they are unable to agree upon a fact-finder or to obtain such a commitment within that time, either party may request the commission to designate a fact-finder. The commission, within five days after receipt of such request, shall

designate a fact-finder in accordance with rules and regulations for such designation prescribed by the commission. The fact-finder so designated shall not be the same person who was appointed mediator pursuant to subsection (1) of this section without the consent of both parties.

The fact-finder, within five days after his appointment, shall meet with the parties or their representatives, or both, either jointly or separately, and make inquiries and investigations, hold hearings, and take such other steps as he may deem appropriate. For the purpose of such hearings, investigations and inquiries, the fact-finder shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence. If the dispute is not settled within ten days after his appointment, the fact-finder shall make findings of fact and recommend terms of settlement within thirty days after his appointment, which recommendations shall be advisory only.

(3) Such recommendations, together with the findings of fact, shall be submitted in writing to the parties and the commission privately before they are made public. Either the commission, the fact-finder, the employer, or the exclusive bargaining representative may make such findings and recommendations public if the dispute is not settled within five days after their receipt from the fact-finder.

(4) The costs for the services of the fact-finder, including, if any, per diem expenses and actual and necessary travel and subsistence expenses, and any other incurred costs, shall be borne by the commission without cost to the parties.

(5) Nothing in this section shall be construed to prohibit an employer and an exclusive bargaining representative from agreeing to substitute, at their own expense, their own procedure for resolving impasses in collective bargaining for that provided in this section or from agreeing to utilize for the purposes of this section any other governmental or other agency or person in lieu of the commission.

(6) Any fact-finder designated by an employer and an exclusive representative or the commission for the purposes of this section shall be deemed an agent of the state. [1975 1st ex.s. c 288 § 13.]

**41.59.130 Binding arbitration procedures authorized.** An employer and an exclusive bargaining representative who enter into a collective bargaining agreement may include in such agreement procedures for binding arbitration of such disputes as may arise involving the interpretation or application of such agreement. [1975 1st ex.s. c 288 § 14.]

**41.59.140 Unfair labor practices for employer, employee organization, enumerated.** (1) It shall be an unfair labor practice for an employer:

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in RCW 41.59.060.

(b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it: *Provided*, That subject to rules and regulations made by the commission

pursuant to RCW 41.59.110, an employer shall not be prohibited from permitting employees to confer with it or its representatives or agents during working hours without loss of time or pay;

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hire, tenure of employment or any term or condition of employment, but nothing contained in this subsection shall prevent an employer from requiring, as a condition of continued employment, payment of periodic dues and fees uniformly required to an exclusive bargaining representative pursuant to RCW 41.59.100;

(d) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under \*this chapter;

(e) To refuse to bargain collectively with the representatives of its employees.

(2) It shall be an unfair labor practice for an employee organization:

(a) To restrain or coerce (i) employees in the exercise of the rights guaranteed in RCW 41.59.060: *Provided*, That this paragraph shall not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership therein; or (ii) an employer in the selection of his representatives for the purposes of collective bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section;

(c) To refuse to bargain collectively with an employer, provided it is the representative of its employees subject to RCW 41.59.090.

(3) The expressing of any views, argument, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of \*this chapter, if such expression contains no threat of reprisal or force or promise of benefit. [1975 1st ex.s. c 288 § 15.]

\*Reviser's note: Session law [1975 1st ex.s. c 288 § 15] language here reads "this act" or "this 1975 act"; for translation thereof see Reviser's note (2) following RCW 41.59.020.

**41.59.150 Commission to prevent unfair labor practices—Scope.** (1) The commission is empowered to prevent any person from engaging in any unfair labor practice as defined in RCW 41.59.140. This power shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, law, equity or otherwise.

(2) If the commission determines that any person has engaged in or is engaging in any such unfair labor practices as defined in RCW 41.59.140, then the commission shall issue and cause to be served upon such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action as will effectuate the purposes and policy of this chapter, such as the payment of damages and/or the reinstatement of employees.

(3) The commission may petition the superior court for the county in which the main office of the employer

is located or wherein the person who has engaged or is engaging in such unfair labor practice resides or transacts business, for the enforcement of its order and for appropriate temporary relief. [1975 1st ex.s. c 288 § 16.]

**41.59.160 Applicability of administrative procedure act provisions to commission action.** Actions taken by or on behalf of the commission shall be pursuant to chapter 34.04 RCW, or rules and regulations adopted in accordance therewith, and the right of judicial review provided by chapter 34.04 RCW shall be applicable to all such actions and rules and regulations. [1975 1st ex.s. c 288 § 17.]

**41.59.170 Effective date of certain agreements—Increased benefits during agreement authorized, when.**

(1) Whenever a collective bargaining agreement between an employer and an exclusive bargaining representative is concluded after the termination date of the previous collective bargaining agreement between the employer and an employee organization representing the same employees, the effective date of such collective bargaining agreement may be the day after the termination date of the previous collective bargaining agreement and all benefits included in the new collective bargaining agreement, including wage or salary increases, may accrue beginning with such effective date as established by this subsection, and may also accrue beginning with the effective date of any individual employee contracts affected thereby.

(2) Any collective bargaining agreement may provide for the increase of any wages, salaries and other benefits during the term of such agreement or the term of any individual employee contracts concerned, in the event that the employer receives by increased appropriation or from other sources, additional moneys for such purposes. [1975 1st ex.s. c 288 § 18.]

**41.59.180 Employees in specialized job category may be excluded, when.** Notwithstanding the definition of "employee" in RCW 41.59.020, the commission may exclude from the coverage of \*this chapter any specialized job category of an employer where a majority of the persons employed in that job category consists of non-certificated employees. At such time as a majority of such employees are certificated, the job category may be considered an appropriate unit under \*this chapter. [1975 1st ex.s. c 288 § 23.]

\*Reviser's note: Session law [1975 1st ex.s. c 288 § 23] language here reads "this 1975 amendatory act"; for translation thereof see Reviser's note (2) following RCW 41.59.020.

**41.59.900 Short title.** This chapter may be cited as the educational employment relations act. [1975 1st ex.s. c 288 § 1.]

**41.59.910 Construction of chapter—Effect on existing agreements—Collective bargaining agreement prevails where conflict.** This chapter shall supersede existing statutes not expressly repealed to the extent that there is a conflict between a provision of this chapter and

those other statutes. Except as otherwise expressly provided herein, nothing in this chapter shall be construed to annul, modify or preclude the renewal or continuation of any lawful agreement entered into prior to January 1, 1976 between an employer and an employee organization covering wages, hours, and terms and conditions of employment. Where there is a conflict between any collective bargaining agreement and any resolution, rule, policy or regulation of the employer or its agents, the terms of the collective bargaining agreement shall prevail. [1975 1st ex.s. c 288 § 19.]

**41.59.920 Construction of chapter—Employee's rights preserved.** Except as otherwise expressly provided herein, nothing contained in \*this chapter shall be construed to deny or otherwise abridge any rights, privileges or benefits granted by law to employees. [1975 1st ex.s. c 288 § 20.]

**\*Reviser's note:** Session law [1975 1st ex.s. c 288 § 20] language here reads "this 1975 act"; for translation thereof see Reviser's note (2) following RCW 41.59.020.

**41.59.930 Construction of chapter—Employer's responsibilities and rights preserved.** Nothing in \*this chapter shall be construed to interfere with the responsibilities and rights of the employer as specified by federal and state law, including the employer's responsibilities to students, the public, and other constituent elements of the institution. [1975 1st ex.s. c 288 § 24.]

**\*Reviser's note:** Session law [1975 1st ex.s. c 288 § 24] language here reads "this act"; for translation thereof see Reviser's note (2) following RCW 41.59.020.

**41.59.940 Effective date—1975 1st ex.s. c 288.** Except for RCW 41.59.040, 41.59.050, 41.59.110 and 41.59.160 which shall take effect ninety days following enactment hereof, this chapter and RCW 28A.01.130 and 28A.67.065 as amended by chapter 288, Laws of 1975 1st ex. sess. shall take effect on January 1, 1976. Where the term "effective date of this chapter" is used elsewhere in this chapter it shall mean January 1, 1976. [1975 1st ex.s. c 288 § 26.]

**Reviser's note:** Engrossed Substitute Senate Bill No. 2500 which is chapter 288, Laws of 1975 1st ex. sess., was passed by the Senate May 28, 1975, passed by the House June 2, 1975 and approved by the governor July 2, 1975, with the exception of section 4 thereof, vetoed by the governor; it includes the repeal of chapter 28A.72 RCW in section 28 thereof.

**41.59.950 Severability—1975 1st ex.s. c 288.** If any provision of \*this chapter, or its application to any person or circumstance is held invalid, the remainder of \*the chapter, or the application of the provision to other persons or circumstances is not affected. [1975 1st ex.s. c 288 § 25.]

**\*Reviser's note:** Session law [1975 1st ex.s. c 288 § 25] language here reads "this 1975 act" or "the act"; for translation thereof see Reviser's note (2) following RCW 41.59.020.

## Chapter 41.60

### STATE EMPLOYEES' SUGGESTION AWARDS

#### Sections

41.60.010	Definitions.
41.60.020	Board created—Composition—Officers—Program—Rules and regulations.
41.60.030	Determination of award.
41.60.040	Amount of awards.
41.60.050	Administrative expenses.
41.60.060	Fiscal support for awards and expenses.
41.60.070	Funds—Disbursement.
41.60.080	Contests to encourage participation.
41.60.900	Construction—Prospective application.
41.60.905	Application of chapter to employees of institutions of higher education.
41.60.910	Severability—1975-'76 2nd ex.s. c 122.

**41.60.010 Definitions.** As used in this chapter:

(1) "Board" means the employee suggestion awards board.

(2) "Employee suggestion program" means the program developed by the board under RCW 41.60.020(2).

(3) "Secretary" means the secretary of the employee suggestion program.

(4) "Institutions of higher learning" are the University of Washington, Washington State University, Central Washington State College, Eastern Washington State College, Western Washington State College, The Evergreen State College, and the various state community college districts. [1969 ex.s. c 152 § 3; 1965 ex.s. c 142 § 1.]

**41.60.020 Board created—Composition—Officers—Program—Rules and regulations.** (1) There is established the employee suggestion awards board. The board shall consist of the director of personnel or his designee who shall serve as its chairman and three state officers or state employees appointed by the governor, to serve at his pleasure. The governor shall appoint a state officer or state employee to serve as secretary of the employee suggestion program.

(2) The board shall formulate, establish and maintain an employee suggestion program to encourage and reward meritorious suggestions by state employees that will promote efficiency and economy in the performance of any function of state government: *Provided*, That the program shall include provisions for the processing of suggestions having multi-agency impact and post-implementation auditing of suggestions for fiscal accountability.

(3) The secretary, with the approval of the employee suggestion awards board, shall prepare rules and regulations necessary or appropriate for the proper administration and for the accomplishment of the purposes of this chapter. [1975-'76 2nd ex.s. c 122 § 1; 1969 ex.s. c 152 § 4; 1965 ex.s. c 142 § 2.]

**41.60.030 Determination of award.** The board shall make the final determination as to whether an employee suggestion award will be made and, subject to the rules and regulations adopted pursuant to RCW 41.60.020(3), the board shall determine the nature and extent of the award. [1965 ex.s. c 142 § 3.]

**41.60.040 Amount of awards.** Cash awards may be paid from the department of personnel service fund from sources provided in RCW 41.06.080, 41.06.350, 41.60.010, 41.60.020, and 41.60.040 through 41.60.070, together with such other funds as may be available from donations, grants, and other sources: *Provided*, That no award for any one suggestion shall exceed one thousand dollars. [1975-'76 2nd ex.s. c 122 § 2; 1969 ex.s. c 152 § 5; 1965 ex.s. c 142 § 4.]

**41.60.050 Administrative expenses.** Administrative expenses of the board in administering this chapter shall be paid from the department of personnel service fund from sources provided in RCW 41.06.080, 41.06.350, 41.60.010, 41.60.020 and 41.60.040 through 41.60.070 together with such other funds as may be available from donations, grants and other sources. [1975-'76 2nd ex.s. c 122 § 3; 1969 ex.s. c 152 § 6; 1965 ex.s. c 142 § 5.]

**41.60.060 Fiscal support for awards and expenses.** The estimated annual amount of the cash awards and administrative expenses under this chapter which are to be paid from the department of personnel service fund shall be in addition to the administrative expenses and costs of operating the personnel departments established under the provisions of RCW 41.06.030 and 41.06.060, as now or hereafter amended, and shall be added to and collected with the administrative expenses and costs of operating the department of personnel under RCW 41.06.280. [1969 ex.s. c 152 § 7; 1965 ex.s. c 142 § 6.]

**41.60.070 Funds—Disbursement.** An amount may be charged against the agencies allotments subject to chapter 41.60 RCW, including institutions of higher learning, pro rata, at a rate to be fixed by the chairman of the employees suggestion awards board from time to time which will provide the employees suggestion awards board with funds to pay the administrative expenses and cash awards provided in RCW 41.06.080, 41.06.350, 41.60.010, 41.60.020 and 41.60.040 through 41.60.070 during the allotment period. Funds made available from other sources for expenditure under RCW 41.06.080, 41.06.350, 41.60.010, 41.60.020 and 41.60.040 through 41.60.070 shall be paid into and disbursed from the department of personnel service fund.

Notwithstanding any other provision of this chapter, charges and expenditures under this section shall be limited to the amount of appropriations made to carry out the employees suggestion program.

The moneys for employees suggestion awards shall be disbursed by the state treasurer by warrant on vouchers duly authorized by the chairman of the employees suggestion awards board or his designee. [1975-'76 2nd ex.s. c 122 § 4; 1969 ex.s. c 152 § 8.]

**41.60.080 Contests to encourage participation.** The chairman of the employee suggestion awards board may design and initiate contests between agencies and between agency suggestion evaluators to encourage participation in the suggestion program at management levels. Any tokens of recognition offered during these

contests shall be nonmonetary and shall not be considered an award, or subject to RCW 41.60.030. [1975-'76 2nd ex.s. c 122 § 5.]

**41.60.900 Construction—Prospective application.** The provisions of this chapter shall apply only to those suggestions presented after August 6, 1965, and the provision providing for awards of not to exceed one thousand dollars for any one suggestion shall be applicable only to suggestions received after April 1, 1976. [1975-'76 2nd ex.s. c 122 § 6; 1965 ex.s. c 142 § 7.]

**41.60.905 Application of chapter to employees of institutions of higher education.** The provisions of this chapter shall not be effective as to employees of institutions of higher education until July 2, 1976. [1975-'76 2nd ex.s. c 122 § 8.]

**41.60.910 Severability—1975-'76 2nd ex.s. c 122.** If any provision of this 1976 amendatory 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. [1975-'76 2nd ex.s. c 122 § 9.]

# TITLE 42

## PUBLIC OFFICERS AND AGENCIES

### Chapters

- 42.04 General provisions.
- 42.08 Official bonds.
- 42.12 Vacancies.
- 42.14 Continuity of government act.
- 42.16 Salaries and fees.
- 42.17 Disclosure—Campaign finances—Lobbying—Records.
- 42.18 Executive conflict of interest act.
- 42.20 Misconduct of public officers.
- 42.21 Code of ethics for public officials.
- 42.22 Code of ethics for public officers and employees.
- 42.23 Code of ethics for municipal officers—Contract interests.
- 42.24 Payment of claims for expenses, material, purchases—Advancements.
- 42.26 Agency vendor payment revolving fund—Petty cash accounts.
- 42.28 Notaries public and commissioners of deeds.
- 42.30 Open public meetings act.
- 42.32 Meetings.

County officers, general provisions: Chapter 36.16 RCW.

Elections: Title 29 RCW.

Hospitalization and medical aid for public employees and dependents—Premiums, governmental contributions authorized: RCW 41.04.180, 41.04.190.

Military leaves for public employees: RCW 38.40.060.

Public employment, civil service and pensions: Title 41 RCW.

Public notice provided for in RCW 42.30.060, also required by administrative procedure act: RCW 34.04.025.

State officers, general provisions: Chapter 43.01 RCW.

### Chapter 42.04 GENERAL PROVISIONS

#### Sections

- 42.04.020 Eligibility to hold office.
- 42.04.021 Eligibility to vote and hold office—Code 1881.
- 42.04.040 Proceedings to impeach, etc., preserved.
- 42.04.060 Offices to be open certain days and hours.
- 42.04.070 Compensation for unofficial services.

**42.04.020 Eligibility to hold office.** That no person shall be competent to qualify for or hold any elective public office within the state of Washington, or any county, district, precinct, school district, municipal corporation or other district or political subdivision, unless he be a citizen of the United States and state of Washington and an elector of such county, district, precinct, school district, municipality or other district or political subdivision. [1919 c 139 § 1; RRS § 9929.

FORMER PART OF SECTION: Code 1881 § 3050 now codified as RCW 42.04.021.]

Accountancy board members, qualifications: RCW 18.04.030–18.04.050.

Apple advertising commission, qualifications of members: RCW 15.24.020.

Attorney general, qualifications: RCW 43.10.010.

Board of prison terms and paroles, qualifications: RCW 9.95.003.

Cemetery board, qualifications of members: RCW 68.05.050.

Cities, council–manager plan, qualifications of city manager: RCW 35.18.040.

Cities, second class, eligibility of officers: RCW 35.23.030.

Cities, third class, eligibility to hold office: RCW 35.24.030.

Cities and towns, residence qualifications of officials and employees: RCW 35.21.200.

County hospital board of trustees, eligibility: RCW 36.62.140.

Court administrator, qualifications: RCW 2.56.010.

Court commissioners, qualifications: RCW 2.24.010.

Dairy products commission, members, qualifications: RCW 15.44.030.

Electors, qualifications: State Constitution Art. 6 § 1 (Amendment 5).

Engineers and land surveyors' board of registration, qualifications: RCW 18.43.030.

Ferry district commissioners, eligibility: RCW 36.54.090.

Fire protection district commissioners, qualifications: RCW 52.12.010.

Fisheries director, qualifications: RCW 75.08.014.

Flood control districts, qualifications of directors: RCW 86.09.289.

Fruit commission, qualifications of members: RCW 15.28.030.

Game commission members, qualifications: RCW 77.04.040.

Game director, qualifications: Chapter 77.04 RCW.

Intermediate school district superintendent: RCW 28A.21.080.

Judges of superior court, eligibility: State Constitution Art. 4 § 17.

Judges of supreme court, eligibility: State Constitution Art. 4 § 17.

Justices of the peace, eligibility: RCW 3.04.040.

Legislators, eligibility: State Constitution Art. 2 § 7; Art. 2 § 14.

Militia, staff officers, eligibility: RCW 38.12.090.

Municipal court judges, qualifications: RCW 35.20.170.

Port district commissioners, qualifications: RCW 53.12.020.

Prosecuting attorney, eligibility: RCW 36.27.010.

Public utility district commissioners, qualifications: RCW 54.12.010.

Registered nurse registration board members, qualifications: RCW 18.88.060.

Religion or religious affiliation not to be asked person seeking employment in schools: RCW 28A.02.050.

Religious qualification to hold public office or employment prohibited: State Constitution Art. 1 § 11 (Amendment 4).

Residence for eligibility to public office: State Constitution Art. 6 § 4.

School directors, qualifications: RCW 28A.57.318.

School teachers, qualifications: RCW 28A.67.010, 28A.67.030.

State board of education, eligibility: RCW 28A.04.060.

State highway commission, qualifications of members: RCW 47.01.030.

State highways director, qualifications: RCW 47.01.110.

State hospitals for mentally ill, superintendents' qualifications: RCW 72.23.030.

*State officers, eligibility: State Constitution Art. 3 § 25 (Amendment 31).*

*State schools for blind and deaf, qualifications of superintendents: RCW 72.40.020.*

*Subversive activities as disqualification from holding public office: Chapter 9.81 RCW.*

*Superior court reporters, qualifications: RCW 2.32.180.*

*Towns, eligibility of officers: RCW 35.27.080.*

*Utilities and transportation commission, qualifications: RCW 80.01.020.*

*Veterinary board members, qualifications: RCW 18.92.021.*

*Weed district director and electors, qualifications: RCW 17.04.070.*

**42.04.021 Eligibility to vote and hold office—Code 1881.** All American male citizens, above the age of twenty-one years, and all American male half-breeds over that age, who have adopted the habits of the whites, and all other male inhabitants of this territory, above that age, who shall have declared on oath their intentions to become citizens, at least six months previous to the day of election, and shall have taken an oath to support the Constitution of the United States, and the organic act of this territory, at least six months previous to the day of election, and who shall have resided six months in the territory, and thirty days in the county next preceding the day of election, and none other, shall be entitled to hold office or vote at any election in this territory: *Provided*, That no officer, soldier, seaman or marine, in the army or navy of the United States, or attached to troops in the service of the United States, shall be allowed to vote at any election in this territory, by reason of being in service therein, unless said territory is, and has been for the period of six months, his permanent domicile: *Provided*, He was a citizen of this territory, at the time of his enlistment: *And provided further*, That no person belonging to the army or navy of the United States shall be elected to, or hold any civil office or appointment in this territory: *Providing*, That this provision shall not apply to officers of the army or navy on the retired list. [Code 1881 § 3050; 1854 p 64 § 1. Cf. 1883 p 39 § 1; 1885 p 113 § 1; 1887 c 51. Formerly RCW 42.04.020, part.]

**Reviser's note:** The 1941 Code Committee retained only a portion of the above section (the 3rd proviso relating to the holding of office by persons belonging to the army or navy). This proviso was rewritten as straight matter and combined with 1919 c 139 § 1 to form RCW 42.04.020. In restoring the session law language, the two session laws sections (1919 c 139 § 1 and Code 1881 § 3050) are herein published as RCW 42.04.020 and 42.04.021. The above territorial Statute, Code 1881 § 3050 appears for the most part to have been superseded by the Constitution and later statutes. As to qualifications of electors, see state Constitution Article 6 § 1 (Amendment 5). As to eligibility to hold public office, see RCW 42.04.020.

*Leaves of absence of elective and judicial officers entering armed forces: RCW 73.16.041.*

**42.04.040 Proceedings to impeach, etc., preserved.** The omission to specify or affirm in this act any ground of forfeiture of a public office or other trust or special authority conferred by law, or any power conferred by law to impeach, remove, depose or suspend any public officer or other person holding any trust, appointment or other special authority conferred by law, shall not affect such forfeiture or power, or any proceeding authorized by law to carry into effect such impeachment, removal,

deposition or suspension. [1909 c 249 § 45; RRS § 2297.]

**Reviser's note:** "this act" relates to the criminal code of 1909. For disposition of sections, see note following RCW 9.01.120.

*Forfeiture of office for conviction of felony or malfeasance: RCW 9.92.120.*

*Impeachment and removal: State Constitution Art. 5.*

*Recall of elective officers: State Constitution Art. 1 § 33 (Amendment 8); chapter 29.82 RCW.*

**42.04.060 Offices to be open certain days and hours.** All state elective and appointive officers shall keep their offices open for the transaction of business from eight o'clock a.m. to five o'clock p.m. of each business day from Monday through Friday, state legal holidays excepted. On Saturday, such offices may be closed.

This section shall not apply to the courts of record of this state or to their officers nor to the office of the attorney general and the lieutenant governor. [1973 2nd ex.s. c 1 § 2; 1955 ex.s. c 9 § 3. Prior: 1951 c 100 §§ 3, 4; 1941 c 113 § 1; Rem. Supp. 1941 § 9963-1.]

*Office hours of city, county, precinct: RCW 35.21.175, 36.16.100.*

**42.04.070 Compensation for unofficial services.** That the directors, trustees and commissioners of state institutions in this state, serving as such without any compensation, shall not be precluded by reason of holding such offices from receiving compensation for services not official rendered without being procured or brought about by use of such official position, or by reason thereof, but such officers shall be allowed to receive such reasonable compensation for services not official or connected with their respective offices as they would otherwise be allowed were they not such officers. [1891 c 109 § 1; RRS § 10966.]

## Chapter 42.08 OFFICIAL BONDS

### Sections

42.08.005 Official bonds—Payment of premiums.

#### OFFICIAL BONDS—CODE OF 1881

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42.08.140 Force of additional bond.  
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42.08.170 Liability of sureties.  
42.08.180 Release of sureties.

*Adjutant general, official bond: RCW 38.12.010.*

*Apple advertising commission treasurer, bond required: RCW 15.24.150.*

*Athletic commission, official bonds: RCW 67.08.003.*

Attorney general, official bonds: RCW 43.10.010, 43.10.020.  
 Bank examiners, official bonds: RCW 43.19.030.  
 Cities, commission form, bonds required: RCW 35.17.100.  
 Cities, council-manager plan, bond of manager: RCW 35.18.050.  
 Cities, second class, bond of officers: RCW 35.23.190.  
 Cities, third class, bond required: RCW 35.24.080.  
 Commissioner of public lands, official bonds: RCW 79.01.064.  
 Constables, bond required: RCW 3.08.040.  
 County clerk, new bond may be required: RCW 36.23.020.  
 County commissioners, official bond: RCW 36.32.060.  
 County officers, official bonds: RCW 36.16.050.  
 County sheriff, additional bond: RCW 36.28.030.  
 Dairy products commission treasurer, bond required: RCW 15.44.050.  
 Fisheries department employees, bonds: RCW 75.08.023.  
 Flood control districts, official bonds: RCW 86.09.301, 86.09.304, 86.09.307.  
 Fruit commission treasurer, bond required: RCW 15.28.190.  
 Horse racing commission, official bonds: RCW 67.16.012.  
 Insurance commissioner, official bond: RCW 48.02.030.  
 Irrigation districts, official bonds: RCW 87.03.082.  
 Justices of the peace, bond required: RCW 3.04.060.  
 Liquor control board, official bond: RCW 66.08.014.  
 Municipal court judge, bond required: RCW 35.20.180.  
 Notary public, official bond: RCW 42.28.030.  
 Public printer, official bond: RCW 43.78.020.  
 Reclamation district directors, official bonds: RCW 89.30.259.  
 Reclamation districts, bond of secretary: RCW 89.30.262.  
 Secretary of state, official bond: RCW 43.07.010.  
 State administrative officers, official bonds: RCW 43.17.100.  
 State auditor, official bond: RCW 43.09.010.  
 State treasurer, official bond: RCW 43.08.020.  
 Superior court reporters, bond required: RCW 2.32.180.  
 Suretyship: Chapters 19.72, 48.28 RCW.  
 Towns, bond of officers: RCW 35.27.120.  
 Townships, official bonds: RCW 45.16.040-45.16.090, 45.24.040, 45.28.060, 45.32.090.  
 University of Washington, board of regents, secretary to give bond: RCW 28B.20.110.  
 Utilities and transportation commission, official bonds: RCW 80.01.020.  
 Washington State University, board of regents, bonds required: RCW 28B.30.100, 28B.30.130.  
 Weed district officers, bond required: RCW 17.04.070.

**42.08.005 Official bonds—Payment of premiums.**  
 See RCW 48.28.040.

OFFICIAL BONDS—CODE OF 1881

**42.08.010 Scope of coverage.** The official bond of a public officer, to the state, or to any county, city, town or other municipal or public corporation of like character therein, shall be deemed a security to the state, or to such county, city, town or other municipal or public corporation, as the case may be, and also to all persons severally, for the official delinquencies against which it is intended to provide. [Code 1881 § 652; 1877 p 135 § 655; 1869 p 152 § 592; RRS § 958.]

*Bonds payable to state: RCW 42.08.060.*

**42.08.020 Who may maintain action.** When a public officer by official misconduct or neglect of duty, shall forfeit his official bond or render his sureties therein liable upon such bond, any person injured by such misconduct or neglect, or who is by law entitled to the benefit

of the security, may maintain an action at law thereon in his own name against the officer and his sureties to recover the amount to which he may by reason thereof be entitled. [Code 1881 § 653; 1877 p 135 § 656; 1869 p 152 § 593; RRS § 959.]

*Action on official bond: RCW 42.08.080.*

**42.08.030 Leave of court required.** Before an action can be commenced by a plaintiff, other than the state, or the municipal or public corporation named in the bond, leave shall be obtained of the court or judge thereof where the action is triable. Such leave shall be granted upon the production of a certified copy of the bond and an affidavit of the plaintiff, or some person in his behalf, showing the delinquency. But if the matter set forth in his affidavit be such that, if true, the party applying would clearly not be entitled to recover in the action, the leave shall not be granted. If it does not appear from the complaint that the leave herein provided for has been granted, the defendant, on motion, shall be entitled to judgment of nonsuit; if it does, the defendant may controvert the allegation, and if the issue be found in his favor, judgment shall be given accordingly. [Code 1881 § 654; 1877 p 136 § 657; 1869 p 152 § 594; RRS § 960.]

**42.08.040 Judgment no bar to further action.** A judgment in favor of a party for one delinquency shall not preclude the same or another party from maintaining another action on the same bond for another delinquency. [Code 1881 § 655; 1877 p 136 § 658; 1869 p 153 § 595; RRS § 961.]

**42.08.050 Recoveries limited to amount of bond.** In an action upon an official bond, if judgments have been recovered against the surety therein other than by confession, equal in the aggregate to the penalty or any part thereof of such bond, and if such recovery be established on the trial, judgment shall not be given against such surety for an amount exceeding such penalty, or such portion thereof as is not already recovered against him. [Code 1881 § 656; 1877 p 136 § 659; 1869 p 153 § 596; RRS § 962.]

*Liability of sureties: RCW 42.08.170.*

OFFICIAL BONDS—1890 ACT

**42.08.060 Form of official bonds.** All official bonds required by law of officers shall be in form, joint and several, and made payable to the state of Washington, in such penal sum and with such conditions as may be required by law. [1890 p 34 § 1; RRS § 9930.]

*Bonds deemed security to state, county, city, town, etc.: RCW 42.08.010.*

*County commissioner bond is payable to county: RCW 36.32.060.*

**42.08.070 Effect of bonds.** Every official bond executed by any officer pursuant to law shall be deemed and taken to be in force, and shall be obligatory upon the principal and sureties therein for any and all breach of the condition or conditions thereof committed during the

time such officer shall continue to discharge any of the duties of, or hold such office, and every such bond shall be deemed to be in force and obligatory upon the principal and sureties therein for the faithful discharge of all duties which may be required of such officer by any law enacted subsequent to the execution of such bond, and such condition shall be expressed therein. [1890 p 34 § 2; RRS § 9931.]

**42.08.080 Who may bring action on bond.** Every official bond executed by any officer pursuant to law, shall be in force and obligatory upon the principal and sureties therein, to and for the state of Washington, and to and for the use and benefit of all persons who may be injured or aggrieved by the wrongful act or default of such officer, in his official capacity, and any person so injured or aggrieved may bring suit on such bond in his or her own name without an assignment thereof. [1890 p 34 § 3; RRS § 9932.]

*Action on official bond: RCW 42.08.020.*

**42.08.090 Defective bonds validated.** Whenever any such official bond shall not contain the substantial matter or condition or conditions required by law, or there shall be any defect in the approval or filing thereof, such bond shall not be void so as to discharge such officer and his sureties, but they shall be bound to the state, or party interested, and the state or such party may, by action instituted in any court of competent jurisdiction, suggest the defect of such bond or such approval or filing, and recover his proper and equitable demand or damages from such officer, and the person or persons, who intended to become, and were included in such bond as sureties. [1890 p 35 § 4; RRS § 9933.]

**42.08.100 Approval and filing.** The official bonds of officers shall be approved and filed as follows, to wit: The official bond of the secretary of state shall be approved by the governor and filed in the office of the state auditor. The official bonds of all other state officers required by law to give bonds, except as otherwise expressly provided by law, shall be approved by the governor and filed in the office of the secretary of state.

The official bonds of all county and township officers, except the county superintendent of schools, shall be approved by the board of county commissioners, if in session, and if not in session, by the chairman of such board, and filed and recorded in the office of the county clerk of their respective counties: *Provided*, That the bond of the county clerk shall be recorded in the office of the county auditor and filed in the office of the county treasurer. [1955 c 157 § 11. Prior: 1890 p 35 § 5; RRS § 9934.]

*Contractor's bonds: Chapter 39.08 RCW.*

*Official bonds—Payment of premiums: RCW 48.28.040.*

*Surety insurance: Chapter 48.28 RCW.*

**42.08.110 Procedure when bond of county or township officer is insufficient.** Whenever the sureties, or any one of them, in the official bond of any county or township officer shall die, remove from the state, become insolvent or insufficient, or the penalty of such bond shall

become insufficient, on account of recoveries had thereon, or otherwise, it shall be the duty of the board of county commissioners of the proper county, of their own motion, or on the showing of any person, supported by affidavit, to summon any such officer to appear before them at a stated time, not less than five days after service of such summons, and show cause why he should not execute an additional official bond with good and sufficient sureties. [1890 p 35 § 6; RRS § 9935.]

**42.08.120 Additional bond.** Should such officer, after due notice, fail to appear at the time appointed, the matter may be heard and determined in his absence; if after examination the board of county commissioners shall be of opinion that the bond of such officer has become insufficient from any cause whatever, they shall require an additional bond with such security as may be deemed necessary, which said additional bond shall be executed and filed within such time as the board of county commissioners may order; and if any such officer shall fail to execute and file such additional bond within the time prescribed by such order, his office shall become vacant. [1890 p 36 § 7; RRS § 9936.]

*Failure to give or renew official bond a cause for vacation of office: RCW 42.12.010.*

**42.08.130 Remedy when bond of state officer becomes insufficient.** Whenever the official bond of any state officer shall become insufficient from any cause whatever, the like proceedings may be had before the superior court of the county in which said state officer holds his office with reference thereto: *Provided*, That such proceedings may be commenced by a written motion supported by affidavit. [1890 p 36 § 8; RRS § 9937.]

**42.08.140 Force of additional bond.** Every such additional bond shall be of like force and obligation upon the principal and sureties therein, and shall subject the officer and his sureties to the same liabilities as are prescribed respecting the original bonds of officers. [1890 p 36 § 9; RRS § 9938.]

**42.08.150 Number of sureties.** Unless otherwise expressly provided, there shall be at least two sureties upon the official bond of every officer. [1890 p 36 § 10; RRS § 9939.]

*Corporate sureties: Chapter 48.28 RCW.*

**42.08.160 Justification of sureties.** In all cases where official bonds are required or may be hereafter required, from state, county, township or precinct officers, the officer or officers whose duty it is or may be to approve such bonds, shall not accept or approve any such bonds except such bond be that of a surety company, unless the sureties thereon shall severally justify before an officer authorized to administer oaths as follows: (1) On a bond given by a state or county officer that he is a resident and freeholder within this state, and on a bond given by a township or precinct officer that he is a resident and freeholder within the county in which such township or precinct is situated. (2) That he is worth double the



amount for which he becomes surety over and above all his debts and liabilities, in property situated within this state which is not exempt from seizure and sale under execution. [1901 c 14 § 1; 1890 p 36 § 11; RRS § 9940.]

*Qualification of individual sureties: RCW 19.72.030.*

**42.08.170 Liability of sureties.** When the penal sum of any bond amounts to more than two thousand dollars, the sureties may become severally liable for portions, not less than five hundred dollars, of such penal sum, making in the aggregate at least two sureties for the whole penal sum. [1890 p 37 § 12; RRS § 9941.]

*Recoveries limited to amount of bond: RCW 42.08.050.*

**42.08.180 Release of sureties.** Release of sureties (1937 act), see chapter 19.72 RCW.

## Chapter 42.12 VACANCIES

### Sections

42.12.010 Causes of vacancy.  
 42.12.020 Resignations, to whom made.  
 42.12.030 Term of person elected to fill vacancy.  
*Accountancy board, vacancies, how filled: RCW 18.04.060.*  
*Apple advertising commission, vacancies, how filled: RCW 15.24.050.*  
*Athletic commission, vacancies, how filled: RCW 67.08.001.*  
*Attorney general, removal from office: State Constitution Art. 4 § 9.*  
*Board of prison terms and paroles, vacancies: RCW 9.95.003.*  
*Bond, failure to file additional bond causes vacancy: RCW 42.08.120.*  
*Cemetery district commissioners, vacancies: RCW 68.16.160.*  
*Cities, commission form, vacancies in office of commissioners: RCW 35.17.020.*  
*Cities, council-manager plan, optional municipal code, vacancies: RCW 35A.13.020.*  
*Cities, council-manager plan, vacancies in council: RCW 35.18.020.*  
*Cities, mayor-council plan, optional municipal code, vacancies: RCW 35A.12.050.*  
*Cities, second class, vacancies: RCW 35.23.240.*  
*Cities, third class, vacancies, how filled: RCW 35.24.100.*  
*Constables, vacancies, how filled: RCW 3.08.050.*  
*County, township, precinct or road district offices, vacancies, how filled: State Constitution Art. 11 § 6.*  
*County annexation review board, vacancies: RCW 35A.14.170.*  
*County clerk, failure to file new bond vacates office: RCW 36.23.020, 42.08.120.*  
*County commissioners, removal for misconduct: RCW 36.32.225.*  
*County commissioners, vacancies, how filled: RCW 36.32.070.*  
*County hospital board of trustees, vacancies, how filled: RCW 36.62.160.*  
*County officers, conviction for taking illegal fees vacates office: RCW 36.18.180.*  
*County offices, vacancies: RCW 36.16.110.*  
*County treasurer, suspension for misconduct: RCW 36.29.090.*  
*Engineers and land surveyors' board of registration, vacancies on: RCW 18.43.030.*  
*Ferry district commissioners, vacancies, how filled: RCW 36.54.090.*  
*Fire protection district commissioners, vacancies: RCW 52.12.050.*  
*Flood control districts, vacancies in office of director: RCW 86.09.295.*  
*Fruit commission, vacancies, how filled: RCW 15.28.080.*  
*Governor, vacancies in state office filled by: RCW 43.06.090.*  
*Governor, vacancy in office of: State Constitution Art. 3 § 10 (Amendment 6).*  
*Horse racing commission, vacancies: RCW 67.16.012.*  
*Impeachment: State Constitution Art. 5.*  
*Intermediate school district superintendent: Chapter 28A.21 RCW.*

*Irrigation district directors, vacancies, how filled: RCW 87.03.081, 87.04.020.*

*Judges, removal from office: State Constitution Art. 4 § 9.*

*Judges of the court of appeals, vacancies, how filled: RCW 2.06.080.*

*Judges of superior court, vacancies, how filled: State Constitution Art. 4 § 5; RCW 2.08.120, 2.08.069.*

*Judges of supreme court, vacancies, how filled: State Constitution Art. 4 § 3; RCW 2.04.100.*

*Judicial officer's absence from state as forfeiting office: State Constitution Art. 4 § 8.*

*Legislative budget committee, vacancies, how filled: RCW 44.28.020.*

*Legislative council, vacancies, how filled: RCW 44.24.070.*

*Legislators, expulsion of member: State Constitution Art. 2 § 9.*

*Legislators, vacancies, how filled: State Constitution Art. 2 § 15 (Amendment 32).*

*Liquor control board, vacancies, how filled: RCW 66.08.014.*

*Metropolitan park district commissioners, vacancies, how filled: RCW 35.61.070.*

*Militia, vacancies, how filled: RCW 38.12.095-38.12.115.*

*Night court judges, vacancies, how filled: RCW 3.24.020.*

*Port district commissioners, vacancies: RCW 53.12.150.*

*Practical nurses examining board, vacancies, how filled: RCW 18.78.030.*

*Prosecuting attorney, removal from office: State Constitution Art. 4 § 9.*

*Public utility district commissioners, vacancies: RCW 54.12.010.*

*Recall proceedings, grounds: RCW 29.82.010.*

*Reclamation district directors, vacancies: RCW 89.30.256.*

*School directors in second and third class districts, vacancies, how filled: RCW 28A.57.326.*

*Sewer district commissioners, vacancies: RCW 56.12.030.*

*State appointive office, vacancy in, how filled: State Constitution Art. 3 § 13; RCW 43.06.090.*

*State board of education, vacancies, how filled: RCW 28A.04.080.*

*State colleges of education, board of trustees, vacancies: RCW 28B.40.100.*

*State elective officers, recall: State Constitution Art. 1 § 33 (Amendment 8).*

*State officers, removal from office: State Constitution Art. 5.*

*Statute law committee, vacancies, how filled: RCW 1.08.003.*

*Townships, vacancies in office, how filled: Chapter 45.20 RCW.*

*United States representatives, vacancies, how filled: RCW 29.68.080-29.68.120.*

*United States senators, vacancies, how filled: RCW 29.68.070.*

*University of Washington board of regents, vacancies, how filled: RCW 28B.20.100.*

*Utilities and transportation commission, vacancies, how filled: RCW 80.01.010.*

*Washington State University, board of regents, vacancies: RCW 28B.30.100.*

*Water district commissioners, vacancies: RCW 57.12.020.*

*Weed district directors, vacancies, how filled: RCW 17.04.070.*

**42.12.010 Causes of vacancy.** Every office shall become vacant on the happening of either of the following events before the expiration of the term of such officer. First, the death of the incumbent; second, his resignation; third, his removal; fourth, his ceasing to be an inhabitant of the district, county, town or village for which he shall have been elected or appointed, or within which the duties of his office are to be discharged; fifth, his conviction of an infamous crime, or of any offense involving a violation of his official oath; sixth, his refusal or neglect to take his oath of office, or to give or renew his official bond, or to deposit such oath or bond within the time prescribed by law; seventh, the decision of a competent tribunal declaring void his election or appointment; eighth, whenever a judgment shall be

obtained against such officer for breach of the condition of his official bond. [Code 1881 § 3063; 1866 p 28 § 2; RRS § 9950.]

**42.12.020 Resignations, to whom made.** Resignations shall be made as follows: By the state officers and members of the legislature, to the governor; by all county officers, to the county commissioners of their respective counties; by all other officers, holding their offices by appointment, to the body, board or officer that appointed them. [Code 1881 § 3062; 1865 p 28 § 1; RRS § 9949.]

*Appointments to fill vacancies: State Constitution Art. 2 § 15 (Amendment 32).*

**42.12.030 Term of person elected to fill vacancy.** Whenever any officer resigns his office before the expiration of his term, or the office becomes vacant from any other cause, and at a subsequent special election such vacancy is filled, the person so elected to fill such vacancy shall not hold the office any longer than the original incumbent who resigned would have been entitled to hold the office. [Code 1881 § 3066; 1866 p 30 § 6; RRS § 9951.]

## Chapter 42.14 CONTINUITY OF GOVERNMENT ACT

### Sections

42.14.010	Definitions.
42.14.020	Office of governor.
42.14.030	Legislature.
42.14.035	Convening legislature at locations other than usual seat of government.
42.14.040	County commissioners.
42.14.050	City or town officers.
42.14.060	Appointed officers of the state.
42.14.070	Officers of political subdivisions.
42.14.075	Meetings of governing bodies of political subdivisions at other than usual places.
42.14.900	Short title.
42.14.910	Severability—1963 c 203.

*Continuity of government: State Constitution Art. 2 § 42 (Amendment 39).*

*Microfilming of records to provide continuity of civil government: Chapter 40.10 RCW.*

**42.14.010 Definitions.** Unless otherwise clearly required by the context, the following definitions apply:

(1) "Unavailable" means either that a vacancy in the office exists or that the lawful incumbent of the office is absent or unable to exercise the powers and discharge the duties of the office following an attack and a declaration of existing emergency by the governor or his successor.

(2) "Attack" means any acts of warfare taken by an enemy of the United States causing substantial damage or injury to persons or property in the United States and in the state of Washington. [1963 c 203 § 2.]

**42.14.020 Office of governor.** (1) In the event that all successors to the office of governor as provided by Article 3, section 10, as amended by amendment 6 of the Constitution of the state of Washington are unavailable following an enemy attack, the powers and duties of the

office of governor shall be exercised and discharged by the speaker of the house of representatives.

(2) In the event the speaker of the house is unavailable, the powers and duties of the office of governor shall be exercised and discharged by the president pro tem of the senate.

(3) In the event that neither the speaker nor the president pro tem is available, the house of representatives and the senate in joint assembly shall elect an emergency interim governor. [1963 c 203 § 3.]

**42.14.030 Legislature.** In the event enemy attack reduces the number of legislators available for duty, then those legislators available for duty shall constitute the legislature and shall have full power to act in separate or joint assembly by majority vote of those present. In the event of an attack, (1) quorum requirements for the legislature shall be suspended, and (2) where the affirmative vote of a specified proportion of members for approval of a bill, resolution or other action would otherwise be required, the same proportion of those voting thereon shall be sufficient. In the event of an attack, the governor shall call the legislature into session as soon as practicable, and in any case within thirty days following the inception of the attack. If the governor fails to issue such call, the legislature shall, on the thirtieth day from the date of inception of the attack, automatically convene at the place where the governor then has his office. Each legislator shall proceed to the place of session as expeditiously as practicable. At such session or at any session in operation at the inception of the attack, and at any subsequent sessions, limitations on the length of session and on the subjects which may be acted upon shall be suspended. [1963 c 203 § 4.]

**42.14.035 Convening legislature at locations other than usual seat of government.** Whenever, in the judgment of the governor, it becomes impracticable, due to an emergency resulting from enemy attack or natural disaster, to convene the legislature in the usual seat of government at Olympia, the governor may call the legislature into emergency session in any location within this or an adjoining state. The first order of business of any legislature so convened shall be the establishment of temporary emergency seats of government for the state. After any emergency relocation, the affairs of state government shall be lawfully conducted at such emergency temporary location or locations for the duration of the emergency. [1969 ex.s. c 106 § 1.]

**42.14.040 County commissioners.** In the event enemy attack reduces the number of county commissioners of any county, then those commissioners available for duty shall have full authority to act in all matters as a board of county commissioners. In the event no county commissioner is available for duty, then those elected county officials, except for the members of the county board of education, as are available for duty shall jointly act as the board of county commissioners and shall possess by majority vote the full authority of the board of county commissioners. [1963 c 203 § 5.]

**42.14.050 City or town officers.** In the event that the executive head of any city or town is unavailable by reason of enemy attack to exercise the powers and discharge the duties of his office, then those members of the city or town council or commission available for duty shall by majority vote select one of their number to act as the executive head of such city or town. In the event enemy attack reduces the number of city or town councilmen or commission members, then those members available for duty shall have full power to act by majority vote of those present. [1963 c 203 § 6.]

**42.14.060 Appointed officers of the state.** The governor shall, subject to such rules and regulations as he may adopt, permit each appointed officer of the state to designate temporary interim successors to the office of such officer. [1963 c 203 § 7.]

**42.14.070 Officers of political subdivisions.** The legislative authority of each political subdivision, subject to the provisions of this chapter, shall adopt rules and regulations providing for appointment of temporary interim successors to the elected and appointed offices of the political subdivisions. [1963 c 203 § 8.]

**42.14.075 Meetings of governing bodies of political subdivisions at other than usual places.** Whenever, due to a natural disaster, an attack or an attack is imminent, it becomes imprudent, inexpedient or impossible to conduct the affairs of a political subdivision at the regular or usual place or places, the governing body of the political subdivision may meet at any place within or without the territorial limits of the political subdivision on the call of the presiding official or any two members of the governing body. After any emergency relocation, the affairs of political subdivisions shall be lawfully conducted at such emergency temporary location or locations for the duration of the emergency. [1969 ex.s. c 106 § 2.]

**42.14.900 Short title.** This act shall be known as the "continuity of government act". [1963 c 203 § 1.]

**42.14.910 Severability—1963 c 203.** If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected. [1963 c 203 § 9.]

## Chapter 42.16 SALARIES AND FEES

### Sections

42.16.010	Salaries to be paid monthly—Adoption of semimonthly or more frequent schedule of payment—Procedure.
42.16.011	State payroll revolving fund, agency payroll revolving fund—Created—Utilization.
42.16.012	State payroll revolving fund, agency payroll revolving fund—Disbursements—Sources.
42.16.013	Transfers to state payroll revolving fund—Certification by agencies or budget director.
42.16.014	Disbursements by warrants—Certifications.
42.16.015	Cancellation of warrants—Transfer of increased balance amounts in state payroll revolving fund.

42.16.016	Cancellation of warrants—Refund of increased balance amounts in agency payroll revolving fund.
42.16.017	Payroll preparation and accounting—Establishment of pay dates.
42.16.020	Salaried officers <i>not</i> to receive witness fees.
42.16.030	Disposition of fees.
42.16.040	Official fees payable in advance.

*Aeronautics' director, salary: RCW 14.04.040.*

*Board of prison terms and paroles, salaries: RCW 9.95.003.*

*Cities, commission form, salaries: RCW 35.17.108.*

*Cities, council-manager plan, salaries: RCW 35.18.220.*

*Cities, first class, police judge's salary: RCW 35.22.430.*

*Cities, optional municipal code, council-manager plan, compensation: RCW 35A.13.040.*

*Cities, optional municipal code, mayor-council plan compensation: RCW 35A.12.070.*

*Cities, second class, salaries: RCW 35.23.220.*

*Commissioner of public lands, fees: RCW 79.01.720.*

*Commissioner of public lands, salary: State Constitution Art. 3 § 23; RCW 43.03.010.*

*Compensation not to be increased or diminished during term of office:*

*State Constitution Art. 2 § 13; Art. 2 § 25; Art. 3 § 25 (Amendment 31); Art. 4 § 13; Art. 11 § 8; Art. 28 § 1 (Amendment 20).*

*Constables, salaries and fees: Chapter 3.16 RCW.*

*County officers, compensation: State Constitution Art. 11 § 8.*

*County officers, fees: Chapter 36.18 RCW.*

*County officers, salaries: Chapter 36.17 RCW.*

*County sheriff, fees payable in advance: RCW 36.28.040.*

*Court commissioners, salary: RCW 2.24.030.*

*Election officials, fees: RCW 29.45.120.*

*Elections, registration fees: RCW 29.07.040.*

*Governor's advisory committee on salaries: RCW 43.03.028.*

*Judges of court of appeals, salaries: State Constitution Art. 4 § 30 (Amendment 50); RCW 2.06.060.*

*Judges of superior court, salaries: State Constitution Art. 4 § 14; RCW 2.08.090.*

*Judicial officers, salaries, how paid, etc.: State Constitution Art. 4 § 13.*

*Justices of supreme court, salaries: State Constitution Art. 4 § 14; RCW 2.04.090.*

*Justices of the peace, salaries and fees: State Constitution Art. 4 § 10 (Amendment 28); chapter 3.16 RCW.*

*Legislators, salaries: RCW 43.03.010.*

*Militia, salaries and pay: RCW 38.24.050.*

*Municipal court judges, salaries: RCW 35.20.160.*

*Night court judges, salaries: RCW 3.24.040.*

*Reformatory superintendent, salary: RCW 72.01.060.*

*Secretary of state, fees: RCW 43.07.120.*

*State appointive officers, governor may fix salaries, maximum: RCW 43.03.040.*

*State elective officers, salaries: RCW 43.03.010.*

*State employees, minimum salaries: RCW 43.03.080, 43.03.090.*

*State highways director, salary: RCW 47.01.130.*

*Superior court reporters, salaries: RCW 2.32.210.*

*Supreme court reporter, salary: State Constitution Art. 4 § 18; Rules of court: SAR 17(1).*

*Townships, compensation of officers: Chapter 45.44 RCW.*

*University of Washington, disposition of fees: RCW 28B.15.210, 28B.15.220.*

*Utilities and transportation commission, salaries: RCW 80.01.010.*

*Washington State University, disposition of fees: RCW 28B.15.310.*

**42.16.010 Salaries to be paid monthly—Adoption of semimonthly or more frequent schedule of payment—Procedure.** The salaries of all state officers and employees shall be paid monthly on the last day of each month unless the budget director shall establish different dates in accordance with RCW 42.16.017: *Provided,*

That the budget director may adopt or authorize adoption of semimonthly or more frequent payment schedules for state agencies, in his discretion: *And provided further*, That schedules for the payment of compensation more often than semimonthly may be adopted only upon the written requests of state agencies, and only for the purpose of conforming state payment schedules for classes of employees in specific trades or occupations to customary schedules prevailing in private industries. [1969 c 59 § 1; 1967 ex.s. c 25 § 1; 1891 c 130 § 1; RRS § 10965.]

**Reviser's note:** Central budget agency abolished, powers and duties transferred to office of program planning and fiscal management: RCW 43.41.940, 43.41.050.

**Effective date—1967 ex.s. c 25:** "This 1967 amendatory act shall take effect July 1, 1967: *Provided*, That the budget director may by regulation postpone the operation of the act for any reasonable time, not extending beyond the 1967-1969 biennium, to facilitate an orderly transition in state payroll procedures." [1967 ex.s. c 25 § 9.] This applies to RCW 42.16.010-42.16.017.

**42.16.011 State payroll revolving fund, agency payroll revolving fund—Created—Utilization.** A state payroll revolving fund and an agency payroll revolving fund are created in the state treasury, for the payment of compensation to employees and officers of the state and distribution of all amounts withheld therefrom pursuant to law and amounts authorized by employees to be withheld pursuant to law; also for the payment of the state's contributions for retirement and insurance and other employee benefits: *Provided*, That the utilization of the state payroll revolving fund shall be optional except for agencies whose payrolls are prepared under a centralized system established pursuant to regulations of the budget director: *Provided further*, That the utilization of the agency payroll revolving fund shall be optional for agencies whose operations are funded in whole or part other than by funds appropriated from the state treasury. [1969 c 59 § 2; 1967 ex.s. c 25 § 2.]

**42.16.012 State payroll revolving fund, agency payroll revolving fund—Disbursements—Sources.** The amounts to be disbursed from the state payroll revolving fund from time to time on behalf of agencies utilizing such fund shall be transferred thereto by the state treasurer from appropriated funds properly chargeable with the disbursement for the purposes set forth in RCW 42.16.011, on or before the day prior to scheduled disbursement. The amounts to be disbursed from the agency payroll revolving fund from time to time on behalf of agencies electing to utilize such fund shall be deposited therein by such agencies from funds held by the agency pursuant to law outside the state treasury and properly chargeable with the disbursement for the purposes set forth in RCW 42.16.011, on or before the day prior to scheduled disbursement. [1967 ex.s. c 25 § 3.]

**42.16.013 Transfers to state payroll revolving fund—Certification by agencies or budget director.** The state treasurer shall make such transfers to the state payroll revolving fund in the amounts to be disbursed as certified by the respective agencies: *Provided*, That if the

payroll is prepared on behalf of an agency from data authenticated and certified by the agency under a centralized system established pursuant to regulation of the budget director, the state treasurer shall make the transfer upon the certification of the head of the agency preparing the centralized payroll or his designee. [1969 c 59 § 3; 1967 ex.s. c 25 § 4.]

**42.16.014 Disbursements by warrants—Certifications.** Disbursements from the revolving funds created by RCW 42.16.010 through 42.16.017 shall be by warrant in accordance with the provisions of RCW 43.88.160: *Provided*, That when the payroll is prepared under a centralized system established pursuant to regulations of the budget director, disbursements on behalf of the agency shall be certified by the head of the agency preparing the centralized payroll or his designee: *Provided further*, That disbursements from a centralized paying agency representing amounts withheld, and/or contributions, for payment to any individual payee on behalf of several agencies, may be by single warrant representing the aggregate amounts payable by all such agencies to such payee. The procedure for disbursement and certification of these aggregate amounts shall be established by the budget director.

All payments to employees or other payees, from the revolving funds created by RCW 42.16.010 through 42.16.017, whether certified by an agency or by the budget director on behalf of such agency, shall be made wherever possible by a single warrant reflecting on its face the amount charged to each revolving fund. [1969 c 59 § 4; 1967 ex.s. c 25 § 5.]

**42.16.015 Cancellation of warrants—Transfer of increased balance amounts in state payroll revolving fund.** All amounts increasing the balance in the state payroll revolving fund, as a result of the cancellation of warrants issued therefrom shall be transferred by the state treasurer to the fund from which the canceled warrant would originally have been paid except for the provisions of RCW 42.16.010 through 42.16.017. [1967 ex.s. c 25 § 6.]

**42.16.016 Cancellation of warrants—Refund of increased balance amounts in agency payroll revolving fund.** All amounts increasing the balance in the agency payroll revolving fund, as a result of the cancellation of warrants issued therefrom shall be refunded by the state treasurer to the appropriate state agency. The refund shall be deposited by the agency to the fund from which such amount was originally withdrawn for deposit in the agency payroll revolving fund. [1967 ex.s. c 25 § 7.]

**42.16.017 Payroll preparation and accounting—Establishment of pay dates.** To facilitate payroll preparation and accounting, or to implement the provisions of RCW 42.16.010 through 42.16.017, the budget director may adopt customary and necessary procedures including the establishment of pay dates at reasonable times following periods in which payment is earned. [1967 ex.s. c 25 § 8.]

**42.16.020 Salaried officers not to receive witness fees.** No state, county, municipal or other public officer within the state of Washington, who receives from the state, or from any county or municipality therein, a fixed and stated salary as compensation for services rendered as such public officer shall be allowed or paid any per diem for attending or testifying on behalf of the state of Washington, or any county or municipality therein, at any trial or other judicial proceeding, in any state, county or municipal court within this state; nor shall such officer, in any case, be allowed nor paid any per diem for attending or testifying in any state or municipal court of this state, in regard to matters and information that have come to his knowledge in connection with and as a result of the performance of his duties as a public officer as aforesaid: Provided, This section shall not apply when any deduction shall be made from the regular salary of such officer by reason of his being in attendance upon the superior court, but in such cases regular witness fees shall be paid; and further, that if a public officer be subpoenaed and required to appear or testify in judicial proceedings in a county other than that in which he resides, then said public officer shall be entitled to receive per diem and mileage as provided by statute in other cases; and, provided further, that this section shall not apply to police officers when called as witnesses in the superior courts during hours when they are off duty as such officers. [1903 c 10 § 1; 1901 c 101 § 1; RRS § 499.]

**42.16.030 Disposition of fees.** All officers enumerated in this section, who are paid a salary in lieu of fees, shall collect the fees herein prescribed for the use of the state or county, as the case may be, and shall pay the same into the state or county treasury, as the case may be, on the first Monday of each month. [1907 c 56 § 1, part; RRS § 4217. Prior: 1903 c 151 § 1, part; 1893 c 130 § 1, part.]

**Reviser's note:** "this section" refers to 1907 c 56 § 1 of which RCW 42.16.030 is but a part. The other parts of 1907 c 56 § 1, as amended, are codified as RCW 2.32.070 (supreme court clerk's fees), 2.40.010 (witnesses' fees), 36.18.020 (superior court clerks' fees), 36.18.040 (sheriff's fees), 36.18.010 (county auditor's fees), 36.18.030 (county coroner's fees), 2.36.150 (jurors' fees), 3.16.100 (constables' fees), and 42.28.090 (notaries' fees).

*Daily remittance of moneys to state treasury required: RCW 43.01.050.*

*Officers paid salaries in lieu of fees to collect fees for use of state or county: RCW 42.28.090.*

*Payment of fees to county treasurer: RCW 36.18.140.*

**42.16.040 Official fees payable in advance.** All fees are invariably due in advance where demanded by the officer required to perform any official act, and no officer shall be required to perform any official act unless his fees are paid when he demands the same: *Provided*, This section shall not apply when the officer performs any official act for his county or the state. [Code 1881 § 2099; 1869 p 374 § 21; RRS § 505. Formerly codified as RCW 42.04.050.]

*County officers, fees payable in advance: RCW 36.18.060.*

*County sheriff, may demand fees payable in advance: RCW 36.28.040.*

## Chapter 42.17

### DISCLOSURE—CAMPAIGN FINANCES—

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**42.17.010 Declaration of policy.** It is hereby declared by the sovereign people to be the public policy of the state of Washington:

(1) That political campaign and lobbying contributions and expenditures be fully disclosed to the public and that secrecy is to be avoided.

(2) That the people have the right to expect from their elected representatives at all levels of government the utmost of integrity, honesty, and fairness in their dealings.

(3) That the people shall be assured that the private financial dealings of their public officials, and of candidates for those offices, present no conflict of interest between the public trust and private interest.

(4) That our representative form of government is founded on a belief that those entrusted with the offices of government have nothing to fear from full public disclosure of their financial and business holdings, provided those officials deal honestly and fairly with the people.

(5) That public confidence in government at all levels is essential and must be promoted by all possible means.

(6) That public confidence in government at all levels can best be sustained by assuring the people of the impartiality and honesty of the officials in all public transactions and decisions.

(7) That the concept of attempting to increase financial participation of individual contributors in political campaigns is encouraged by the passage of the Revenue Act of 1971 by the Congress of the United States, and in consequence thereof, it is desirable to have implementing legislation at the state level.

(8) That the concepts of disclosure and limitation of election campaign financing are established by the passage of the Federal Election Campaign Act of 1971 by the Congress of the United States, and in consequence thereof it is desirable to have implementing legislation at the state level.

(9) That small contributions by individual contributors are to be encouraged, and that not requiring the reporting of small contributions may tend to encourage such contributions.

(10) That the public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private.

(11) That, mindful of the right of individuals to privacy and of the desirability of the efficient administration of government, full access to information concerning the conduct of government on every level must be assured as a fundamental and necessary precondition to the sound governance of a free society.

The provisions of this chapter shall be liberally construed to promote complete disclosure of all information respecting the financing of political campaigns and lobbying, and the financial affairs of elected officials and candidates, and full access to public records so as to assure continuing public confidence of fairness of elections and governmental processes, and so as to assure that the public interest will be fully protected. In promoting such complete disclosure, however, this chapter shall be enforced so as to insure that the information disclosed will not be misused for arbitrary and capricious purposes and to insure that all persons reporting under this chapter will be protected from harassment and unfounded allegations based on information they have freely disclosed. [1975 1st ex.s. c 294 § 1; 1973 c 1 § 1 (Initiative Measure No. 276 § 1).]

**42.17.020 Definitions.** (1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, public official, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, city and county, school district, municipal corporation, district, political subdivision, or any board, commission, or agency thereof, or other local public agency.

(2) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision or other voting constituency from and after the time when such proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(3) "Campaign depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(5) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(7) "Commission" means the agency established under RCW 42.17.350.

(8) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: *Provided*, That for the purpose of compliance with RCW 42.17.240, as now or hereafter amended, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while such official is engaged in the official business of such governmental entity.

(9) "Continuing political committee" means a political committee which is an organization of continuing existence not established in anticipation of any particular election.

(10) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality and the rendering of "part time" personal services of the sort commonly performed by volunteer campaign workers or incidental expenses personally incurred by volunteer campaign workers not in excess of twenty-five dollars personally paid for by such worker. "Part time" services, for the purposes of this chapter, means services in addition to regular full time employment, or, in the case of an unemployed person, services not in excess of twenty hours per week, excluding weekends. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of such tickets, and only the excess over actual cost of such consumables shall be deemed a contribution.

(11) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(12) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: *Provided*, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(13) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(14) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported, or payment of service charges against a political committee's campaign account.

(15) "Final report" means the report described as a final report in RCW 42.17.080(2).

(16) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household.

(17) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter which may be the subject of action by either house, or any committee of the legislature and all bills and resolutions which having passed both houses, are pending approval by the governor.

(18) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure acts, chapter 34.04 RCW and chapter 28B.19 RCW.

(19) "Lobbyist" includes any person who shall lobby either in his own or another's behalf.

(20) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

(21) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(22) "Person in interest" means the person who is the subject of a record or any representative designated by said person, except that if such person be under a legal disability, the term "person in interest" shall mean and include the parent or duly appointed legal representative.

(23) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures,

articles, tabloids, flyers, letters, radio or television presentations or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(24) "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(25) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(26) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(27) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires. [1975 1st ex.s. c 294 § 2; 1973 c 1 § 2 (Initiative Measure No. 276 § 2).]

## CAMPAIGN FINANCING

**42.17.030 Applicability.** The provisions of this chapter relating to election campaigns shall apply in all election campaigns other than (a) for precinct committeeman; (b) for the president and vice president of the United States; and (c) for an office the constituency of which does not encompass a whole county and which contains less than five thousand registered voters as of the date of the most recent general election in such district. [1973 c 1 § 3 (Initiative Measure No. 276 § 3).]

**42.17.040 Obligation of political committees to file statement of organization.** (1) Every political committee, within ten days after its organization or, within ten days after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier, shall file a statement of organization with the commission and with the county auditor of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition, the county in which the campaign treasurer resides). Each political committee in existence on the effective date of this act shall file a statement of organization with the commission within ninety days after such effective date.

(2) The statement of organization shall include but not be limited to:

(a) The name and address of the committee;

(b) The names and addresses of all related or affiliated committees or other persons, and the nature of the relationship or affiliation;

(c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders;

(d) The name and address of its campaign treasurer and campaign depository;

(e) A statement whether the committee is a continuing one;

(f) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing, and, if the committee is supporting the entire ticket of any party, the name of the party;

(g) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition;

(h) What distribution of surplus funds will be made in the event of dissolution;

(i) The hours during which the committee will make available for public inspection its books of account and all reports filed in accordance with RCW 42.17.065 and 42.17.080, as now or hereafter amended; and

(j) Such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter.

(3) Any material change in information previously submitted in a statement of organization shall be reported to the commission and to the appropriate county auditor within the ten days following the change. [1975 1st ex.s. c 294 § 3; 1973 c 1 § 4 (Initiative Measure No. 276 § 4).]

**Effective date—1973 c 1: See RCW 42.17.900.**

**42.17.050 Campaign treasurer—Depositories.** (1) Each candidate, at or before the time he announces publicly or files for office, and each political committee, at or before the time it files a statement of organization, shall designate and file with the commission the names and addresses of:

(a) One legally competent individual, who may be the candidate, to serve as a campaign treasurer; and

(b) One bank doing business in this state to serve as campaign depository.

(2) A candidate, a political committee or a campaign treasurer may appoint as many deputy campaign treasurers as is considered necessary and may designate not more than one additional campaign depository in each other county in which the campaign is conducted. The candidate or political committee shall file the names and addresses of the deputy campaign treasurers and additional campaign depositories with the commission.

(3) (a) A candidate or political committee may at any time remove a campaign treasurer or deputy campaign treasurer or change a designated campaign depository.

(b) In the event of the death, resignation, removal, or change of a campaign treasurer, deputy campaign treasurer or depository, the candidate or political committee shall designate and file with the commission the name and address of any successor.

(4) No campaign treasurer, deputy campaign treasurer, or campaign depository shall be deemed to be in



compliance with the provisions of this chapter until his name and address is filed with the commission. [1973 c 1 § 5 (Initiative Measure No. 276 § 5).]

**42.17.060 Deposit of contributions—Statement of campaign treasurer—Unidentified contributions.** (1) All monetary contributions received by a candidate or political committee shall be deposited by the campaign treasurer or deputy treasurer in a campaign depository in an account designated, "Campaign Fund of -----" (name of candidate or political committee).

(2) All deposits made by a campaign treasurer or deputy campaign treasurer shall be accompanied by a statement containing the name of each person contributing the funds so deposited and the amount contributed by each person: *Provided*, That contributions not exceeding ten dollars from any one person may be deposited without identifying the contributor. The statement shall be in triplicate, upon a form prescribed by the commission, one copy to be retained by the campaign depository for its records for the minimum term of three years, one copy to be filed by the campaign treasurer with the commission, and one copy to be retained by the campaign treasurer for his records. In the event of deposits made by a deputy campaign treasurer, the third copy shall be forwarded to the campaign treasurer to be retained by him for his records. Each statement shall be certified as correct by the campaign treasurer or deputy campaign treasurer making the deposit.

(3) Political committees which support or oppose more than one candidate or ballot proposition, or exist for more than one purpose, may maintain multiple separate bank accounts within the same designated depository for such purpose: *Provided*, That each such account shall bear the same name followed by an appropriate designation which accurately identifies its separate purpose: *And provided further*, That transfers of funds which must be reported under RCW 42.17.090(1)(d), as now or hereafter amended, may not be made from more than one such account.

(4) Accumulated unidentified contributions, other than those made by persons whose names must be maintained on a separate and private list by a political committee's campaign treasurer pursuant to RCW 42.17.090(1)(b), which total in excess of one percent of the total accumulated contributions received in the current calendar year or three hundred dollars (whichever is more), shall not be deposited, used, or expended, but shall be returned to the donor, if his identity can be ascertained. If the donor cannot be ascertained, the contribution shall escheat to the state, and shall be paid to the state treasurer for deposit in the state general fund. [1975 1st ex.s. c 294 § 4; 1973 c 1 § 6 (Initiative Measure No. 276 § 6).]

**42.17.065 Filing and reporting by continuing political committee.** (1) In addition to the provisions of this section, a continuing political committee shall file and report on the same conditions and at the same times as any other committee in accordance with the provisions of RCW 42.17.040, 42.17.050, and 42.17.060.

(2) A continuing political committee shall file with the commission and the auditor of the county in which the committee treasurer resides a report on the tenth day of the month detailing its activities for the preceding calendar month in which the committee has received a contribution or made an expenditure: *Provided*, That interest on moneys deposited or service charges shall not be deemed contributions or expenditures. The report shall be on a form supplied by the commission and shall include the following information:

(a) The information required by RCW 42.17.090;

(b) Each expenditure made to retire previously accumulated debts of the committee; identified by recipient, amount, and date of payments;

(c) Such other information as the commission shall by rule prescribe.

(3) If a continuing political committee shall make a contribution in support of or in opposition to a candidate or ballot proposition within sixty days prior to the date on which such candidate or ballot proposition will be voted upon, such continuing political committee shall report pursuant to RCW 42.17.080, as now or hereafter amended, until twenty-one days after said election.

(4) A continuing political committee shall file reports as required by this chapter until it is dissolved, at which time a final report shall be filed. Upon submitting a final report, the duties of the campaign treasurer shall cease and there shall be no obligation to make any further reports.

(5) The campaign treasurer shall maintain books of account in accordance with generally accepted accounting principles reflecting all contributions and expenditures on a current basis within three business days of receipt or expenditure. During the eight days immediately preceding the date of any election, for which the committee has received any contributions or made any expenditures, the books of account shall be kept current within one business day and shall be open for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 as now or hereafter amended, at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.

(6) All reports filed pursuant to this section shall be certified as correct by the campaign treasurer. [1975 1st ex.s. c 294 § 5.]

**42.17.067 Fund-raising activities—Reporting by political committees in lieu of reporting under RCW 42.17.060—Standards—Deposits—Statements.**

(1) In lieu of reporting in accordance with RCW 42.17.060, a political committee may report fund-raising activities in accordance with the provisions of this section.

(2) A fund-raising activity which is to be reported in accordance with the provisions of this section shall conform with the following standards:

(a) The income resulting from the conduct of the activity is derived solely from either (i) the retail sale of goods or services at prices which in no case exceed a

reasonable approximation of the fair market value of each item or service sold at the activity, or (ii) a gambling operation which is licensed, conducted, or operated in accordance with the provisions of chapter 9.46 RCW and at which in no case is the monetary value of any prize exceeded by the monetary value of any single wager which may be made by a person participating in such activity;

(b) No person responsible for receiving money at such activity shall knowingly accept payment from a single person which would result in a profit to the committee of ten dollars or more unless the name and address of the person making such payment together with the approximate amount of profit to the committee resulting from such payment are disclosed in the report filed pursuant to subsection (4) of this section; and

(c) Such other standards as shall be established by rule and regulation of the commission to prevent frustration of the purposes of this chapter.

(3) All funds obtained through the use of a fund-raising activity which conforms with the provisions of subsection (2) of this section shall be deposited by the campaign treasurer or deputy campaign treasurer in the same bank account into which contributions received by the committee are being deposited pursuant to RCW 42.17.060.

(4) Within three days after depositing such funds in accordance with subsection (3) of this section, the campaign treasurer or deputy campaign treasurer making the deposit shall file with the commission a report which shall contain the following information:

- (a) The date on which the activity occurred;
- (b) The location at which the activity occurred;
- (c) A precise description of the fund-raising methods used in the activity;
- (d) A financial statement noting gross receipts and expenses for the activity, including an inventory list where appropriate;
- (e) The monetary value of wagers made and prizes distributed for winning wagers, where appropriate;
- (f) The name and address of each person who contributed goods or services to the committee for sale at the activity if the fair market value of the goods or services contributed equals ten dollars or more in the aggregate from such person, together with a precise description of each item or service contributed and its estimated market value;
- (g) The name and address of each person whose identity can be ascertained and who makes payments to the committee at such activity which result in a profit of ten dollars or more to the committee, together with the approximate amount of profit to the committee which results from such payments; and
- (h) A complete listing of the names and addresses of the persons responsible for conducting the activity.

(5) The statement required by subsection (4) of this section shall be in duplicate upon a form prescribed by the commission, one copy to be filed by the campaign treasurer with the commission, and one copy to be retained by him for his records. Each statement shall be certified as correct by the campaign treasurer or deputy

treasurer making the deposit. [1975-'76 2nd ex.s. c 112 § 9.]

**42.17.070 Authorization of expenditures and restrictions thereon.** No expenditures shall be made or incurred by any candidate or political committee except on the authority of the campaign treasurer or the candidate, and a record of all such expenditures shall be maintained by the campaign treasurer. [1973 c 1 § 7 (Initiative Measure No. 276 § 7).]

**42.17.080 Candidates' and treasurers' duty to report.** (1) On the day the campaign treasurer is designated, each candidate or political committee shall file with the commission and the county auditor of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition, the county in which the campaign treasurer resides), in addition to any statement of organization required under RCW 42.17.040, a report of all contributions received and expenditures made in the election campaign prior to that date.

(2) At the following intervals each campaign treasurer shall file with the commission and the county auditor of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition the county in which the campaign treasurer resides) a further report of the contributions received and expenditures made since the date of the last report:

(a) On the fifth and nineteenth days immediately preceding the date on which the election is held; and

(b) Within ten days after the date of a primary election, and within twenty-one days after the date of all other elections; and

(c) On the tenth day of each month preceding the election in which no other reports are required to be filed under this section: *Provided*, That such report shall only be filed if the committee has received a contribution or made an expenditure in the preceding calendar month. Interest on moneys deposited or service charges shall not be deemed contributions or expenditures.

The report filed under paragraph (b) above shall be the final report if there is no outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and if in the case of a political committee, the committee has ceased to function and has dissolved. If the candidate or political committee has any outstanding debt or obligation, additional reports shall be filed at least once every six months until the obligation or indebtedness is entirely satisfied at which time a final report shall be filed. Upon submitting a final report, the duties of the campaign treasurer shall cease and there shall be no obligation to make any further reports.

(3) The campaign treasurer shall maintain books of account in accordance with generally accepted accounting principles reflecting all contributions and expenditures on a current basis within three business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day and shall be open for public inspection for at least two

consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 as now or hereafter amended, at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.

(4) All reports filed pursuant to this section shall be certified as correct by the candidate and the campaign treasurer.

(5) Copies of all reports filed pursuant to this section shall be readily available for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 as now or hereafter amended, at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer. [1975 1st ex.s. c 294 § 6; 1973 c 1 § 8 (Initiative Measure No. 276 § 8).]

**42.17.090 Contents of report.** (1) Each report required under RCW 42.17.080 shall disclose for the period beginning at the end of the period for the last report or, in the case of an initial report, at the time of the first contribution or expenditure, and ending not more than three days prior to the date the report is due:

(a) The funds on hand at the beginning of the period;

(b) The name and address of each person who has made one or more contributions during the period, together with the money value and date of such contributions and the aggregate value of all contributions received from each such person during the campaign or in the case of a continuing political committee, the current calendar year: *Provided*, That the income which results from the conducting of a fund-raising activity which has previously been reported in accordance with RCW 42.17.067 may be reported as one lump sum, with the exception of that portion of such income which was received from persons whose names and addresses are required to be included in the report required by RCW 42.17.067: *Provided further*, That contributions not exceeding ten dollars in the aggregate from any one person during the election campaign may be reported as one lump sum so long as the campaign treasurer maintains a separate and private list of the names, addresses, and amounts of each such contributor;

(c) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, together with the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(d) The name and address of each political committee from which the reporting committee or candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts, dates, and purpose of all such transfers;

(e) All other contributions not otherwise listed or exempted;

(f) The name and address of each person to whom an expenditure was made in the aggregate amount of twenty-five dollars or more, and the amount, date, and purpose of each such expenditure;

(g) The total sum of expenditures;

(h) The surplus or deficit of contributions over expenditures;

(i) The disposition made of any surplus of contributions over expenditures;

(j) Such other information as shall be required by the commission by regulation in conformance with the policies and purposes of this chapter; and

(k) Funds received from a political committee not domiciled in Washington state and not otherwise required to report under this chapter (a "nonreporting committee"). Such funds shall be forfeited to the state of Washington unless the nonreporting committee or the recipient of such funds has filed or within three days following such receipt shall file with the commission a statement disclosing: (i) its name and address; (ii) the purposes of the nonreporting committee; (iii) the names, addresses, and titles of its officers or if it has no officers, the names, addresses, and titles of its responsible leaders; (iv) a statement whether the nonreporting committee is a continuing one; (v) the name, office sought, and party affiliation of each candidate in the state of Washington whom the nonreporting committee is supporting, and, if such committee is supporting the entire ticket of any party, the name of the party; (vi) the ballot proposition supported or opposed in the state of Washington, if any, and whether such committee is in favor of or opposed to such proposition; (vii) the name and address of each person residing in the state of Washington or corporation which has a place of business in the state of Washington who has made one or more contributions to the nonreporting committee during the preceding twelve-month period, together with the money value and date of such contributions; (viii) the name and address of each person in the state of Washington to whom an expenditure was made by the nonreporting committee on behalf of a candidate or political committee in the aggregate amount of twenty-five dollars or more, the amount, date, and purpose of such expenditure, and the total sum of such expenditures; (ix) such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter.

(2) The campaign treasurer and the candidate shall certify the correctness of each report. [1975-'76 2nd ex.s. c 112 § 3; 1975 1st ex.s. c 294 § 7; 1973 c 1 § 9 (Initiative Measure No. 276 § 9).]

**42.17.100 Special reports—Independent campaign expenditures—Contributions to political committees.**

(1) (a) For the purposes of this subsection (1) the term "independent campaign expenditure" shall mean any expenditure which is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW 42.17.060, 42.17.065, 42.17.080, or 42.17.090.

(b) Within three days after the date of making an independent campaign expenditure which by itself or when added to all other such independent campaign

expenditures made during the same election campaign by the same person equals one hundred dollars or more, or within three days after the date of making an independent campaign expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made such independent campaign expenditure shall file with the commission and the county auditor of the county of residence for the candidate supported or opposed by the independent campaign expenditure (or in the case of an expenditure made in support of or in opposition to a ballot proposition, the county of residence for the person making the expenditure) an initial report of all independent campaign expenditures made during such campaign prior to and including such date.

(c) At the following intervals each person who is required to file an initial report pursuant to subsection (1)(b) of this section shall file with the commission and the county auditor of the county of residence for the candidate supported or opposed by the independent campaign expenditure (or in the case of an expenditure made in support of or in opposition to a ballot proposition, the county of residence for the person making the expenditure) a further report of the independent campaign expenditures made since the date of the last report:

(i) On the fifth and nineteenth days immediately preceding the date on which the election is held; and

(ii) Within ten days after the date of a primary election, and within twenty-one days after the date of all other elections; and

(iii) On the tenth day of each month preceding the election in which no other reports are required to be filed pursuant to this subsection (1): *Provided*, That such further reports required by this subsection [(1)](c) shall only be filed if the reporting person has made an independent campaign expenditure since the date of the last previous report filed.

The report filed pursuant to paragraph (ii) of this subsection (1)(c) shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and there shall be no obligation to make any further reports.

(d) All reports filed pursuant to this subsection (1) shall be certified as correct by the reporting person.

(e) Each report required by subsections (1)(b) and (1)(c) of this subsection (1) shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent campaign expenditure, and ending not more than three days prior to the date the report is due:

(i) The name and address of the person filing the report;

(ii) The name and address of each person to whom an independent campaign expenditure was made in the aggregate amount of twenty-five dollars or more, and the amount, date, and purpose of each such expenditure: *Provided*, That if no reasonable estimate of the monetary value of a particular independent campaign expenditure is practicable, it shall be sufficient to report instead a precise description of services, property, or

rights furnished through the expenditure and where appropriate to attach a copy of the item produced or distributed by the expenditure;

(iii) The total sum of all independent campaign expenditures made during the campaign to date; and

(iv) Such other information as shall be required by the commission by regulation in conformance with the policies and purposes of this chapter.

(2) (a) Any person who contributes in the aggregate amount of one hundred dollars or more during the preceding twelve-month period to any political committee not domiciled in the state of Washington or not otherwise required to report under this chapter, if the person reasonably expects such political committee to make contributions in respect to any election covered by this chapter, shall file with the commission a report signed by the contributor disclosing the contributor's name and address, the date, nature, purpose, amount, and recipient of such contribution, and any instructions given as to the use or disbursement of such contribution.

(b) The initial report shall be filed with the commission within three days after the date on which the aggregate contribution amount of one hundred dollars or more is reached, and each subsequent report shall be filed within three days after each subsequent contribution is made to the same such political committee. [1975-'76 2nd ex.s. c 112 § 4; 1973 c 1 § 10 (Initiative Measure No. 276 § 10).]

#### **42.17.110 Commercial advertisers'—Documents and books of account to be open for public inspection—Delivery of copies to commission upon request.**

(1) Each commercial advertiser who has accepted or provided political advertising during the election campaign shall maintain open for public inspection during the campaign and for a period of no less than three years after the date of the applicable election, during normal business hours, documents and books of account which shall specify:

(a) The names and addresses of persons from whom it accepted political advertising;

(b) The exact nature and extent of the advertising services rendered; and

(c) The consideration and the manner of paying that consideration for such services.

(2) Each commercial advertiser which must comply with subsection (1) of this section shall deliver to the commission, upon its request, copies of such information as must be maintained open for public inspection pursuant to subsection (1) of this section. [1975-'76 2nd ex.s. c 112 § 5; 1973 c 1 § 11 (Initiative Measure No. 276 § 11).]

#### **42.17.120 Identification of contributions and communications.** No contribution shall be made and no expenditure shall be incurred, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative, or other person in such a manner as to conceal the identity of the source of the contribution or in any other manner so as to effect concealment. [1975 1st ex.s. c 294 § 8; 1973 c 1 § 12 (Initiative Measure No. 276 § 12).]

**42.17.130 Forbids use of public office or agency facilities in campaigns.** (1) No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency: *Provided*, That the foregoing provisions of this section shall not apply to those activities which are part of the normal and regular conduct of the office or agency. [1975-'76 2nd ex.s. c 112 § 6; 1973 c 1 § 13 (Initiative Measure No. 276 § 13).]

**42.17.140 Campaign expenditure limitations.** (1) The total of expenditures made in any election campaign in connection with any public office shall not exceed the larger of the following amounts:

(a) Ten cents multiplied by the number of voters registered in the constituency at the last general election for the public office; or

(b) Five thousand dollars; or

(c) A sum equal to the public salary which will be paid to the occupant of the office which the candidate seeks, during the term for which the successful candidate will be elected: *Provided*, That with respect to candidates for the office of governor and lieutenant governor of the state of Washington only, a sum equal to the public salary which will be paid the governor during the term sought, multiplied by two; and with respect to candidates for the state legislature only, a sum equal to the public salary which will be paid to a member of the state senate during his term.

(2) In any election campaign in connection with any state-wide ballot proposition the total of expenditures made shall not exceed one hundred thousand dollars. The total of such expenditures in any election campaign in connection with any other ballot proposition shall not exceed ten cents multiplied by the number of voters registered in the constituency voting on such proposition. [1973 c 1 § 14 (Initiative Measure No. 276 § 14).]

## LOBBYIST REPORTING

**42.17.150 Registration of lobbyists.** (1) Before doing any lobbying, or within thirty days after being employed as a lobbyist, whichever occurs first, a lobbyist shall register by filing with the commission a lobbyist registration statement, in such detail as the commission shall prescribe, showing:

(a) His name, permanent business address, and any temporary residential and business addresses in Thurston county during the legislative session;

(b) The name, address and occupation or business of the lobbyist's employer;

(c) The duration of his employment;

(d) His compensation for lobbying; how much he is to be paid for expenses, and what expenses are to be reimbursed; and a full and particular description of any agreement, arrangement or understanding according to which his compensation, or any portion thereof, is or will be contingent upon the success of any attempt to influence legislation;

(e) Whether the person from whom he receives said compensation employs him solely as a lobbyist or whether he is a regular employee performing services for his employer which include but are not limited to the influencing of legislation;

(f) The general subject or subjects of his legislative interest;

(g) A written authorization from each of the lobbyist's employers confirming such employment;

(h) The name and address of the person who will have custody of the accounts, bills, receipts, books, papers, and documents required to be kept under this chapter;

(i) If the lobbyist's employer is an entity (including, but not limited to, business and trade associations) whose members include, or which as a representative entity undertakes lobbying activities for, businesses, groups, associations or organizations, the name and address of each member of such entity or person represented by such entity whose fees, dues, payments or other consideration paid to such entity during either of the prior two years have exceeded five hundred dollars or who is obligated to or has agreed to pay fees, dues, payments or other consideration exceeding five hundred dollars to such entity during the current year.

(2) Any lobbyist who receives or is to receive compensation from more than one person for his services as a lobbyist shall file a separate notice of representation with respect to each such person; except that where a lobbyist whose fee for acting as such in respect to the same legislation or type of legislation is, or is to be, paid or contributed to by more than one person then such lobbyist may file a single statement, in which he shall detail the name, business address and occupation of each person so paying or contributing, and the amount of the respective payments or contributions made by each such person.

(3) Whenever a change, modification, or termination of the lobbyist's employment occurs, the lobbyist shall, within one week of such change, modification or termination, furnish full information regarding the same by filing with the commission an amended registration statement.

(4) Each lobbyist who has registered shall file a new registration statement, revised as appropriate, each January, and failure to do so shall terminate his registration. [1973 c 1 § 15 (Initiative Measure No. 276 § 15).]

## 42.17.155 Photograph and information—Booklet—Publication—Lobbyists' booklet revolving fund.

(1) Each lobbyist shall at the time he registers submit to the commission a recent three inch by five inch black-and-white photograph of himself together with the name of the lobbyist's employer, the length of his employment as a lobbyist before the legislature, a brief biographical description, and any other information he may wish to

submit not to exceed fifty words in length; such photograph and information to be published at least annually in a booklet form by the commission for distribution to legislators and the public.

(2) There is established a fund to be known as the "lobbyists' booklet revolving fund" which shall consist of all receipts from sales of the booklets described in subsection (1) of this section. This fund shall be used for expenses of production and sale of such booklets and for no other purpose. [1975 1st ex.s. c 294 § 21.]

**42.17.160 Exemption from registration.** The following persons and activities shall be exempt from registration and reporting under RCW 42.17.150, 42.17.170, 42.17.190, and 42.17.200:

(1) Persons who limit their lobbying activities to appearance before public sessions of committees of the legislature, or public hearings of state agencies.

(2) News or feature reporting activities and editorial comment by working members of the press, radio, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, or television station.

(3) Persons who lobby without compensation or other consideration for acting as a lobbyist: *Provided*, Such person makes no expenditure for or on behalf of any member of the legislature or elected official or public officer or employee of the state of Washington in connection with such lobbying. Any person exempt under this subsection (3) may at his option register and report under this chapter.

(4) Persons who restrict their lobbying activities to no more than four days or parts thereof during any three-month period and whose total expenditures during such three-month period for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington in connection with such lobbying do not exceed fifteen dollars: *Provided*, That the commission shall promulgate regulations to require disclosure by persons exempt under this subsection or their employers or entities which sponsor or coordinate the lobbying activities of such persons if it determines that such regulations are necessary to prevent frustration of the purposes of this chapter. Any person exempt under this subsection (4) may at his option register and report under this chapter.

(5) The governor.

(6) The lieutenant governor.

(7) Except as provided by RCW 42.17.190(1), members of the legislature.

(8) Except as provided by RCW 42.17.190(1), persons employed by the legislature for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties.

(9) Except as provided by RCW 42.17.190 elected state officers, state officers appointed by the governor subject to confirmation by the senate, and employees of any state agency. [1975 1st ex.s. c 294 § 9; 1973 c 1 § 16 (Initiative Measure No. 276 § 16).]

**42.17.170 Reporting by lobbyists.** (1) Any lobbyist registered under RCW 42.17.150 and any person who

lobbies shall file with the commission periodic reports of his activities signed by both the lobbyist and the lobbyist's employers. The reports shall be made in the form and manner prescribed by the commission. They shall be due quarterly and shall be filed within thirty days after the end of the calendar quarter covered by the report. In addition to the quarterly reports, while the legislature is in session, any lobbyist who lobbies with respect to any legislation shall file interim weekly periodic reports for each week that the legislature is in session, which reports need be signed only by the lobbyist and which shall be filed on each Tuesday for the activities of the week ending on the preceding Saturday: *Provided*, That it shall not be necessary to file any such interim weekly periodic reports for any week during which no expenditure reportable under subsection (2) hereof was made by the reporting person.

(2) Each such quarterly and weekly periodic report shall contain:

(a) The totals of all expenditures made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report, which totals shall be segregated according to financial category, including food and refreshments; living accommodations; advertising; travel; telephone; contributions; office expenses, including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof, paid or incurred for lobbying activities; and other expenses or services: *Provided however*, That unreimbursed personal living and travel expenses of a lobbyist not incurred directly or indirectly for any lobbying purpose need not be reported: *And provided further*, That the interim weekly reports of legislative lobbyists for the legislative session need show only the expenditures for food and refreshments; living accommodations; travel; contributions; and such other categories as the commission shall prescribe by rule. Each individual expenditure of more than fifteen dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(c) An itemized listing of each such expenditure in the nature of a contribution of money or of tangible or intangible personal property to any legislator, or for or on behalf of any legislator. All contributions made to, or for the benefit of, any legislator shall be identified by date, amount, and the name of the legislator receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or rule-making; the proposed rules, standards, rates, or other legislative enactments under chapter 34.04 RCW and chapter 28B.19 RCW (the state administrative procedure acts) and the state agency considering the same; and the number of each senate or house bill, resolution, or other legislative activity which the lobbyist has been

engaged in supporting or opposing during the reporting period: *Provided*, That in the case of appropriations bills the lobbyist shall enumerate the specific section or sections which he supported or opposed. [1975 1st ex.s. c 294 § 10; 1973 c 1 § 17 (Initiative Measure No. 276 § 17).]

**42.17.180 Reports by employers of registered lobbyists.** Every employer of a lobbyist registered under this chapter during the preceding calendar year shall file with the commission on or before March 31st of each year a statement disclosing for the preceding calendar year the following information:

(1) The name of each state elected official and the name of each candidate for state office who was elected to such office and any member of the immediate family of such persons to whom such employer has paid any compensation in the amount of five hundred dollars or more during the preceding calendar year for personal employment or professional services, including professional services rendered by a corporation, partnership, joint venture, association, union, or other entity in which such person holds any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more, the value of such compensation in accordance with the reporting provisions set out in RCW 42.17.240(2), as now or hereafter amended, and the consideration given or performed in exchange for such compensation.

(2) The name of each state elected official, successful candidate for state office or members of his immediate family to whom the lobbyist employer made expenditures, directly or indirectly, either through a lobbyist or otherwise, the amount of such expenditures and the purpose for such expenditures: *Provided*, That for the purposes of this subsection, the term expenditure shall not include any expenditure made by the employer in the ordinary course of business if such expenditure is not made for the purpose of influencing, honoring, or benefiting such elected official, successful candidate or member of his immediate family, as an elected official or candidate.

(3) The total expenditures made by the employer for lobbying purposes, whether through or on behalf of a registered lobbyist or otherwise.

(4) All contributions made to a candidate for state office, to a political committee supporting or opposing a candidate for state office, or to a political committee supporting or opposing a state-wide ballot proposition. Such contributions shall be identified by the name and the address of the recipient and the aggregate amount contributed to each such recipient.

(5) The name and address of each registered lobbyist employed by such employer.

(6) Such other information as the commission shall by rule prescribe. [1975 1st ex.s. c 294 § 11; 1973 c 1 § 18 (Initiative Measure No. 276 § 18).]

**42.17.190 Legislative activities of state agencies and other units of government.** (1) Every legislator and every committee of the legislature shall file with the commission quarterly reports listing the names, addresses, and

salaries of all persons employed by the person or committee making the filing for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties of such legislator or committee during the preceding quarter. The reports shall be made in the form and the manner prescribed by the commission and shall be filed between the first and tenth days of each calendar quarter: *Provided*, That the information required by this subsection may be supplied, insofar as it is available, by the chief clerk of the house of representatives or by the secretary of the senate on a form prepared by the commission.

(2) Unless expressly authorized by law, no state funds shall be used directly or indirectly for lobbying: *Provided*, This shall not prevent state officers or employees from communicating with a member of the legislature on the request of that member; or communicating to the legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties: *Provided further*, That this subsection shall not apply to the legislative branch.

(3) Each state agency which expends state funds for lobbying pursuant to an express authorization by law or whose officers or employees communicate on legislation directly affecting the agency to members of the legislature on request of any member or communicate to the legislature requests for legislation shall file with the commission quarterly statements providing the following information for the quarter just completed:

(a) The name of the agency filing the statement;

(b) The name, title, and job description and salary of each employee engaged in such legislative activity, a general description of the nature of his legislative activities, and the proportionate amount of his time spent on such activities.

The statements shall be in the form and the manner prescribed by the commission and shall be filed within thirty days after the end of the quarter covered by the report.

(4) The provisions of this section shall not relieve any state officer or any employee of a state agency from complying with other provisions of this chapter, if such officer or employee is not otherwise exempted. [1975 1st ex.s. c 294 § 12; 1973 c 1 § 19 (Initiative Measure No. 276 § 19).]

**42.17.195 Intergovernmental information and communications—Reimbursement of employees for expenses incurred authorized—Reporting.** (1) Any city, town, county, municipal corporation, quasi-municipal corporation, or special purpose district may individually compensate and pay for the necessary travel and living expenses incurred by its officers or employees for services rendered on behalf of the city, town, county, municipal corporation, quasi-municipal corporation, or special purpose district in connection with providing information to or communicating with any federal, state, or local elected official or public employee: *Provided*, That this section shall not permit the use of such funds as a direct or indirect emolument, or direct or indirect

campaign contribution, provided to any federal, state, or local elected official or public employee who is so contacted by any officer or employee of a city, town, county, municipal corporation, quasi-municipal corporation, or special purpose district.

(2) For the purposes of promoting open government, any city, town, county, municipal corporation, quasi-municipal corporation, or special purpose district which expends funds pursuant to subsection (1) of this section shall report such funds in the same manner as a state agency would report the expenditures of funds for such purposes pursuant to RCW 42.17.190. [1975-'76 2nd ex.s. c 112 § 14.]

**42.17.200 Grass roots lobbying campaigns.** (1) Any person who has made expenditures, not reported under other sections of this chapter, exceeding five hundred dollars in the aggregate within any three month period or exceeding two hundred dollars in the aggregate within any one month period in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation shall be required to register and report, as provided in subsection (2), as a sponsor of a grass roots lobbying campaign.

(2) Within thirty days after becoming a sponsor of a grass roots lobbying campaign, the sponsor shall register by filing with the commission a registration statement, in such detail as the commission shall prescribe, showing:

(a) The sponsor's name, address, and business or occupation, and, if the sponsor is not an individual, the names, addresses and titles of the controlling persons responsible for managing the sponsor's affairs.

(b) The names, addresses, and business or occupation of all persons organizing and managing the campaign, or hired to assist the campaign, including any public relations or advertising firms participating in the campaign, and the terms of compensation for all such persons.

(c) The names and addresses of all persons contributing to the campaign, and the amount contributed by each contributor.

(d) The purpose of the campaign, including the specific legislation, rules, rates, standards or proposals which are the subject matter of the campaign.

(e) The totals of all expenditures made or incurred to date on behalf of the campaign, which totals shall be segregated according to financial category, including but not limited to the following: advertising, segregated by media, and in the case of large expenditures (as provided by rule of the commission), by outlet; contributions; entertainment, including food and refreshments; office expenses including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof paid or incurred for lobbying campaign activities; consultants; and printing and mailing expenses.

(3) Every sponsor who has registered under this section shall file monthly reports with the commission, which shall be filed by the tenth day of the month for the activity during the preceding month. The reports shall update the information contained in the sponsor's registration statement and in prior reports and shall

show contributions received and totals of expenditures made during the month, in the same manner as provided for in the registration statement.

(4) When the campaign has been terminated, the sponsor shall file a notice of termination with the final monthly report, which notice shall state the totals of all contributions and expenditures made on behalf of the campaign, in the same manner as provided for in the registration statement. [1973 c 1 § 20 (Initiative Measure No. 276 § 20).]

**42.17.210 Employment of legislators, attaches, or state employees—Statement, contents and filing.** If any person registered or required to be registered as a lobbyist under this chapter employs, or if any employer of any person registered or required to be registered as a lobbyist under this chapter, employs any member of the legislature, or any member of any state board or commission, or any employee of the legislature, or any full time state employee, if such new employee shall remain in the partial employ of the state or any agency thereof, then the new employer shall file a statement under oath with the commission setting out the nature of the employment, the name of the person to be paid thereunder, and the amount of pay or consideration to be paid thereunder. The statement shall be filed within fifteen days after the commencement of such employment. [1973 c 1 § 21 (Initiative Measure No. 276 § 21).]

**42.17.220 Employment of unregistered persons.** It shall be a violation of this chapter for any person to employ for pay or any consideration, or pay or agree to pay any consideration to, a person to lobby who is not registered under this chapter except upon condition that such person register as a lobbyist as provided by this chapter, and such person does in fact so register as soon as practicable. [1973 c 1 § 22 (Initiative Measure No. 276 § 22).]

**42.17.230 Duties of lobbyists.** A person required to register as a lobbyist under this chapter shall also have the following obligations, the violation of which shall constitute cause for revocation of his registration, and may subject such person, and such person's employer, if such employer aids, abets, ratifies or confirms any such act, to other civil liabilities, as provided by this chapter:

(1) Such persons shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the financial reports required to be made under this chapter for a period of at least six years from the date of the filing of the statement containing such items, which accounts, bills, receipts, books, papers and documents shall be made available for inspection by the commission at any time: *Provided*, That if a lobbyist is required under the terms of his employment contract to turn any records over to his employer, responsibility for the preservation of such records under this subsection shall rest with such employer.

(2) In addition, a person required to register as a lobbyist shall not:



(a) Engage in any activity as a lobbyist before registering as such;

(b) Knowingly deceive or attempt to deceive any legislator as to any fact pertaining to any pending or proposed legislation;

(c) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its defeat;

(d) Knowingly represent an interest adverse to any of his employers without first obtaining such employer's written consent thereto after full disclosure to such employer of such adverse interest;

(e) Exercise any undue influence, extortion, or unlawful retaliation upon any legislator by reason of such legislator's position with respect to, or his vote upon, any pending or proposed legislation. [1973 c 1 § 23 (Initiative Measure No. 276 § 23).]

### REPORTING OF ELECTED OFFICIALS FINANCIAL AFFAIRS

**42.17.240 Elected and appointed officials reports of financial affairs (as amended by 1975-'76 2nd ex.s. c 104). (Effective only if ratified by approval of the electorate of Referendum Bill No. 36 at the November 2, 1976 state general election.)** (1) Every elected official (except president, vice president and precinct committeemen), every chief executive state officer as specified in RCW 43.17.020, as now or hereafter amended, the director of the office of program planning and fiscal management, the director of the department of personnel, and every member appointed to the state board for community college education, office of community development, data processing authority, state finance committee, department of fisheries, forest practices board, forest practices appeals board, gambling commission, game commission, department of game, each professional staff member of the office of the governor, and each professional staff member of the legislature, higher education personnel board, state highway commission, horse racing commission, human rights commission, board of industrial insurance appeals, liquor control board, interagency commission for outdoor recreation, parks and recreation commission, personnel board, board of prison terms and paroles, public disclosure commission, public employees' retirement system, public pension commission, University of Washington board of regents, Washington State University board of regents, board of tax appeals, teachers' retirement system, Central Washington State College board of trustees, Eastern Washington State College board of trustees, Evergreen State College board of trustees, Western Washington State College board of trustees, board of trustees of each community college, and the utilities and transportation commission, and each chief executive officer of the various state boards, authorities, commissions, councils, and other political agencies enumerated in this section in addition to those specified in RCW 43.17.020 shall after January 1st and before January 31st of each year; and every candidate, and every person appointed to fill a vacancy in an elective office (except for the offices of president, vice president, and precinct committeeman) shall, within two weeks of becoming a candidate, and every person appointed to the appointive positions enumerated herein shall, within two weeks of being so appointed, or being appointed to such elective office, file with the commission a written statement sworn as to its truth and accuracy stating for himself and all members of his immediate family, for the preceding twelve months: *Provided*, That no individual shall be required to file more than once in any calendar year:

(a) Occupation, name of employer, and business address; and

(b) Each bank or savings account or insurance policy in which any such person or persons owned a direct financial interest which exceeded five thousand dollars at any time during such period; each other item of intangible personal property in which any such person or persons owned a direct financial interest, the value of which exceeded five hundred dollars during such period; and the name, address, nature of entity, nature and highest value of each such direct financial interest during the reporting period; and

(c) The name and address of each creditor to whom the value of five hundred dollars or more was owed; the original amount of each debt to

each such creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each such debt; and the security given, if any, for each such debt: *Provided*, That debts arising out of a "retail installment transaction" as defined in chapter 63.14 RCW (Retail Installment Sales Act) need not be reported; and

(d) Every public or private office, directorship and position as trustee held; and

(e) All persons for whom any legislation, or any rule, rate, or standard has been prepared, promoted, or opposed for current or deferred compensation: *Provided*, That for the purposes of this subsection, "compensation" shall not include payments made to an elected official by the governmental entity for which such person serves as an elected official for his service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid; and

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of five hundred dollars or more; the value of such compensation; and the consideration given or performed in exchange for such compensation; and

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and with respect to each such entity: (i) With respect to a governmental unit in which the elected official holds any elective office, if such entity has received compensation in any form during the preceding twelve months from such governmental unit, the value of such compensation and the consideration given or performed in exchange for such compensation; (ii) The name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which such entity has received compensation in any form in the amount of two thousand five hundred dollars or more during the preceding twelve months and the consideration given or performed in exchange for such compensation: *Provided*, That the term "compensation" for purposes of this subsection (1)(g)(ii) shall not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing such service: *Provided, further*, That with respect to any bank or commercial lending institution in which is held any such office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address, and occupation of every director and officer of such bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by such bank or commercial lending institution from the governmental entity for which the individual is an elected official or candidate, or all interest paid by a borrower on loans from and all interest paid to a depositor by such bank or commercial lending institution if such interest exceeds six hundred dollars; and

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for such interest; and

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for such interest, and the name and address of the person furnishing such consideration; and

(j) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which a direct financial interest was held: *Provided*, That if a description of such property has been included in a report previously filed, such property may be listed, for purposes of this provision, by reference to such previously filed report;

(k) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds five thousand dollars, in which a corporation, partnership, firm, enterprise, or other

entity had a direct financial interest, in which corporation, partnership, firm or enterprise a ten percent or greater ownership interest was held; and

(1) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall by rule prescribe.

(2) Where an amount is required to be reported under subsection (1), paragraphs (a) through (k) of this section, it shall be sufficient to comply with such requirement to report whether the amount is less than one thousand dollars, at least one thousand dollars but less than five thousand dollars, at least five thousand dollars but less than ten thousand dollars, at least ten thousand dollars but less than twenty-five thousand dollars, or twenty-five thousand dollars or more. An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection shall be interpreted to prevent any person from filing more information or more detailed information than required.

(3) All persons reporting under this section shall not be required to file the statements required to be filed with the secretary of state under RCW 42.21.060. [1975-'76 2nd ex.s. c 104 § 1 (Ref. Bill No. 36); 1975 1st ex.s. c 294 § 13; 1973 c 1 § 24 (Initiative Measure No. 276 § 24).]

**Referral to electorate—1975-'76 2nd ex.s. c 104:** "The 1976 amendatory act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with the provisions of section 1, Article II of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof." [1975-'76 2nd ex.s. c 104 § 2.] This applies to the above proposed amendment to RCW 42.17.240 by 1975-'76 2nd ex.s. c 104 § 1 (Ref. Bill No. 36).

**42.17.240 Elected officials reports of financial affairs (as amended by 1975-'76 2nd ex.s. c 112).** (1) Every elected official (except president, vice president, and precinct committeemen) shall after January 1st and before January 31st of each year; and every candidate, and every person appointed to fill a vacancy in an elective office (except for the offices of president, vice president, and precinct committeeman) shall, within two weeks of becoming a candidate, or being appointed to such elective office, file with the commission a written statement sworn as to its truth and accuracy stating for himself and all members of his immediate family, for the preceding twelve months: *Provided*, That no individual shall be required to file more than once in any calendar year:

(a) Occupation, name of employer, and business address; and

(b) Each bank or savings account or insurance policy in which any such person or persons owned a direct financial interest which exceeded five thousand dollars at any time during such period; each other item of intangible personal property in which any such person or persons owned a direct financial interest, the value of which exceeded five hundred dollars during such period; and the name, address, nature of entity, nature and highest value of each such direct financial interest during the reporting period; and

(c) The name and address of each creditor to whom the value of five hundred dollars or more was owed; the original amount of each debt to each such creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each such debt; and the security given, if any, for each such debt: *Provided*, That debts arising out of a "retail installment transaction" as defined in chapter 63.14 RCW (Retail Installment Sales Act) need not be reported; and

(d) Every public or private office, directorship and position as trustee held; and

(e) All persons for whom any legislation, or any rule, rate, or standard has been prepared, promoted, or opposed for current or deferred compensation: *Provided*, That for the purposes of this subsection, "compensation" shall not include payments made to an elected official by the governmental entity for which such person serves as an elected official for his service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid; and

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of five hundred dollars or more; the value of such compensation; and the consideration given or performed in exchange for such compensation; and

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or

any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and with respect to each such entity: (i) With respect to a governmental unit in which the elected official holds any elective office, if such entity has received compensation in any form during the preceding twelve months from such governmental unit, the value of such compensation and the consideration given or performed in exchange for such compensation; (ii) The name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which such entity has received compensation in any form in the amount of two thousand five hundred dollars or more during the preceding twelve months and the consideration given or performed in exchange for such compensation: *Provided*, That the term "compensation" for purposes of this subsection (1)(g)(ii) shall not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing such service: *Provided further*, That with respect to any bank or commercial lending institution in which is held any such office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address, and occupation of every director and officer of such bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by such bank or commercial lending institution from the governmental entity for which the individual is an elected official or candidate, or all interest paid by a borrower on loans from and all interest paid to a depositor by such bank or commercial lending institution if such interest exceeds six hundred dollars; and

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for such interest; and

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for such interest, and the name and address of the person furnishing such consideration; and

(j) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which a direct financial interest was held: *Provided*, That if a description of such property has been included in a report previously filed, such property may be listed, for purposes of this provision, by reference to such previously filed report; and

(k) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds five thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm or enterprise a ten percent or greater ownership interest was held; and

(l) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall by rule prescribe.

(2) Where an amount is required to be reported under subsection (1), paragraphs (a) through (k) of this section, it shall be sufficient to comply with such requirement to report whether the amount is less than one thousand dollars, at least one thousand dollars but less than five thousand dollars, at least five thousand dollars but less than ten thousand dollars, at least ten thousand dollars but less than twenty-five thousand dollars, or twenty-five thousand dollars or more. An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection shall be interpreted to prevent any person from filing more information or more detailed information than required.

(3) Elected officials and candidates reporting under this section shall not be required to file the statements required to be filed with the secretary of state under RCW 42.21.060. [1975-'76 2nd ex.s. c 112 § 7; 1975 1st ex.s. c 294 § 13; 1973 c 1 § 24 (Initiative Measure No. 276 § 24).]

## REPORTING BY PUBLIC TREASURERS

**42.17.245 Public accounts of governmental entities held by financial institutions—Reports—Contents—Filing.** On or after July 1st but before August 1st of each calendar year, the state treasurer, each county, public utility district, and port district treasurer, and each treasurer of an incorporated city or town whose population exceeds one thousand shall file with the commission a report disclosing for the previous twelve months ending June 30: (1) The name and address of each financial institution which holds or has held during the reporting period public accounts of governmental entities for which the treasurer is responsible; (2) the aggregate sum of time and demand deposits held in each financial institution on June 30 together with the highest balance held at any time during such reporting period. [1975-'76 2nd ex.s. c 112 § 10.]

## PUBLIC RECORDS

**42.17.250 Duty to publish procedures.** (1) Each state agency shall separately state and currently publish in the Washington Administrative Code and each local agency shall prominently display and make available for inspection and copying at the central office of such local agency, for guidance of the public:

(a) Descriptions of its central and field organization and the established places at which, the employees from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain copies of agency decisions;

(b) Statements of the general course and method by which its operations are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(c) Rules of procedure;

(d) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(e) Each amendment or revision to, or repeal of any of the foregoing.

(2) Except to the extent that he has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published or displayed and not so published or displayed. [1973 c 1 § 25 (Initiative Measure No. 276 § 25).]

**42.17.260 Documents and indexes to be made public.**

(1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records. To the extent required to prevent an unreasonable invasion of personal privacy, an agency shall delete identifying details when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.

(2) Each agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after January 1, 1973:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(3) An agency need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event:

(a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

(b) Make available for public inspection and copying all indexes maintained for agency use.

(4) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if—

(a) It has been indexed in an index available to the public; or

(b) Parties affected have timely notice (actual or constructive) of the terms thereof.

(5) This chapter shall not be construed as giving authority to any agency to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies shall not do so unless specifically authorized or directed by law: *Provided, however,* That lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor: *Provided further,* That such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter 34.04 RCW. [1975 1st ex.s. c 294 § 14; 1973 c 1 § 26 (Initiative Measure No. 276 § 26).]

**42.17.270 Facilities for copying—Availability of public records.** Public records shall be available for inspection and copying, and agencies shall, upon request for identifiable public records, make them promptly available to any person. Agency facilities shall be made

available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency. Agencies shall honor requests received by mail for identifiable public records unless exempted by provisions of this chapter. [1975 1st ex.s. c 294 § 15; 1973 c 1 § 27 (Initiative Measure No. 276 § 27).]

**42.17.280 Times for inspection and copying.** Public records shall be available for inspection and copying during the customary office hours of the agency: *Provided*, That if the agency does not have customary office hours of at least thirty hours per week, the public records shall be available from nine o'clock a.m. to noon and from one o'clock p.m. to four o'clock p.m. Monday through Friday, excluding legal holidays, unless the person making the request and the agency or its representative agree on a different time. [1973 c 1 § 28 (Initiative Measure No. 276 § 28).]

**42.17.290 Protection of public records—Public access.** Agencies shall adopt and enforce reasonable rules and regulations, consonant with the intent of this chapter to provide full public access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency. Such rules and regulations shall provide for the fullest assistance to inquirers and the most timely possible action on requests for information. Nothing in this section shall relieve agencies from honoring requests received by mail for copies of identifiable public records. [1975 1st ex.s. c 294 § 16; 1973 c 1 § 29 (Initiative Measure No. 276 § 29).]

**42.17.300 Charges for copying.** No fee shall be charged for the inspection of public records. Agencies may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records, which charges shall not exceed the amount necessary to reimburse the agency for its actual costs incident to such copying. [1973 c 1 § 30 (Initiative Measure No. 276 § 30).]

**42.17.310 Certain personal and other records exempt.** (1) The following shall be exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies

vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, except as the complainant may authorize: *Provided*, That this subsection shall not apply to persons who file complaints with the public disclosure commission about any elected official or candidate for elective office: *Provided, further*, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(2) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records, exempt under the provisions of this section, may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records, is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld. [1975-'76 2nd

ex.s. c 82 § 5; 1975 1st ex.s. c 294 § 17; 1973 c 1 § 31 (Initiative Measure No. 276 § 31).]

**42.17.315 Certain records obtained by colleges, universities, libraries or archives exempt.** Notwithstanding the provisions of RCW 42.17.260 through 42.17.340, as now or hereafter amended, no state college, university, library, or archive shall be required by chapter 42.17 RCW to make available for public inspection and copying any records or documents obtained by said college, university, library, or archive through or concerning any gift, grant, conveyance, bequest, or devise, the terms of which restrict or regulate public access to such records or documents: *Provided*, That this section shall not apply to any public records as defined in RCW 40.14.010. [1975 1st ex.s. c 294 § 22.]

**42.17.320 Prompt responses required.** Responses to requests for public records shall be made promptly by agencies. Denials of requests must be accompanied by a written statement of the specific reasons therefor. Agencies shall establish mechanisms for the most prompt possible review of decisions denying inspection, and such review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action for the purposes of judicial review. [1975 1st ex.s. c 294 § 18; 1973 c 1 § 32 (Initiative Measure No. 276 § 32).]

**42.17.330 Court protection of public records.** The examination of any specific public record may be enjoined if, upon motion and affidavit, the superior court for the county in which the movant resides or in which the record is maintained, finds that such examination would clearly not be in the public interest and would substantially and irreparably damage any person, or would substantially and irreparably damage vital governmental functions. [1975 1st ex.s. c 294 § 19; 1973 c 1 § 33 (Initiative Measure No. 276 § 33).]

**42.17.340 Judicial review of agency actions.** (1) Upon the motion of any person having been denied an opportunity to inspect or copy a public record by an agency, the superior court in the county in which a record is maintained may require the responsible agency to show cause why it has refused to allow inspection or copying of a specific public record or class of records. The burden of proof shall be on the agency to establish that refusal to permit public inspection and copying is required.

(2) Judicial review of all agency actions taken or challenged under RCW 42.17.250 through 42.17.320 shall be de novo. Courts shall take into account the policy of this chapter that free and open examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others. Courts may examine any record in camera in any proceeding brought under this section.

(3) Any person who prevails against an agency in any action in the courts seeking the right to inspect or copy any public record shall be awarded all costs, including

reasonable attorney fees, incurred in connection with such legal action. In addition, it shall be within the discretion of the court to award such person an amount not to exceed twenty-five dollars for each day that he was denied the right to inspect or copy said public record. [1975 1st ex.s. c 294 § 20; 1973 c 1 § 34 (Initiative Measure No. 276 § 34).]

#### ADMINISTRATION AND ENFORCEMENT

**42.17.350 Public disclosure commission—Established—Membership—Compensation, travel expenses.** There is hereby established a "Public Disclosure Commission" which shall be composed of five members who shall be appointed by the governor, with the consent of the senate. All appointees shall be persons of the highest integrity and qualifications. No more than three members shall have an identification with the same political party. The original members shall be appointed within sixty days after January 1, 1973. The term of each member shall be five years except that the original five members shall serve initial terms of one, two, three, four, and five years, respectively, as designated by the governor. No member of the commission, during his tenure, shall (1) hold or campaign for elective office; (2) be an officer of any political party or political committee; (3) permit his name to be used, or make contributions, in support of or in opposition to any candidate or proposition; (4) participate in any way in any election campaign; or (5) lobby or employ or assist a lobbyist. No member shall be eligible for appointment to more than one full term. A vacancy on the commission shall be filled within thirty days of the vacancy by the governor, with the consent of the senate, and the appointee shall serve for the remaining term of his predecessor. A vacancy shall not impair the powers of the remaining members to exercise all of the powers of the commission. Three members of the commission shall constitute a quorum. The commission shall elect its own chairman and adopt its own rules of procedure in the manner provided in chapter 34.04 RCW. Any member of the commission may be removed by the governor, but only upon grounds of neglect of duty or misconduct in office.

Each member shall receive seventy-five dollars for each day or portion thereof spent in performance of his duties as a member of the commission, and in addition shall be reimbursed for travel expenses incurred while engaged in the business of the commission as provided in RCW 43.03.050 and 43.43.060 as now or hereafter amended. The compensation provided pursuant to this section shall not be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state.

Nothing in this section shall prohibit the commission, or any of its members or staff on the authority of the commission, from responding to communications from the legislature or any of its members or from any state agency or from appearing and testifying at an open public meeting (as defined by RCW 42.30.030) or a hearing to adopt rules held pursuant to RCW 34.04.025 on matters directly affecting the exercise of their duties and powers under this chapter. [1975-'76 2nd ex.s. c

112 § 8; 1975-'76 2nd ex.s. c 34 § 93; 1975 1st ex.s. c 294 § 23; 1973 c 1 § 35 (Initiative Measure No. 276 § 35).]

**Effective date—Severability—**1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

**42.17.360 Commission—Duties.** The commission shall:

(1) Develop and provide forms for the reports and statements required to be made under this chapter:

(2) Prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter;

(3) Compile and maintain a current list of all filed reports and statements;

(4) Investigate whether properly completed statements and reports have been filed within the times required by this chapter;

(5) Upon complaint or upon its own motion, investigate and report apparent violations of this chapter to the appropriate law enforcement authorities;

(6) Prepare and publish an annual report to the governor as to the effectiveness of this chapter and its enforcement by appropriate law enforcement authorities; and

(7) Enforce this chapter according to the powers granted it by law. [1973 c 1 § 36 (Initiative Measure No. 276 § 36).]

**42.17.370 Commission—Additional powers.** The commission is empowered to:

(1) Adopt, promulgate, amend, and rescind suitable administrative rules and regulations to carry out the policies and purposes of this chapter, which rules and regulations shall be promulgated pursuant to the provisions of chapter 34.04 RCW;

(2) Prepare and publish such reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;

(3) Make from time to time, on its own motion, audits and field investigations;

(4) Make public the time and date of any formal hearing set to determine whether a violation has occurred, the question or questions to be considered, and the results thereof;

(5) Administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence and require the production of any books, papers, correspondence, memorandums, or other records which the commission deems relevant or material for the purpose of any investigation authorized under this chapter, or any other proceeding under this chapter;

(6) Adopt and promulgate a code of fair campaign practices;

(7) Relieve, by published regulation of general applicability, candidates or political committees of obligations to comply with the provisions of this chapter relating to

election campaigns, if they have not received contributions nor made expenditures in connection with any election campaign of more than one thousand dollars; and

(8) Enact regulations prescribing reasonable requirements for keeping accounts of and reporting on a quarterly basis costs incurred by state agencies, counties, cities, and other municipalities and political subdivisions in preparing, publishing, and distributing legislative information. The term "legislative information", for the purposes of this subsection, means books, pamphlets, reports, and other materials prepared, published, or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his regular examination of each agency under chapter 43.09 RCW shall review such regulations, accounts, and reports and make appropriate findings, comments, and recommendations in his examination reports concerning those agencies.

(9) The commission, after hearing, by order approved and ratified by a majority of the membership of the commission, may suspend or modify any of the reporting requirements hereunder in a particular case if it finds that literal application of this chapter works a manifestly unreasonable hardship and if it also finds that such suspension or modification will not frustrate the purposes of the chapter. Any such suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required hereunder. Any citizen shall have standing to bring an action in Thurston county superior court to contest the propriety of any order entered hereunder within one year from the date of the entry of such order. [1975 1st ex.s. c 294 § 25; 1973 c 1 § 37 (Initiative Measure No. 276 § 37).]

**42.17.380 Secretary of state, attorney general—Duties.** (1) The secretary of state, through his office, shall perform such ministerial functions as may be necessary to enable the commission to carry out its responsibilities under this chapter. The office of the secretary of state shall be designated as the place where the public may file papers or correspond with the commission and receive any form or instruction from the commission.

(2) The attorney general, through his office, shall supply such assistance as the commission may require in order to carry out its responsibilities under this chapter. The commission may employ attorneys who are neither the attorney general nor an assistant attorney general to carry out any function of the attorney general prescribed in this chapter. [1975 1st ex.s. c 294 § 26; 1973 c 1 § 38 (Initiative Measure No. 276 § 38).]

**42.17.390 Civil remedies and sanctions.** (1) One or more of the following civil remedies and sanctions may be imposed by court order in addition to any other remedies provided by law:

(a) If the court finds that the violation of any provision of this chapter by any candidate or political committee probably affected the outcome of any election, the

result of said election may be held void and a special election held within sixty days of such finding. Any action to void an election shall be commenced within one year of the date of the election in question. It is intended that this remedy be imposed freely in all appropriate cases to protect the right of the electorate to an informed and knowledgeable vote.

(b) If any lobbyist or sponsor of any grass roots lobbying campaign violates any of the provisions of this chapter, his registration may be revoked or suspended and he may be enjoined from receiving compensation or making expenditures for lobbying: *Provided, however,* That imposition of such sanction shall not excuse said lobbyist from filing statements and reports required by this chapter.

(c) Any person who violates any of the provisions of this chapter may be subject to a civil penalty of not more than ten thousand dollars for each such violation.

(d) Any person who fails to file a properly completed statement or report within the time required by this chapter may be subject to a civil penalty of ten dollars per day for each day each such delinquency continues.

(e) Any person who fails to report a contribution or expenditure may be subject to a civil penalty equivalent to the amount he failed to report.

(f) The court may enjoin any person to prevent the doing of any act herein prohibited, or to compel the performance of any act required herein. [1973 c 1 § 39 (Initiative Measure No. 276 § 39).]

**42.17.392 Civil penalty for untimely filing—Payment—Waiver—Enforcement.** (1) Upon the failure of any person to file with the commission or the appropriate county auditor on or before the time specified in this chapter any statement or report herein required to be filed, a civil penalty in the amount of ten dollars shall be forthwith due and payable by the person responsible for the filing thereof. Except as provided in subsection (2) of this section, payment of such civil penalty shall be made to the commission upon the filing of such statement or report subsequent to its due date.

(2) Upon application by the person responsible for such filing the commission may waive the imposition of the civil penalty specified in subsection (1) of this section, if the commission finds that failure to file in timely manner was unavoidable. Application for waiver of penalty shall be by petition in writing, setting forth the circumstances upon which the petitioner relies, and verified under oath by the petitioner. Such written application shall be submitted with the statement or report and shall operate to defer the payment of the civil penalty pending action upon the application by the commission. If the commission finds that failure to file in timely manner was unavoidable, the commission shall enter its order waiving imposition of the penalty. If no such report is timely filed and if the commission finds that failure to file in a timely manner was avoidable, the commission may either:

(a) Enter an order directing immediate payment of the amount of the penalty. The person against whom such order is directed shall be designated as the respondent; or

(b) Find that an apparent violation of this chapter has occurred and take or direct appropriate action in accordance with the provisions of this chapter.

(3) No action taken by the commission pursuant to subsection (2) of this section shall be subject to any provision of law requiring the prior holding of a hearing: *Provided,* That action taken or directed after a finding of an apparent violation under subsection (2)(b) of this section shall be fully subject to the provisions of this chapter under which the commission chooses to proceed.

(4) Any order issued by the commission under this section shall be subject to judicial review under the administrative procedure act (chapter 34.04 RCW). If the commission's order is not satisfied and no petition for review is filed within thirty days as provided in RCW 34.04.130, the commission may petition the superior court of any county in which a petition for review could be filed under that section, for an order of enforcement. Proceedings in connection with the commission's petition shall be in accordance with RCW 42.17.397. [1975-'76 2nd ex.s. c 112 § 11.]

**42.17.395 Violations—Determination by commission—Issuance and enforcement of order—Hearing—Referral—Judicial review—Petition for order of enforcement.** (1) The commission may (a) determine whether an actual violation of this chapter has occurred; and (b) issue and enforce an appropriate order following such determination.

(2) The commission, in cases where it chooses to determine whether an actual violation of this chapter has occurred, shall hold a contested case hearing pursuant to the administrative procedure act (chapter 34.04 RCW) to make such determination. Any order which the commission issues under this section shall be pursuant to such hearing.

(3) In lieu of holding a hearing or issuing an order under this section, the commission may refer the matter to the attorney general or other enforcement agency as provided in RCW 42.17.360.

(4) The person against whom an order is directed under this section shall be designated as the respondent. Such order may require the respondent to cease and desist from the activity which constitutes a violation and in addition, or alternatively, may impose one or more of the remedies provided in RCW 42.17.390(1) (b), (c), (d), or (e): *Provided,* That no individual penalty assessed by the commission shall exceed two hundred fifty dollars, and in any case where multiple violations are involved in a single complaint or hearing, the maximum aggregate penalty shall not exceed five hundred dollars.

(5) An order issued by the commission under this section shall be subject to judicial review under the administrative procedure act (chapter 34.04 RCW). If the commission's order is not satisfied and no petition for review is filed within thirty days as provided in RCW 34.04.130, the commission may petition the superior court of any county in which a petition for review could be filed under that section, for an order of enforcement. Proceedings in connection with the commission's petition shall be in accordance with RCW 42.17.397. [1975-'76 2nd ex.s. c 112 § 12.]

**42.17.397 Procedure upon petition for enforcement of order of commission—Court's order of enforcement.** The following procedure shall apply in all cases where the commission has petitioned a superior court for enforcement of any order it has issued pursuant to this chapter:

(1) A copy of the petition shall be served by certified mail directed to the respondent at his last known address. The court shall issue an order directing the respondent to appear at a time designated in the order, not less than five days from the date thereof, and show cause why the commission's order should not be enforced according to its terms.

(2) The commission's order shall be enforced by the court if the respondent does not appear, or if the respondent appears and the court finds, pursuant to a hearing held for that purpose:

(a) That the commission's order is unsatisfied; and

(b) That the order is regular on its face; and

(c) That the respondent's answer discloses no valid reason why the commission's order should not be enforced or that the respondent had an appropriate remedy by review under RCW 34.04.130 and failed to avail himself of that remedy without valid excuse.

(3) Upon appropriate application by the respondent, the court may, after hearing and for good cause, alter, amend, revise, suspend, or postpone all or part of the commission's order. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in writing, and such action shall be subject to review by the appellate courts by certiorari or other appropriate proceeding.

(4) The court's order of enforcement, when entered, shall have the same force and effect as a civil judgment. [1975-'76 2nd ex.s. c 112 § 13.]

**42.17.400 Enforcement.** (1) The attorney general and the prosecuting authorities of political subdivisions of this state may bring civil actions in the name of the state for any appropriate civil remedy, including but not limited to the special remedies provided in RCW 42.17.390.

(2) The attorney general and the prosecuting authorities of political subdivisions of this state may investigate or cause to be investigated the activities of any person who there is reason to believe is or has been acting in violation of this chapter, and may require any such person or any other person reasonably believed to have information concerning the activities of such person to appear at a time and place designated in the county in which such person resides or is found, to give such information under oath and to produce all accounts, bills, receipts, books, paper and documents which may be relevant or material to any investigation authorized under this chapter.

(3) When the attorney general or the prosecuting authority of any political subdivision of this state requires the attendance of any person to obtain such information or the production of the accounts, bills, receipts, books, papers, and documents which may be relevant or material to any investigation authorized under this chapter, he shall issue an order setting forth

the time when and the place where attendance is required and shall cause the same to be delivered to or sent by registered mail to the person at least fourteen days before the date fixed for attendance. Such order shall have the same force and effect as a subpoena, shall be effective state-wide, and, upon application of the attorney general or said prosecuting authority, obedience to the order may be enforced by any superior court judge in the county where the person receiving it resides or is found, in the same manner as though the order were a subpoena. The court, after hearing, for good cause, and upon application of any person aggrieved by the order, shall have the right to alter, amend, revise, suspend, or postpone all or any part of its provisions. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in writing, and such action shall be subject to review by the appellate courts by certiorari or other appropriate proceeding.

(4) Any person who has notified the attorney general and the prosecuting attorney in the county in which the violation occurred in writing that there is reason to believe that some provision of this chapter is being or has been violated may himself bring in the name of the state any of the actions (hereinafter referred to as a citizen's action) authorized under this chapter. This citizen action may be brought only if the attorney general and the prosecuting attorney have failed to commence an action hereunder within forty-five days after such notice and such person has thereafter further notified the attorney general and prosecuting attorney that said person will commence a citizen's action within ten days upon their failure so to do, and the attorney general and the prosecuting attorney have in fact failed to bring such action within ten days of receipt of said second notice. If the person who brings the citizen's action prevails, the judgment awarded shall escheat to the state, but he shall be entitled to be reimbursed by the state of Washington for costs and attorney's fees he has incurred: *Provided*, That in the case of a citizen's action which is dismissed and which the court also finds was brought without reasonable cause, the court may order the person commencing the action to pay all costs of trial and reasonable attorney's fees incurred by the defendant.

(5) In any action brought under this section, the court may award to the state all costs of investigation and trial, including a reasonable attorney's fee to be fixed by the court. If the violation is found to have been intentional, the amount of the judgment, which shall for this purpose include the costs, may be trebled as punitive damages. If damages or trebled damages are awarded in such an action brought against a lobbyist, the judgment may be awarded against the lobbyist, and the lobbyist's employer or employers joined as defendants, jointly, severally, or both. If the defendant prevails, he shall be awarded all costs of trial, and may be awarded a reasonable attorney's fee to be fixed by the court to be paid by the state of Washington. [1975 1st ex.s. c 294 § 27; 1973 c 1 § 40 (Initiative Measure No. 276 § 40).]

**42.17.410 Limitation on actions.** Any action brought under the provisions of this chapter must be commenced



within six years after the date when the violation occurred. [1973 c 1 § 41 (Initiative Measure No. 276 § 41).]

**42.17.420 Date of mailing deemed date of receipt.** When any application, report, statement, notice, or payment required to be made under the provisions of this chapter has been deposited postpaid in the United States mail properly addressed, it shall be deemed to have been received on the date of mailing. It shall be presumed that the date shown by the post office cancellation mark on the envelope is the date of mailing. [1973 c 1 § 42 (Initiative Measure No. 276 § 42).]

**42.17.430 Certification of reports.** Every report and statement required to be filed under this chapter shall identify the person preparing it, and shall be certified as complete and correct, both by the person preparing it and by the person on whose behalf it is filed. [1973 c 1 § 43 (Initiative Measure No. 276 § 43).]

**42.17.440 Statements and reports public records.** All statements and reports filed under this chapter shall be public records of the agency where they are filed, and shall be available for public inspection and copying during normal business hours at the expense of the person requesting copies, provided that the charge for such copies shall not exceed actual cost to the agency. [1973 c 1 § 44 (Initiative Measure No. 276 § 44).]

**42.17.450 Duty to preserve statements and reports.** Persons with whom statements or reports or copies of statements or reports are required to be filed under this chapter shall preserve them for not less than six years. The commission, however, shall preserve such statements or reports for not less than ten years. [1973 c 1 § 45 (Initiative Measure No. 276 § 45).]

**42.17.900 Effective date—1973 c 1.** The effective date of this act shall be January 1, 1973. [1973 c 1 § 49 (Initiative Measure No. 276 § 49).]

**42.17.910 Severability—1973 c 1.** 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. [1973 c 1 § 46 (Initiative Measure No. 276 § 46).]

**42.17.911 Severability—1975 1st ex.s. c 294.** If any provision of this 1975 amendatory 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. [1975 1st ex.s. c 294 § 29.]

**42.17.912 Severability—1975-'76 2nd ex.s. c 112.** If any provision of this 1976 amendatory 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. [1975-'76 2nd ex.s. c 112 § 16.]

**42.17.920 Construction—1973 c 1.** The provisions of this act are to be liberally construed to effectuate the policies and purposes of this act. In the event of conflict between the provisions of this act and any other act, the provisions of this act shall govern. [1973 c 1 § 47 (Initiative Measure No. 276 § 47).]

**42.17.930 Chapter, section headings not part of law.** Chapter and section captions or headings as used in this act do not constitute any part of the law. [1973 c 1 § 48 (Initiative Measure No. 276 § 48).]

**42.17.940 Repealer.** Chapter 9, Laws of 1965, as amended by section 9, chapter 150, Laws of 1965 ex. sess., and RCW 29.18.140; and chapter 131, Laws of 1967 ex. sess. and RCW 44.64; and chapter 82, Laws of 1972 (42nd Leg. 2nd Ex. Sess.) and Referendum Bill No. 24; and chapter 98, Laws of 1972 (42nd Leg. 2nd Ex. Sess.) and Referendum Bill No. 25 are each hereby repealed. [1973 c 1 § 50 (Initiative Measure No. 276 § 50).]

**42.17.945 Construction—1975-'76 2nd ex.s. c 112.** The provisions of this 1976 amendatory act are intended to be remedial and shall be liberally construed, and nothing in this 1976 amendatory act shall be construed to limit the power of the commission under any other provision of chapter 42.17 RCW. [1975-'76 2nd ex.s. c 112 § 15.]

## Chapter 42.18

### EXECUTIVE CONFLICT OF INTEREST ACT

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**42.18.010 Policy and purpose.** It is the policy and purpose of this chapter to promote and balance the dual objectives of protecting the integrity of the government of the state of Washington and of facilitating the recruitment and retention of the personnel needed by the state, by prescribing essential restrictions against conflicts of interest in the executive branch of the state government without creating unnecessary barriers to public service. [1969 ex.s. c 234 § 1.]

**42.18.020 Application of definitions.** Unless the context clearly requires otherwise, for purposes of this chapter, the terms defined in RCW 42.18.030 through 42.18.150 shall have the meanings therein set forth. [1969 ex.s. c 234 § 2.]

**42.18.030 Agency.** "Agency" means:

- (1) The office of the governor.
- (2) Any office, department, board, commission, or other separate unit or division, however designated, of the state government, together with all personnel thereof:
  - (a) Upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature; and
  - (b) That has as its chief executive officer a person or combination of persons such as a commission, board, or council, by law empowered to operate it, responsible either to (i) no other public officer or (ii) the governor. [1969 ex.s. c 234 § 3.]

**42.18.040 Agency head.** "Agency head" and "head of agency" mean the chief executive officer of an agency, who shall be the chairman in the case of an independent establishment which is a commission, board, or committee. [1969 ex.s. c 234 § 4.]

**42.18.050 Assist.** "Assist" means to act, or offer or agree to act, in such a way as to help, aid, advise, furnish information to, or otherwise provide assistance to another person, believing that such action is of help, aid, advice, or assistance to such person and with intent so to assist such person. [1969 ex.s. c 234 § 5.]

**42.18.060 Compensation.** "Compensation" means anything of economic value, however designated, which is paid, loaned, granted, or transferred, or to be paid, loaned, granted, or transferred for, or in consideration of, personal services to any person. [1969 ex.s. c 234 § 6.]

**42.18.070 Intermittent state employee.** "Intermittent state employee" means any state employee, as defined in RCW 42.18.130, who has performed services as such employee on not more than fifty-two working days (which shall not include Saturdays, Sundays, and holidays) out of the preceding three hundred and sixty-five calendar days: *Provided, That:*

(1) A reserve of the Washington national guard, unless otherwise a regular state employee, shall be classified as an intermittent state employee for purposes of this chapter while on active duty solely for training irrespective of the number of days of such training;

(2) Irrespective of the fact he has performed services on less than fifty-two working days, a state employee shall be deemed a regular state employee and not an intermittent state employee, if:

(a) He was appointed to a position calling for regular and continuing full time services; and

(b) His appointment did not evidence an intent that his services would be for a period of less than one hundred and thirty working days in the three hundred and sixty-five calendar day period following such appointment.

An intermittent state employee shall be in such status on days on which he performs no services as well as days on which he performs services. [1969 ex.s. c 234 § 7.]

**42.18.080 Participate.** "Participate," in connection with a transaction involving the state, means to participate in state action or a proceeding personally and substantially as a state employee, through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or otherwise. [1969 ex.s. c 234 § 8.]

**42.18.090 Person.** "Person" means any individual, partnership, association, corporation, firm, institution, or other entity, whether or not operated for profit. [1969 ex.s. c 234 § 9.]

**42.18.100 Regular state employee.** "Regular state employee" means any state employee other than an intermittent state employee as defined in RCW 42.18.070. [1969 ex.s. c 234 § 10.]

**42.18.110 Responsibility.** "Responsibility" in connection with a transaction involving the state, means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or through subordinates, effectively to approve, disapprove, or otherwise direct state action in respect of such transaction. [1969 ex.s. c 234 § 11.]

**42.18.120 State action.** "State action" means any action on the part of an agency, including, but not limited to:

(1) Any decision, determination, finding, ruling, or order; and

(2) Any grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect thereto. [1969 ex.s. c 234 § 12.]

**42.18.130 State employee.** "State employee" means any individual who is appointed by an agency head, as defined in RCW 42.18.040, or his designee, and serves under the supervision and authority of an agency as defined in RCW 42.18.030.

Notwithstanding the foregoing, the term "state employee" shall not include any of the following:

- (1) Officers and employees in the legislative and judicial branches of the state of Washington; and
- (2) A reserve of the Washington national guard, when he is not on active duty and is not otherwise a state employee.

An individual shall not be deemed an employee solely by reason of his being subject to recall to active service.

Every state employee shall be deemed either "intermittent" or "regular" as determined by the definitions contained in RCW 42.18.070 and 42.18.100 respectively.

The term "state employee" also includes any member of a commission, board, committee or any other multi-member governing body of an agency. [1973 c 137 § 1; 1969 ex.s. c 234 § 13.]

**42.18.140 Thing of economic value.** "Thing of economic value" includes:

- (1) Any loan, property interest, interest in a contract or other chose in action, and any employment or other arrangement involving a right to compensation;
- (2) Any option, irrespective of the conditions to the exercise of such option; and
- (3) Any promise or undertaking for the present or future delivery or procurement.

In the case of an option, promise, or undertaking, the time of receipt of the thing of economic value shall be deemed to be, respectively, the time the option becomes fixed, regardless of the conditions of its exercise, and the time the promise of undertaking is made, regardless of the condition to its performance. [1969 ex.s. c 234 § 14.]

**42.18.150 Transaction involving the state.** "Transaction involving the state" means any proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other such particular matter which the state employee or former state employee in question believes, or has reason to believe:

- (1) Is, or will be, the subject of state action; or
- (2) Is one to which the state is or will be a party; or
- (3) Is one in which the state has a direct and substantial proprietary interest. [1969 ex.s. c 234 § 15.]

**42.18.160 Participating in transactions involving the state—Substantial economic interest.** (1) No state employee shall participate in a transaction involving the state in the consequences of which he has a substantial economic interest of which he may reasonably be expected to know.

(2) No state employee shall participate in a transaction involving the state in the consequences of which, to his actual knowledge, any of the following persons has a direct and substantial economic interest:

- (a) His spouse or child; or

(b) Any person in which he has a substantial economic interest of which he may reasonably be expected to know; or

(c) Any person of which he is an officer, director, trustee, partner, or employee; or

(d) Any person with whom he is negotiating or has any arrangement concerning prospective employment; or

(e) Any person who is a party to an existing contract with such state employee or an obligee of such state employee as to a thing of economic value and who, by reason thereof, is in a position to affect directly and substantially such employee's economic interests.

(3) Every state employee shall disqualify himself from participating in a transaction involving the state when a violation of subsection (1) or (2) would otherwise result. The procedures for such disqualification shall be established by regulations issued pursuant to RCW 42.18.240.

(4) The term "substantial economic interest" may be defined by regulations issued by the governor pursuant to RCW 42.18.240 but shall not include:

(a) The interest of a state employee in his grade, salary, or other matters arising solely from his state employment;

(b) The interest of a state employee or of a person referred to in subsection (2) solely as a member of the general public; or of any significant economic or any other segment of the general public.

(5) If the public interest so requires, the governor may issue an order suspending the operation of subsections (1) and (2), in whole or in part, as to a particular employee in a specified transaction involving the state, by expressing the suspension and the reasons for it in writing. The writing shall be filed with the secretary of state and shall be open to public inspection. [1969 ex.s. c 234 § 16.]

**42.18.170 Assisting in transactions involving the state.** (1) Except in the course of his official duties or incident thereto, no state employee shall assist another person, whether or not for compensation, in any transaction involving the state:

(a) In which he has at any time participated; or

(b) If such transaction involving the state is or has been under his official responsibility at any time within a period of two years preceding such assistance.

(2) No state employee shall share in any compensation received by another for assistance which such state employee is prohibited from rendering pursuant to subsection (1) or (2).

(3) No partnership of which a state employee is a partner and no partner or employee of such a partnership, shall assist another person in any transaction involving the state if such state employee is prohibited from doing so by subsection (1). [1969 ex.s. c 234 § 17.]

**42.18.180 Assisting in transactions involving the state—Permissible transactions.** (1) Nothing in this chapter shall prevent a state employee, subject to conditions or limitations set forth in regulations issued pursuant to RCW 42.18.240 from assisting, in a transaction involving the state:

(a) His parent, spouse, or child, or any child thereof for whom he is serving as guardian, executor, administrator, trustee, or other personal fiduciary;

(b) A person other than his parent, spouse, or child for whom he is serving as guardian, executor, administrator, trustee, or other personal fiduciary; or

(c) Another state employee involved in disciplinary or other personnel administration proceedings;

(d) In the case of clauses (a) and (b), such state employee shall not have at any time participated in such transaction, nor, in the case of clause (b), shall such transaction have been under his official responsibility; and

(e) In a case in which clauses (a) and (b) are applicable, the circumstances of assistance shall be disclosed to the head of the employee's agency and approved by him in advance of the assistance.

(2) Nothing in this chapter shall prevent a state employee from giving testimony under oath or from making statements required to be made under penalty of perjury or contempt. [1969 ex.s. c 234 § 18.]

**42.18.190 Receiving consideration for other personal services.** (1) No regular state employee shall receive any thing of economic value (other than his compensation from the state of Washington) for or in consideration of his personal services rendered, or to be rendered, to or for any person during the term of his state employment unless such services meet each of the following qualifications:

(a) The services are bona fide and actually performed by such employee;

(b) The services are not within the course of his official duties;

(c) The services are not prohibited by RCW 42.18.170 or by applicable laws or regulations governing nonstate employment for such employee; and

(d) The services are neither performed for nor compensated by any person from whom such employee would be prohibited by \*RCW 42.18.200(b) from receiving a gift, or, alternatively, the services and compensation are fully disclosed in writing to the head of the employee's agency and are approved in writing by him.

(2) Nothing contained in this section shall prevent a state employee from receiving compensation contributed out of the treasury of the United States, any other state, or any county, or municipality if:

(a) The compensation is received pursuant to arrangements entered into between such state, county, municipality, or the United States and such employee's agency; or

(b) The compensation and the services for which it is received are fully disclosed in writing to the head of the employee's agency and are approved in writing by him.

(3) Travel and related expenses received other than from the state of Washington shall be deemed to be for or in consideration of personal service rendered to or for a person only to the extent provided in regulations issued pursuant to \*RCW 42.18.100.

(4) Exceptions to the provisions of this section may be made by regulations issued pursuant to RCW 42.18.240 in situations where the circumstances do not lead to the

inference that the official judgment or action of the state employee receiving, directly or indirectly, the gift, gratuity, or favor was intended to be influenced thereby.

(5) For purposes of this section the term "regular state employee" shall not include any state employee who, in accordance with the terms of his appointment, is serving without compensation from the state of Washington or is receiving from the state only reimbursement of expenses incurred or a predetermined allowance for such expenses. [1969 ex.s. c 234 § 19.]

**\*Reviser's note:** The reference in subsection (1)(d) to "RCW 42.18.200(b)" appears erroneous. What was apparently intended is RCW 42.18.200(2).

The reference in subsection (3) to "RCW 42.18.100" appears erroneous. RCW 42.18.240 provides for the issuance of regulations by the governor and RCW 42.18.250 provides for issuance of regulations by agency heads.

**42.18.200 Gifts, gratuities, or favors.** (1) No state employee shall receive, accept, take, seek, or solicit, directly or indirectly, any thing of economic value as a gift, gratuity, or favor from any person if such state employee has reason to believe the donor would not give the gift, gratuity, or favor but for such employee's office or position with the state.

(2) No regular state employee shall receive, accept, take, seek, or solicit, directly or indirectly, any thing of economic value as a gift, gratuity, or favor from any person, or from any officer or director of such person, if such state employee has reason to believe such person:

(a) Has or is seeking to obtain contractual or other business or financial relationships with such employee's agency; or

(b) Conducts operations or activities which are regulated by such employee's agency; or

(c) Has interests which may be substantially affected by such employee's performance or nonperformance of official duty.

(3) Exceptions to the provisions of this section may be made by regulations issued pursuant to RCW 42.18.240 in situations where the circumstances do not lead to the inference that the official judgment or action of the state employee receiving, directly or indirectly, the gift, gratuity, or favor was intended to be influenced thereby. [1969 ex.s. c 234 § 20.]

**42.18.210 Using state office to induce or coerce any thing of economic value from others.** Except in the course of his official duties or incident thereto, no state employee shall, in his relationships with any person specified in the succeeding sentence, use the power or authority of his office or position with the state in a manner intended to induce or coerce such other person to provide such state employee or any other person with any thing of economic value, directly or indirectly. This section shall apply to relationships with any person or any officer or director of such person from whom such state employee, if he were a regular state employee, would be prohibited by \*RCW 42.18.200(b) from receiving a gift. [1969 ex.s. c 234 § 21.]

**\*Reviser's note:** The reference to "RCW 42.18.200(b)" appears erroneous. What was apparently intended is RCW 42.18.200(2).

**42.18.220 Former state employees.** (1) No former state employee shall at any time subsequent to his state employment assist another person, whether or not for compensation, in any transaction involving the state in which he at any time participated during his state employment.

(2) No former state employee shall, within a period of two years after termination of employment with an agency, appear before such agency.

(3) No former state employee shall share in any compensation received by another person for assistance which such former state employee is prohibited from rendering by subsections (1) or (2).

(4) No partnership of which a former state employee is a partner, and no partner or employee of such a partnership, shall, for a period of two years following the termination of his state employment, assist another person in any transaction involving the state in which such former state employee at any time participated during his state employment. For purposes of this subsection, the termination of the former state employee's employment with the agency by which he was employed when he so participated shall be deemed to be the termination of his state employment.

(5) The permitted exceptions applicable to state employees under RCW 42.18.180 shall also be applicable to former state employees under this section, subject to conditions or limitations set forth in regulations issued pursuant to RCW 42.18.240. [1969 ex.s. c 234 § 22.]

**42.18.230 Giving, paying, loaning, etc., any thing of economic value to state employee.** (1) No person shall give, pay, loan, transfer, or deliver, directly or indirectly, to any other person any thing of economic value believing or having reason to believe that there exist circumstances making the receipt thereof a violation of RCW 42.18.170, 42.18.190, and 42.18.220.

(2) No person shall give, transfer, or deliver, directly or indirectly, to a state employee, any thing of economic value as a gift, gratuity, or favor if either:

(a) Such person would not give the gift, gratuity, or favor but for such employee's office or position with the state; or

(b) Such person is in a status specified in clause (a), (b), or (c) of RCW 42.18.200(2).

Exceptions to this subsection (2) may be made by regulations issued pursuant to RCW 42.18.240 in situations referred to in RCW 42.18.200(3). [1969 ex.s. c 234 § 23.]

**42.18.240 Standards—Regulations—Enforcement—Investigations—Governor's responsibility.** (1) Subject to the provisions of applicable laws, the governor shall be responsible for the establishment of appropriate standards to protect against actual or potential conflicts of interest on the part of state employees and for the administration and enforcement of this chapter and the regulations and orders issued hereunder.

(2) The governor may, and shall when required by this chapter, issue regulations carrying out the policies

and purposes thereof. Such regulations shall take precedence over any regulations issued by agency heads pursuant to RCW 42.18.250.

(3) The governor shall have particular responsibility for the enforcement of this chapter as applied to employees of the office of the governor and to agency heads, and for this purpose the governor shall have all the powers of an agency head.

(4) The governor may conduct investigations of facts, condition or conditions, practices, or other matters in carrying out his responsibilities and powers under this section. In connection with any such investigation the governor shall have all the powers with respect to oaths, affirmations, subpoenas, and witnesses as are provided in RCW 42.18.270(2). The governor may delegate any or all of his powers under this subsection (4) to any officer designated by him, either generally or in particular instances. [1969 ex.s. c 234 § 24.]

**42.18.250 Agency head's responsibility for standards, regulations, enforcement.** (1) Each agency head shall be responsible for the establishment of appropriate standards within his agency to protect against actual or potential conflicts of interest on the part of employees of his agency, and for the administration and enforcement within his agency of this chapter and the regulations and orders issued hereunder.

(2) Each agency head may, subject to the regulations issued by the governor under RCW 42.18.240(2) issue regulations carrying out the policies and purposes of this chapter as applied to his agency. He shall file copies of all such regulations with the office of the governor. [1969 ex.s. c 234 § 25.]

**42.18.260 Dismissal, suspension or other action by agency head—Procedures—Judicial review.** (1) The head of an agency may dismiss, suspend, or take such other action as may be appropriate in the circumstances in respect to any state employee of his agency upon finding that such employee has violated this chapter or regulations promulgated hereunder. Such action may include the imposition of conditions of the nature described in RCW 42.18.270(1).

(2) The procedures for any such action shall correspond to those applicable for disciplinary action for employee misconduct generally; for those state employees not specifically exempted therein the rules set forth in the state civil service law, chapter 41.06 RCW, shall apply. Any action against the employee shall be subject to judicial review to the extent provided by law for disciplinary action for misconduct of employees of the same category and grade. [1969 ex.s. c 234 § 26.]

**42.18.270 Imposition of conditions upon appearance before state agencies or doing business with the state—Hearing—Judicial review.** (1) The head of an agency, upon finding that any former employee of such agency or any other person has violated any provision of this chapter, may, in addition to any other powers the head of such agency may have, bar or impose reasonable conditions upon:

(a) The appearance before such agency of such former employee or other person; and

(b) The conduct of, or negotiation or competition for, business with such agency by such former employee or other person, such period of time as may reasonably be necessary or appropriate to effectuate the purposes of this chapter.

(2) Findings of violations referred to in subsection (1)(b) shall be made on record after notice and hearing, conducted in accordance with the Washington Administrative Procedure Act, chapter 34.04 RCW. Such findings and orders are subject to judicial review. [1969 ex.s. c 234 § 27.]

**42.18.280 Suspension of rescission of state action—Judicial review—Bond.** The governor may, in addition to any other available rights of rescission, bring an action in the superior court of Thurston county to cancel or rescind any state action without contractual liability to the state of Washington where:

(1) He has found that a violation of this chapter has substantially influenced such state action; and

(2) In his judgment the interests of the state of Washington so require under all of the circumstances, including the position of innocent third parties.

The findings referred to in subsection (1) shall be made in accordance with the procedures set forth in RCW 42.18.270(2) and shall be subject to judicial review: *Provided*, That the governor may suspend state action pending the determination pursuant to this section of the merits of the controversy: *Provided further*, That the court may permit persons affected by the governor's action to post an adequate bond pending such resolution to insure compliance by the defendant with the final judgment, decree, or other order of the court. [1969 ex.s. c 234 § 28.]

**42.18.290 Civil action against persons violating this chapter.** The attorney general of the state of Washington may bring a civil action in the superior court of the county in which the violation was alleged to have occurred against any state employee, former state employee or other person who shall have violated or knowingly assisted any other person in violating any provision of this chapter and in such action may recover the following damages on behalf of the state of Washington: (1) From each such person a civil penalty of either five hundred dollars or an amount not exceeding three times the amount of the economic value of anything received or sought in violation of \*this 1973 amendatory act; and (2) any damages sustained by the state, which are caused by the conduct constituting the violation. [1973 c 137 § 2; 1969 ex.s. c 234 § 29.]

\*Reviser's note: "this 1973 amendatory act" [1973 c 137] consists of the 1973 c 137 amendments to RCW 42.18.130, 42.18.290, and 42.18.300 and the repeal of RCW 42.18.340.

**42.18.300 Civil action against other violators.** The attorney general of the state of Washington may bring a civil action in the superior court of Thurston county against any person who shall violate RCW 42.18.230. In such action the attorney general shall be awarded the

following damages for the state of Washington: (1) A civil penalty of either one thousand dollars or an amount not exceeding three times the economic value of anything which has been given, transferred, or delivered in violation of RCW 42.18.230; and (2) any damages sustained by the state which are caused by the conduct constituting the violation. [1973 c 137 § 3; 1969 ex.s. c 234 § 30.]

**42.18.310 Findings and decisions—Filing—Public inspection.** Whenever the head of an agency, or the governor, exercises the authority conferred by RCW 42.18.260, 42.18.270 or 42.18.280, copies of the findings and decision therein shall be filed with the governor and shall be made available for public inspection. [1969 ex.s. c 234 § 31.]

**42.18.320 Limitations upon actions.** No administrative or other action taken under RCW 42.18.270, 42.18.280, 42.18.290 or 42.18.300, to enforce any provision of said act shall be commenced after the expiration of three years following the occurrence of the alleged violation. [1969 ex.s. c 234 § 32.]

**42.18.330 Serving on board, committee or commission not prevented.** Nothing in this chapter shall be interpreted to prevent a member of a board, committee, advisory commission, or other body required or permitted by statute to be appointed from any identifiable group or interest, from serving on such body in accordance with the intent of the legislature in establishing such body. [1969 ex.s. c 234 § 33.]

**42.18.900 Short title.** This act shall be known and may be cited as the "Executive Conflict of Interest Act." Sections 1 through 33 and section 39 thereof shall constitute a new chapter in Title 42 RCW. [1969 ex.s. c 234 § 40.]

## Chapter 42.20 MISCONDUCT OF PUBLIC OFFICERS

Sections	
42.20.010	Misconduct of public officer.
42.20.020	Powers may not be delegated for profit.
42.20.030	Intrusion into and refusal to surrender public office.
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42.20.080	Other violations by officers.
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*County treasurer, suspension for misconduct: RCW 36.29.090.*

*Election officials, misconduct: Chapter 29.85 RCW.*

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*Forfeiture of office upon conviction of felony or malfeasance: RCW 9.92.120.*

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*Irrigation districts, interest in contracts: RCW 87.03.465.*

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*Penitentiary employees, misconduct: RCW 72.01.060, 72.08.160.*

*Private use of public funds, penalty: State Constitution Art. 11 § 14.*

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*disclosing examination questions: RCW 28A.87.070.*

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*State and judicial officers, impeachment: State Constitution Art. 5.*

*State colleges of education, board of trustees, interest in contracts prohibited: RCW 28B.40.120.*

*State treasurer, embezzlement: RCW 43.08.140.*

*Township officers not to be interested in contracts: RCW 45.16.110.*

*Utilities and transportation commission members and employees, interest in regulated companies prohibited: RCW 80.01.020.*

**42.20.010 Misconduct of public officer.** Every public officer who shall—

(1) Ask or receive, directly or indirectly, any compensation, gratuity, or reward, or promise thereof, for omitting or deferring the performance of any official duty; or for any official service which has not been actually rendered, except in case of charges for prospective costs or fees demandable in advance in a case allowed by law; or

(2) Be beneficially interested, directly or indirectly, in any contract, sale, lease, or purchase which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested therein; or

(3) Employ or use any person, money, or property under his official control or direction, or in his official custody, for the private benefit or gain of himself or another;

Shall be guilty of a gross misdemeanor, and any contract, sale, lease or purchase mentioned in subdivision (2) hereof shall be void: *Provided*, That this section shall have no application to any person who is a state employee as defined in RCW 42.18.130. [1969 ex.s. c 234 § 34; 1909 c 249 § 82; RRS § 2334. Prior: Code 1881 § 879; 1873 p 200 § 83; 1869 p 216 § 79; 1859 p 119 § 74; 1854 p 89 § 74.]

*Executive conflict of interest act: Chapter 42.18 RCW.*

**42.20.020 Powers may not be delegated for profit.** Every public officer who, for any reward, consideration or gratuity paid or agreed to be paid, shall, directly or indirectly, grant to another the right or authority to discharge any function of his office, or permit another to perform any of his duties, shall be guilty of a gross misdemeanor. [1909 c 249 § 83; RRS § 2335.]

*Reviser's note:* Caption for 1909 c 249 § 83 reads as follows: "Sec. 83. *Grant of Official Powers.*"

**42.20.030 Intrusion into and refusal to surrender public office.** Every person who shall falsely personate or represent any public officer, or who shall wilfully intrude himself into a public office to which he has not been duly elected or appointed, or who shall wilfully exercise any of the functions or perform any of the duties of such officer, without having duly qualified therefor, as required by law, or who, having been an executive or administrative officer, shall wilfully exercise any of the functions of his office after his right to do so has ceased, or wrongfully refuse to surrender the official seal or any books or papers appertaining to such office, upon the demand of his lawful successor, shall be guilty of a gross misdemeanor. [1909 c 249 § 84; RRS § 2336.]

*Impersonating a public officer: RCW 9A.60.040.*

*Quo warranto: Chapter 7.56 RCW.*

**42.20.040 False report.** Every public officer who shall knowingly make any false or misleading statement in any official report or statement, under circumstances not otherwise prohibited by law, shall be guilty of a gross misdemeanor. [1909 c 249 § 98; RRS § 2350.]

**42.20.050 Public officer making false certificate.** Every public officer who, being authorized by law to make or give a certificate or other writing, shall knowingly make and deliver as true such a certificate or writing containing any statement which he knows to be false, in a case where the punishment thereof is not expressly prescribed by law, shall be guilty of a gross misdemeanor. [1909 c 249 § 128; RRS § 2380.]

**42.20.060 Falsely auditing and paying claims.** Every public officer, or person holding or discharging the duties of any public office or place of trust under the state or in any county, town or city, a part of whose duty it is to audit, allow or pay, or take part in auditing, allowing or paying, claims or demands upon the state or such county, town or city, who shall knowingly audit, allow or pay, or, directly or indirectly, consent to or in any way connive at the auditing, allowance or payment of any claim or demand against the state or such county, town or city, which is false or fraudulent or contains any charge, item or claim which is false or fraudulent, shall be guilty of a gross misdemeanor. [1909 c 249 § 129; RRS § 2381.]

**42.20.070 Misappropriation and falsification of accounts by public officer.** Every public officer, and every other person receiving money on behalf or for or on account of the people of the state or of any department of the state government or of any bureau or fund created

by law in which the people are directly or indirectly interested, or for or on account of any county, city, town or any school, diking, drainage or irrigation district, who—

(1) Shall appropriate to his own use or the use of any person not entitled thereto, without authority of law, any money so received by him as such officer or otherwise; or

(2) Shall knowingly keep any false account, or make any false entry or erasure in any account, of or relating to any money so received by him; or

(3) Shall fraudulently alter, falsify, conceal, destroy or obliterate any such account; or

(4) Shall wilfully omit or refuse to pay over to the state, its officer or agent authorized by law to receive the same, or to such county, city, town or such school, diking, drainage or irrigation district or to the proper officer or authority empowered to demand and receive the same, any money received by him as such officer when it is a duty imposed upon him by law to pay over and account for the same, shall be punished by imprisonment in the state penitentiary for not more than fifteen years. [1909 c 249 § 317; RRS § 2569. Prior: Code 1881 § 890; 1873 p 202 § 92; 1854 p 91 § 83.]

**42.20.080 Other violations by officers.** Every officer or other person mentioned in RCW 42.20.070, who shall wilfully disobey any provision of law regulating his official conduct in cases other than those specified in said section, shall be guilty of a gross misdemeanor. [1909 c 249 § 318; RRS § 2570.]

**42.20.090 Misappropriation, etc., by treasurer.** Every state, county, city or town treasurer who shall wilfully misappropriate any moneys, funds or securities received by or deposited with him as such treasurer, or who shall be guilty of any other malfeasance or wilful neglect of duty in his office, shall be punished by imprisonment in the state penitentiary for not more than five years or by a fine of not more than five thousand dollars. [1909 c 249 § 319; RRS § 2571.]

*County treasurer, suspension for misconduct: RCW 36.29.090.*

*State treasurer, embezzlement: RCW 43.08.140.*

**42.20.100 Failure of duty by public officer a misdemeanor.** Whenever any duty is enjoined by law upon any public officer or other person holding any public trust or employment, their wilful neglect to perform such duty, except where otherwise specially provided for, shall be a misdemeanor. [1909 c 249 § 16; RRS § 2268. Prior: Code 1881 § 889; 1854 p 90 § 82.]

**42.20.110 Improper conduct by certain justices.** It shall be a misdemeanor for any judge or justice of any court not of record, during the hearing of any cause or proceeding therein, to address any person in his presence in unfit, unseemly or improper language. [1911 c 115 § 1; RRS § 2696-1.]

## Chapter 42.21

### CODE OF ETHICS FOR PUBLIC OFFICIALS

#### Sections

42.21.010	Declaration of necessity and purpose.
42.21.020	Definitions.
42.21.030	Prohibited practices—Using position to secure special privileges or exemptions.
42.21.040	Prohibited practices—Engaging in activities likely to require or induce disclosure of confidential information.
42.21.050	Prohibited practices—Disclosure of confidential information or use for personal benefit.
42.21.060	Public officials and candidates to file statement concerning private interests.
42.21.070	Annual report by secretary of state.
42.21.080	Penalty.
42.21.090	Chapter inapplicable to state employees under executive conflict of interest act.

*Executive conflict of interest act: Chapter 42.18 RCW.*

*Public officer requiring or procuring bond or insurance on public works from particular insurer, broker, agent: RCW 48.30.270.*

**42.21.010 Declaration of necessity and purpose.** It is declared that high moral and ethical standards among public officials are essential to the conduct of free government; that a code of ethics for the guidance of public officials is necessary to prevent conflicts of interest in public office, improve standards of public service, and promote and strengthen the faith and confidence of the people of the state of Washington in their public officials. [1965 ex.s. c 150 § 1.]

**42.21.020 Definitions.** "Public official" means every person holding a position of public trust in or under an executive, legislative or judicial office of the state and includes judges of the superior court, the court of appeals, and justices of the supreme court, members of the legislature together with the secretary and sergeant at arms of the senate and the clerk and sergeant at arms of the house of representatives, elective and appointive state officials and such employees of the supreme court, of the legislature, and of the state offices as are engaged in supervisory, policy making or policy enforcing work.

"Candidate" means any individual who declares himself to be a candidate for an elective office and who if elected thereto would meet the definition of public official herein set forth.

"Regulatory agency" means any state board, commission, department or officer authorized by law to make rules or to adjudicate contested cases except those in the legislative or judicial branches. [1971 c 81 § 106; 1965 ex.s. c 150 § 2.]

**42.21.030 Prohibited practices—Using position to secure special privileges or exemptions.** No public official shall use his position to secure special privileges or exemptions for himself, his spouse, child, parents or other persons standing in the first degree of relationship. [1965 ex.s. c 150 § 3.]

**42.21.040 Prohibited practices—Engaging in activities likely to require or induce disclosure of confidential information.** No public official shall accept employment or engage in any business or professional activity which he might reasonably expect would require or induce him to disclose confidential information



acquired by him by reason of his official position. [1965 ex.s. c 150 § 4.]

**42.21.050 Prohibited practices—Disclosure of confidential information or use for personal benefit.** No public official shall disclose confidential information gained by reason of his official position nor shall he otherwise use such information for his personal gain or benefit. [1965 ex.s. c 150 § 5.]

**42.21.060 Public officials and candidates to file statement concerning private interests.** Every public official and such other public employees as may be provided for herein shall on or before January 31st of each year, and every candidate shall simultaneously with filing a declaration of candidacy, file with the secretary of state, a written statement of:

(1) The name of any corporation, firm or enterprise subject to the jurisdiction of a regulatory agency in which he has a direct financial interest of a value in excess of one thousand five hundred dollars: *Provided*, That policies of insurance issued to himself or his spouse, accounts in banks, savings and loan associations or credit unions are not to be considered financial interests; and

(2) Every office or directorship held by him or his spouse in any corporation, firm or enterprise which is subject to the jurisdiction of a regulatory agency; and

(3) The name of any person, corporation, firm, partnership, or other business association from which he receives compensation in excess of one thousand five hundred dollars during the preceding twelve month period by virtue of his being an officer, director, employee, partner or member of any such person, corporation, firm, partnership or other business association; and

(4) As to attorneys or others practicing before regulatory agencies during the preceding twelve month period, the name of the agency or agencies and the name of the firm, partnership or association of which he is a member, partner, or employee and the gross compensation received by the attorney and the firm, partnership or association respectively for such practice before such regulatory agencies; and

(5) A list of legal description of all real property in the state of Washington, in which any interest whatsoever, including options to buy, was acquired during the preceding calendar year where the property is valued in excess of fifteen hundred dollars: *Provided*, That legislators shall also comply with such rules or joint rules as they now exist or may hereafter be amended or adopted.

For the purposes of this section, and this section only, the Washington state personnel board, established by RCW 41.06.110, shall adopt and promulgate rules and regulations in accordance with the standards and policies set forth in RCW 41.06.150, delineating which classified personnel employed by the state shall be required to complete and file the financial statement set forth in \*sections 1 and 2 of this 1969 amendatory act, as they now exist or may hereafter be amended. [1969 ex.s. c 188 § 1; 1965 ex.s. c 150 § 6.]

\*Reviser's note: "this 1969 amendatory act" [1969 ex.s. c 188] was an act containing only one section, which section was the amendment to RCW 42.21.060 set forth above.

**42.21.070 Annual report by secretary of state.** On or before February 15th of each year, the secretary of state shall prepare a report containing the statements required to be filed pursuant to RCW 42.21.060, which reports shall be open to public inspection. [1965 ex.s. c 150 § 7.]

**42.21.080 Penalty.** Any person wilfully, knowingly and intentionally violating any provision of this chapter shall be guilty of a gross misdemeanor. [1965 ex.s. c 150 § 8.]

**42.21.090 Chapter inapplicable to state employees under executive conflict of interest act.** This chapter shall have no application to any person who is a state employee as defined in RCW 42.18.130. [1969 ex.s. c 234 § 36.]

*Executive conflict of interest act: Chapter 42.18 RCW.*

## Chapter 42.22 CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES

Sections	
42.22.010	Declaration of necessity and purpose.
42.22.020	Definitions.
42.22.030	Activities in conflict with discharge of duties prohibited.
42.22.040	Prohibited practices enumerated—Agency code of ethics.
42.22.050	Sworn statement of relationship or interest in certain business entities required—Confidentiality.
42.22.060	Chapter supplemental—Liberal construction.
42.22.070	Penalties.
42.22.120	Chapter inapplicable to state employees under executive conflict of interest act.

*Executive conflict of interest act: Chapter 42.18 RCW.*

**42.22.010 Declaration of necessity and purpose.** It is declared that the high moral and ethical standards among the public servants are essential to the conduct of free government; that a code of ethics for the guidance of public officers and employees is necessary in order to eliminate conflicts of interest in public office, improve standards of public service, and promote and strengthen the faith and confidence of the people of Washington in their government. [1959 c 320 § 1.]

**42.22.020 Definitions.** (1) State agency means any state board, commission, bureau, department, division, or tribunal other than a court.

(2) Legislative employee means any officer or employee of the legislature other than members thereof.

(3) Personal and private interest means any interest which pertains to a person, firm, corporation, or association whereby such person, firm, corporation, or association would gain a special benefit or advantage as distinguished from a general or public benefit or advantage.

(4) Confidential information means such information as is declared confidential by other specific statutes. [1959 c 320 § 2.]

**42.22.030 Activities in conflict with discharge of duties prohibited.** No officer or employee of a state agency or legislative employee shall have any interest, financial or otherwise, direct or indirect, or shall engage in any business or transaction or professional activity, or shall incur any obligation of any nature, which is in conflict with the proper discharge of his duties in the public interest. [1961 c 268 § 8; 1959 c 320 § 3.]

**42.22.040 Prohibited practices enumerated—Agency code of ethics.** No officer or employee of a state agency, legislative employee, or other public officer shall use his position to secure special privileges or exemptions for himself or others.

(1) No legislative employee shall directly or indirectly give or receive or agree to receive any compensation, gift, reward, or gratuity from any source except the state of Washington for any matter connected with or related to the legislative process unless otherwise provided for by law.

(2) No officer or employee of a state agency, or other public officer shall, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from any source except the state of Washington, its political subdivisions, or employing municipal government, for any matter connected with or related to his services as such an officer or employee unless otherwise provided for by law.

(4) No person who has served as an officer or employee of a state agency shall, within a period of two years after the termination of such service or employment, appear before such agency or receive compensation for any services rendered on behalf of any person, firm, corporation, or association in relation to any case, proceeding, or application with respect to which such person was directly concerned and in which he personally participated during the period of his service or employment.

(5) No officer or employee of a state agency, legislative employee, or public official shall accept employment or engage in any business or professional activity which he might reasonably expect would require or induce him to disclose confidential information acquired by him by reason of his official position.

(6) No officer or employee of a state agency, legislative employee, or public official shall disclose confidential information gained by reason of his official position nor shall he otherwise use such information for his personal gain or benefit.

(7) No officer or employee of a state agency shall transact any business in his official capacity with any business entity of which he is an officer, agent, employee, or member, or in which he owns an interest.

(8) The head of each state agency shall publish for the guidance of its officers and employees a code of public service ethics appropriate to the specific needs of each such agency.

(9) No officer or employee of a state agency nor any firm, corporation, or association, or other business entity in which such officer or employee of a state agency is a member, agent, officer, or employee, or in which he owns a controlling interest, or any interest acquired after the

acceptance of state employment, accept any gratuity or funds from any employee or shall sell goods or services to any person, firm, corporation, or association which is licensed by or regulated in any manner by the state agency in which such officer or employee serves. [1959 c 320 § 4.]

Reviser's note: Subdivision (3) of 1959 c 320 § 4 was vetoed.

**42.22.050 Sworn statement of relationship or interest in certain business entities required—Confidentiality.** Each legislative employee, agency officer and such employees thereof as the agency head may by regulation provide, who is an officer, agent, member of, attorney for, or who owns an interest in any firm, corporation, association, or other business entity which is subject to state regulation shall file a sworn statement with the secretary of state disclosing the nature and extent of his relationship or interest, said statement to be kept in confidence and to be disclosed only to members of the legislature or any legislative committee which may be organized for the purpose of ascertaining a breach of this code, and the same also to be disclosed to any other authority having the power of removal of any public official or servant. [1959 c 320 § 5.]

**42.22.060 Chapter supplemental—Liberal construction.** This chapter shall be construed liberally to effectuate its purposes and policy as set forth in RCW 42.22.010, and to supplement such existing laws as may relate to the same subject. [1959 c 320 § 6.]

**42.22.070 Penalties.** Any person violating any provision of this chapter shall be guilty of a gross misdemeanor, and such person may be removed from his position or office, in addition to any other remedies or penalties provided by law, as for misconduct or malfeasance in office. [1959 c 320 § 7.]

**42.22.120 Chapter inapplicable to state employees under executive conflict of interest act.** This chapter shall have no application to any person who is a state employee as defined in RCW 42.18.130. [1969 ex.s. c 234 § 37.]

### Chapter 42.23 CODE OF ETHICS FOR MUNICIPAL OFFICERS—CONTRACT INTERESTS

#### Sections

42.23.010	Declaration of purpose.
42.23.020	Definitions.
42.23.030	Interest in contracts prohibited—Excepted cases.
42.23.040	Remote interests.
42.23.050	Prohibited contracts are void—Penalties for violation of chapter.
42.23.060	City charter paramount to act.

*Cities, free passes, services prohibited: RCW 35.17.150.*

*Cities, political activities by officers and employees forbidden: RCW 35.17.160.*

*Cities of second class, restrictions on official conduct: RCW 35.23.230.*

*County officers, general provisions: Chapter 36.16 RCW.*

*Public employment, civil service: Title 41 RCW.*

*Public officers, code of ethics: Chapter 42.22 RCW.*

*School officials, beneficial interests in contracts prohibited—Second and third class districts—Exception: RCW 28A.60.355.*  
*State officers, general provisions: Chapter 43.01 RCW.*

**42.23.010 Declaration of purpose.** It is the purpose and intent of this chapter to revise and make uniform the laws of this state concerning the transaction of business by municipal officers, as defined in this act, in conflict with the proper performance of their duties in the public interest; and to promote the efficiency of local government by prohibiting certain instances and areas of conflict while at the same time sanctioning, under sufficient controls, certain other instances and areas of conflict wherein the private interest of the municipal officer is deemed to be only remote, to the end that, without sacrificing necessary public responsibility and enforceability in areas of significant and clearly conflicting interests, the selection of municipal officers may be made from a wider group of responsible citizens of the communities which they are called upon to serve. [1961 c 268 § 2.]

**Reviser's note:** "this act" (1961 c 268) is codified as RCW 28A.58.310, 35.17.150, 35.17.160, 35.23.230, 42.22.030, and 42.23.010 through 42.23.060.

**Codification:** "There is added to Title 42 RCW a new chapter as set forth in sections 2 through 6 of this amendatory act." [1961 c 268 § 1.] This applies to RCW 42.23.010 through 42.23.050.

**42.23.020 Definitions.** For the purpose of this act:

(1) "Municipality" shall include all counties, cities, towns, districts, and other municipal corporations and quasi municipal corporations organized under the laws of the state of Washington;

(2) "Municipal officer" and "officer" shall each include all elected and appointed officers of a municipality, together with all deputies and assistants of such an officer, and all persons exercising or undertaking to exercise any of the powers or functions of a municipal officer;

(3) "Contract" shall include any contract, sale, lease or purchase;

(4) "Contracting party" shall include any person, partnership, association, cooperative, corporation, or other business entity which is a party to a contract with a municipality. [1961 c 268 § 3.]

**Reviser's note:** "this act", see note following RCW 42.23.010.

**42.23.030 Interest in contracts prohibited—**  
**Excepted cases.** No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. This section shall not apply in the following cases:

(1) The furnishing of electrical, water or other utility services by a municipality engaged in the business of furnishing such services, at the same rates and on the same terms as are available to the public generally;

(2) The designation of public depositaries for municipal funds;

(3) The publication of legal notices required by law to be published by any municipality, upon competitive bidding or at rates not higher than prescribed by law for members of the general public;

(4) The designation of a school director as clerk or as both clerk and purchasing agent of a school district;

(5) The employment of any person by a municipality, other than a county of the first class or higher, a city of the first or second class, or a first class school district, for unskilled day labor at wages not exceeding one hundred dollars in any calendar month;

(6) The letting of any other contract (except a sale or lease as seller or lessor) by a municipality, other than a county of the first class or higher, a city of the first or second class, or a first class school district: *Provided*, That the total volume of business represented by such contract or contracts in which a particular officer is interested, singly or in the aggregate, as measured by the dollar amount of the municipality's liability thereunder, shall not exceed two hundred dollars in any calendar month: *Provided further*, That in the case of a particular officer of a city or town of the third, or fourth class, or a noncharter optional code city, the total volume of such contract or contracts authorized in this subsection may exceed two hundred dollars in any calendar month but shall not exceed thirty-six hundred dollars in any calendar year;

(7) The leasing by a port district as lessor of port district property to a municipal officer or to a contracting party in which a municipal officer may be beneficially interested, if in addition to all other legal requirements, a board of three disinterested appraisers, who shall be appointed from members of the American institute of real estate appraisers by the presiding judge of the superior court in the county where the property is situated, shall find and the court finds that all terms and conditions of such lease are fair to the port district and are in the public interest. [1971 ex.s. c 242 § 1; 1961 c 268 § 4.]

**42.23.040 Remote interests.** A municipal officer shall not be deemed to be interested in a contract, within the meaning of RCW 42.23.030, if he has only a remote interest in the contract and if the fact and extent of such interest is disclosed to the governing body of the municipality of which he is an officer and noted in the official minutes or similar records of the municipality prior to the formation of the contract, and thereafter the governing body authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer having the remote interest. As used in this section "remote interest" means:

(1) That of a nonsalaried officer of a nonprofit corporation;

(2) That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;

(3) That of a landlord or tenant of a contracting party;

(4) That of a holder of less than one percent of the shares of a corporation or cooperative which is a contracting party.

None of the provisions of this section shall be applicable to any officer interested in a contract, though his interest be only remote, who influences or attempts to influence any other officer of the municipality of which he is an officer to enter into the contract. [1961 c 268 § 5.]

**42.23.050 Prohibited contracts are void—Penalties for violation of chapter.** Any contract made in violation of the provisions of this act shall be void and the performance thereof, in full or in part, by a contracting party shall not be the basis of any claim against the municipality. Any officer violating the provisions of this act shall be liable to the municipality of which he is an officer for a penalty in the amount of three hundred dollars, in addition to such other civil or criminal liability or penalty as may otherwise be imposed upon him by law.

In addition to all other penalties, civil or criminal, the violation by any officer of the provisions of this act shall work a forfeiture of his office. [1961 c 268 § 6.]

Reviser's note: "this act", see note following RCW 42.23.010.

**42.23.060 City charter paramount to act.** If any provision of this act conflicts with any provision of a city charter, the city charter shall control. [1961 c 268 § 16.]

Reviser's note: "this act", see note following RCW 42.23.010.

#### Chapter 42.24

### PAYMENT OF CLAIMS FOR EXPENSES, MATERIAL, PURCHASES—ADVANCEMENTS

#### Sections

- 42.24.035 Manner of payment for postage, books and periodicals.
- 42.24.070 State agencies—Budget and accounting system.
- 42.24.080 Municipal corporations and political subdivisions—  
Claims against for contractual purposes—Auditing and payment—Forms—Authentication and certification.
- 42.24.090 Municipal corporations and political subdivisions—  
Reimbursement claims by officers and employees—  
Detailed account—Travel allowances and allowances in lieu of actual expenses—Certification—Form.
- 42.24.100 Municipal corporations and political subdivisions—  
Certificates need not be sworn—Penalty for false claim.
- 42.24.110 Municipal corporations and political subdivisions—  
Approving or paying false claim—Penalties.
- 42.24.120 Advancements for travel expenses—Municipal corporation or political subdivision officers and employees.
- 42.24.130 Advancements for travel expenses—Revolving fund.
- 42.24.140 Advancements for travel expenses—Provision to assure repayment.
- 42.24.150 Advancements for travel expenses—Travel expense voucher.
- 42.24.160 Advancements for travel expenses—Purpose of advancement—Not personal loan.

County auditor: Chapter 36.22 RCW.

State auditor: Chapter 43.09 RCW.

**42.24.035 Manner of payment for postage, books and periodicals.** Notwithstanding the provisions of chapter 42.24 RCW or any other existing statute, school districts and other public agencies including but not limited to

state agencies and municipal corporations which are expressly or by necessary implication authorized to subscribe to magazines or other periodical publications or books or to purchase postage or publications from the United States government or any other publisher may make payment of the costs of such purchases in a manner as consistent as possible and practicable with normal and usual business methods, and in the case of subscriptions, for periods not in excess of three years. [1975 1st ex.s. c 72 § 1; 1963 c 116 § 1.]

**42.24.070 State agencies—Budget and accounting system.** See chapter 43.88 RCW.

**42.24.080 Municipal corporations and political subdivisions—Claims against for contractual purposes—Auditing and payment—Forms—Authentication and certification.** All claims presented against any county, city, district or other municipal corporation or political subdivision by persons furnishing materials, rendering services or performing labor, or for any other contractual purpose, shall be audited, before payment, by an auditing officer elected or appointed pursuant to statute or, in the absence of statute, an appropriate charter provision, ordinance or resolution of the municipal corporation or political subdivision. Such claims shall be prepared for audit and payment on a form and in the manner prescribed by the division of municipal corporations in the state auditor's office. The form shall provide for the authentication and certification by such auditing officer that the materials have been furnished, the services rendered or the labor performed as described, and that the claim is a just, due and unpaid obligation against the municipal corporation or political subdivision; and no claim shall be paid without such authentication and certification: *Provided*, That the certificates as to claims of officers and employees of a county, city, district or other municipal corporation or political subdivision, for services rendered, shall be made by the person charged with the duty of preparing and submitting vouchers for the payment of services, and he shall certify that the claim is just, true and unpaid, which certificate shall be part of the voucher. [1965 c 116 § 1.]

**42.24.090 Municipal corporations and political subdivisions—Reimbursement claims by officers and employees—Detailed account—Travel allowances and allowances in lieu of actual expenses—Certification—Form.** No claim for reimbursement of any expenditures by officers or employees of any municipal corporation or political subdivision of the state for transportation, lodging, meals or any other purpose shall be allowed by any officer, employee or board charged with auditing accounts unless the same shall be presented in a detailed account: *Provided*, That, unless otherwise authorized by law, the legislative body of any municipal corporation or political subdivision of the state may prescribe by ordinance or resolution the amounts to be paid officers or employees thereof as reimbursement for the use of their personal automobiles or other transportation equipment in connection with officially

assigned duties and other travel for approved public purposes, or as reimbursement to such officers or employees in lieu of actual expenses incurred for lodging, meals or other purposes. The rates for such reimbursements may be computed on a mileage, hourly, per diem or other basis as the respective legislative bodies shall determine to be proper in each instance.

All claims for reimbursement authorized under this section shall be duly certified by the officer or employee submitting such claims on forms and in the manner prescribed by the division of municipal corporations in the office of the state auditor. [1965 c 116 § 2.]

**42.24.100 Municipal corporations and political subdivisions—Certificates need not be sworn—Penalty for false claim.** The certificates required by RCW 42.24.080 through 42.24.110 need not be sworn, but any person certifying a claim or making a claim knowing the same to be false or untrue shall be guilty of perjury in the second degree. [1965 c 116 § 3.]

**42.24.110 Municipal corporations and political subdivisions—Approving or paying false claim—Penalties.** Any person who knowingly approves or pays or causes to be approved or paid a false or untrue claim shall be guilty of a gross misdemeanor and, in addition, he shall be civilly liable on his bond to the municipal corporation or political subdivision, as the case may be, for the amount so paid or for three hundred dollars whichever is the greater. [1965 c 116 § 4.]

**42.24.120 Advancements for travel expenses—Municipal corporation or political subdivision officers and employees.** Whenever it becomes necessary for an elected or appointed official or employee of the municipal corporation or political subdivision to travel and incur expenses, the legislative body of such municipal corporation or political subdivision may provide, in the manner that local legislation is officially enacted, reasonable allowances to such officers and employees in advance of expenditure. Such advance shall be made under appropriate rules and regulations to be prescribed by the state auditor. [1969 c 74 § 1.]

**42.24.130 Advancements for travel expenses—Revolving fund.** The legislative body of a municipal corporation or political subdivision wishing to make advance payments of travel expenses to officials and employees, as provided in RCW 42.24.120 through 42.24.160, will establish, in the manner that local legislation is officially enacted, a revolving fund to be used solely for the purpose of making advance payments of travel expenses. The revolving fund will be maintained in a bank as a checking account and advances to officials or employees will be by check. The fund will be replenished by warrant. [1969 c 74 § 2.]

**42.24.140 Advancements for travel expenses—Provision to assure repayment.** To protect the municipal corporation or political subdivision from any losses on account of advances made as provided in RCW 42.24.120 through 42.24.160, the municipal corporation or

political subdivision shall have a prior lien against and a right to withhold any and all funds payable or to become payable by the municipal corporation or political subdivision to such officer or employee to whom such advance has been given, as provided in RCW 42.24.120 through 42.24.160, up to the amount of such advance and interest at the rate of ten percent per annum, until such time as repayment or justification has been made. No advance of any kind may be made to any officer or employee under RCW 42.24.120 through 42.24.160, at any time when he is delinquent in accounting for or repaying a prior advance under RCW 42.24.120 through 42.24.160. [1969 c 74 § 3.]

**42.24.150 Advancements for travel expenses—Travel expense voucher.** On or before the tenth day following the close of the authorized travel period for which expenses have been advanced to any officer or employee, he shall submit to the appropriate official a fully itemized travel expense voucher, for all reimbursable items legally expended, accompanied by the unexpended portion of such advance, if any.

Any advance made for this purpose, or any portion thereof, not repaid or accounted for in the time and manner specified herein, shall bear interest at the rate of ten percent per annum from the date of default until paid. [1969 c 74 § 4.]

**42.24.160 Advancements for travel expenses—Purpose of advancement—Not personal loan.** An advance made under RCW 42.24.120 through 42.24.160 shall be considered as having been made to such officer or employee to be expended by him as an agent of the municipal corporation or political subdivision for the municipal corporation's or political subdivision's purposes only, and specifically to defray necessary costs while performing his official duties.

No such advance shall be considered as a personal loan to such officer or employee and any expenditure thereof, other than for official business purposes, shall be considered a misappropriation of public funds. [1969 c 74 § 5.]

## Chapter 42.26 AGENCY VENDOR PAYMENT REVOLVING FUND—PETTY CASH ACCOUNTS

Sections	
42.26.010	Agency vendor payment revolving fund—Created—use.
42.26.020	Disbursements—Deposits to cover.
42.26.030	Rules and regulations.
42.26.040	Petty cash accounts—Authorized—Advancements.
42.26.050	Request for petty cash advancement—Approval.
42.26.060	Restrictions on use of petty cash account—Expenditures—Reimbursement.
42.26.070	Custodian of petty cash account—Bond.
42.26.080	Violation of petty cash account requirements.
42.26.090	Rules and regulations for petty cash and accounts.
42.26.900	Effective date—1969 ex.s. c 60.

**42.26.010 Agency vendor payment revolving fund—Created—use.** An agency vendor payment revolving fund is hereby created in the state treasury. This fund is to be used for payment for services rendered or materials

furnished to the state, which are properly payable from funds other than those appropriated from the state treasury: *Provided*, That the use of this revolving fund by a state agency shall be optional: *And provided further*, That payment of salaries and wages shall be subject to the provisions of chapter 42.16 RCW. [1969 ex.s. c 60 § 1.]

**42.26.020 Disbursements—Deposits to cover.** The amount to be disbursed from the vendor payment revolving fund on behalf of an agency electing to utilize such fund shall be deposited therein by the agency on or before the day prior to scheduled disbursement. The deposit shall be made from funds held by the agency outside the state treasury pursuant to law and which are properly chargeable for the disbursement. Disbursements from the revolving fund created by this chapter shall be by warrant in accordance with the provisions of RCW 43.88.160. [1969 ex.s. c 60 § 2.]

**42.26.030 Rules and regulations.** The budget director shall adopt such regulations as may be necessary or desirable to implement the provisions of this chapter relating to the establishment of an agency vendor payment revolving fund. [1969 ex.s. c 60 § 3.]

**42.26.040 Petty cash accounts—Authorized—Advancements.** The state treasurer is authorized to advance moneys from treasury funds to state agencies for the purpose of establishing petty cash accounts not to exceed fifteen thousand dollars for any agency. The amount so advanced shall be reflected in the state treasurer's accounts as an amount due from the agency to the fund or account from which the advance was made. [1969 ex.s. c 60 § 4.]

**42.26.050 Request for petty cash advancement—Approval.** The agency requesting a petty cash account or an increase in the amount of petty cash advanced under the provisions of this chapter shall submit its request to the budget director in the form and detail prescribed by him. The agency's written request and the approval authorized by this chapter shall be the only documentation or certification required as a condition precedent to the issuance of such warrant. A copy of his approval shall be forwarded by the budget director to the state treasurer. [1969 ex.s. c 60 § 5.]

**42.26.060 Restrictions on use of petty cash account—Expenditures—Reimbursement.** The use of the petty cash account shall be restricted to miscellaneous petty or emergency expenditures, refunds legally payable by an agency, and for cash change to be used in the transaction of the agency's official business. All expenditures made from petty cash shall be charged to an existing appropriation for such purpose, except expenditures chargeable against funds for which no appropriation is required by law. All expenditures or refunds made from petty cash shall be reimbursed out of and charged to the proper appropriation or fund at the close of each month and such other times as may be necessary. [1969 ex.s. c 60 § 6.]

**42.26.070 Custodian of petty cash account—Bond.** The head of the agency or an employee designated by him shall have full responsibility as custodian for the petty cash account and its proper use under this chapter and applicable regulations of the budget director. The custodian of the petty cash account shall be covered by a surety bond in the full amount of the account at all times and all advances to it, conditioned upon the proper accounting for and legal expenditure of all such funds, in addition to other conditions required by law. [1969 ex.s. c 60 § 7.]

**42.26.080 Violation of petty cash account requirements.** If a post audit by the state auditor discloses the amount of the petty cash account of any agency under this chapter to be excessive or the use of the account to be in violation of requirements governing its operation, the budget director may require the return of the account or of the excessive amount to the state treasury for credit to the fund from which the advance was made. [1969 ex.s. c 60 § 8.]

**42.26.090 Rules and regulations for petty cash and accounts.** The budget director shall adopt such regulations as may be necessary or desirable to implement the provisions of this chapter. Such regulation shall include but not be limited to, (1) defining limitations on the use of petty cash, and (2) providing accounting and reporting procedures for operation of the petty cash account. [1969 ex.s. c 60 § 9.]

**42.26.900 Effective date—1969 ex.s. c 60.** This chapter shall take effect July 1, 1969. [1969 ex.s. c 60 § 12.]

## Chapter 42.28 NOTARIES PUBLIC AND COMMISSIONERS OF DEEDS

Sections	
42.28.010	Appointment—Qualifications.
42.28.020	Term of office.
42.28.030	Bond, fee, seal or stamp, oath of office.
42.28.035	Rubber stamp may be used by notary public.
42.28.040	Powers—General.
42.28.050	Powers as to banks and corporations.
42.28.060	Seal or stamp must be affixed—Judicial papers excepted.
42.28.070	Record of notices of protest.
42.28.090	Fees of notary—Collection of fees by public officers.
42.28.100	Certification of appointment.
42.28.110	Certificates of official character.
42.28.120	Commissioners of deeds.
42.28.130	Oath, seal, fee.

*Notary public may take acknowledgments: RCW 64.08.010.*

**42.28.010 Appointment—Qualifications.** The governor may appoint and commission, as notaries public, as many persons having the qualifications of electors as he shall deem necessary: *Provided*, That no person shall be appointed a notary public except upon the petition of at least ten freeholders of the county in which such person resides: *Provided, further*, That upon the expiration of his commission any notary public may obtain a new commission on application, without petition

signed by freeholders, within one year from date of expiration of his preceding commission. [1937 c 6 § 1; 1907 c 137 § 1; 1890 p 473 § 1; RRS § 9899. Prior: Code 1881 § 2614; 1873 p 467 § 1; 1869 p 375 § 1; 1863 p 501 § 1; 1862 p 52 § 1; 1854 p 444 § 1.]

*Notary's commission may be signed by governor's designee: RCW 43.06.100.*

**42.28.020 Term of office.** Every notary public shall be appointed for the state, and shall hold his office for four years, unless sooner removed by the governor. [1890 p 473 § 2; Code 1881 § 2615; 1873 p 467 § 3; 1869 p 375 § 1; 1863 p 501 § 1; 1862 p 52 § 1.]

**42.28.030 Bond, fee, seal or stamp, oath of office.** Before a commission shall issue to the person appointed he shall—(1) execute a bond, payable to the state of Washington, in the sum of one thousand dollars, with sureties to be approved by the county clerk of the county in which the applicant resides, conditioned for the faithful discharge of the duties of his office; (2) pay into the state treasury the sum of ten dollars for special state library fund [state general fund], taking the treasurer's receipt therefor; (3) procure a seal or stamp, on which shall be engraved or impressed the words "Notary Public" and "State of Washington", and date of expiration of his commission, with surname in full, and at least the initials of his Christian name; (4) to take and subscribe the oath of office required of state officers; (5) file the said oath of office, bond and treasurer's receipt in the office of the secretary of state, and before performing any official acts, shall file in the office of the secretary of state a clear impression of his official seal or stamp, which seal or stamp shall be approved by the governor: *Provided*, That if a stamp is used the following requirements shall apply:

(1) The type shall be a minimum of 8 point type.

(2) The stamp shall be two inches minimal in diameter.

(3) The imprint shall be affixed with indelible ink only.

(4) The face of any notary stamp shall contain permanently affixed letters and numerals and shall not be preprinted. [1975 1st ex.s. c 85 § 1; 1890 p 473 § 3; RRS § 9901. Prior: Code 1881 § 2616; 1873 p 467 § 3; 1869 p 376 § 3; 1863 p 52 § 3; 1854 p 545 § 5.]

*Reviser's note:* Since the enactment of 1907 c 8 § 1 (RCW 43.79-.010) the fee herein specified to be paid into the special state library fund has been paid into the state general fund.

*Official bonds: Chapter 42.08 RCW.*

**42.28.035 Rubber stamp may be used by notary public.** Notwithstanding any other provision of law, any requirement that a notary public affix his seal or his official seal shall be fully satisfied if such notary uses instead a rubber stamp which complies with the requirements of RCW 42.28.030 as now or hereafter amended. [1975 1st ex.s. c 85 § 5.]

**42.28.040 Powers—General.** Every duly qualified notary public is authorized in any county in this state—(1) to transact and perform all matters and

things relating to protests, protesting bills of exchange and promissory notes, and such other duties as pertain to that office by the custom and laws merchant; (2) to take acknowledgments of all deeds and other instruments of writing, and certify the same in the manner required by law; (3) to take depositions and affidavits, and administer all oaths required by law to be administered, and every attorney at law who is a notary public may administer any oath to his client, and no pleading or affidavit shall, on that account, be held by any court to be improperly verified. [1890 p 474 § 4; RRS § 9902. Prior: Code 1881 § 2618; 1873 p 468 § 6; 1869 p 375 § 2; 1863 p 501 § 2; 1862 p 52 § 2; 1854 p 444 § 2.]

*Acknowledgments: Chapter 64.08 RCW.*

*Oaths and affirmations: Chapter 5.28 RCW.*

*Protests of bills of exchange: RCW 62A.3-501, 62A.3-502, 62A.3-509, 62A.3-511.*

**42.28.050 Powers as to banks and corporations.** It shall be lawful for any notary public who is a stockholder, director, officer or employee of a bank or other corporation to take the acknowledgment of any party to any written instrument executed to or by such corporation, or to protest for nonacceptance or nonpayment bills of exchange, drafts, checks, notes and other negotiable instruments which may be owned or held for collection by such corporation: *Provided*, It shall be unlawful for any notary public to take the acknowledgment of an instrument by or to a bank or other corporation of which he is a stockholder, director, officer or employee, where such notary is a party to such instrument individually or to protest any negotiable instrument owned or held for collection by such corporation, where such notary is individually a party to such instrument. [1913 c 32 § 1; RRS § 9903.]

*Acknowledgments: Chapter 64.08 RCW.*

*Protests of bills of exchange: RCW 62A.3-501, 62A.3-502, 62A.3-509, 62A.3-511.*

**42.28.060 Seal or stamp must be affixed—Judicial papers excepted.** It shall not be necessary for a notary public in certifying an oath to be used in any of the courts in this state, to append an impression of his official seal or stamp, but in all other cases when the notary public shall sign any instrument officially, he shall, in addition to his name and the words "Notary Public", add his place of residence and affix his official seal or stamp. [1975 1st ex.s. c 85 § 2; 1890 p 474 § 5; RRS § 9904. Prior: Code 1881 § 2619; 1873 p 468 § 7; 1869 p 376 § 5; 1862 p 52 § 5.]

*Corporate seals—Effect of absence from instrument: RCW 64.04.105.*

**42.28.070 Record of notices of protest.** Every notary public is required to keep a true record of all notices of protest given or sent by him, with the time and manner in which the same were given or sent, and the names of all the parties to whom the same were given or sent, with the copy of the instrument in relation to which the notice is served, and of the notice itself; said record, or a copy thereof, duly certified under the hand and seal or stamp of the notary public, or county clerk having the

custody of the original record, shall be competent evidence to prove the facts therein stated, but the same may be contradicted by other competent evidence. [1975 1st ex.s. c 85 § 3; 1890 p 474 § 6; RRS § 9905. Prior: Code 1881 § 2620; 1877 p 254 § 7; 1873 p 469 § 8.]

*Protests of bills of exchange: RCW 62A.3-501, 62A.3-502, 62A.3-509, 62A.3-511.*

**42.28.090 Fees of notary—Collection of fees by public officers.** Notaries public may make but not exceed the following charges for their services:

Protest of a bill of exchange or promissory note, one dollar;

Attesting any instrument of writing with or without seal or stamp, one dollar;

Taking acknowledgment, two persons, with seal or stamp, one dollar;

Taking acknowledgment, each person over two, fifty cents;

Certifying affidavit, with or without seal or stamp, one dollar;

Registering protest of bill of exchange or promissory note for nonacceptance or nonpayment, fifty cents;

Being present at demand, tender, or deposit, and noting the same, besides mileage at the rate of ten cents per mile, fifty cents;

Noting a bill of exchange or promissory note, for nonacceptance or nonpayment, fifty cents;

For copying any instrument or record, per folio, besides certificate and seal or stamp, fifteen cents.

All public officers who are paid a salary in lieu of fees shall collect the prescribed fees for the use of the state or county as the case may be. [1975 1st ex.s. c 85 § 4; 1951 c 51 § 7; 1907 c 56 § 1, part; RRS § 9907. Prior: (i) 1903 c 151 § 1; 1893 c 130 § 1; Code 1881 § 2086; 1869 p 371 § 6; 1863 p 396; 1861 p 39; 1854 p 373. (ii) 1890 p 475 § 8; Code 1881 § 2622; 1877 p 254 § 9; 1873 p 469 § 10; 1869 p 375 § 2; 1863 p 501 § 2.]

*Daily remittance of moneys to state treasurer required: RCW 43.01.050.*

*Disposition of fees: RCW 42.16.030.*

*Payment of fees to county treasurer: RCW 36.18.140.*

**42.28.100 Certification of appointment.** After the delivery of a commission to a notary public, appointed and qualified as heretofore provided, the secretary of state shall make a certificate of such appointment, with the date of said commission, and file the same in the office of the county clerk of the county where such notary resides, who shall file and preserve the same, and it shall be deemed sufficient evidence to enable such clerk to certify that the person so commissioned is a notary public during the time such commission is in force. [1890 p 475 § 9; Code 1881 § 2623; 1877 p 255 § 10; RRS § 9908.]

**42.28.110 Certificates of official character.** The county clerk of the county in which such notary resides, or the secretary of state, may grant certificates of official character of notaries public. The certificate of the clerk shall be under his hand and official seal, and that of the

secretary of state, under the seal of the state. [1943 c 97 § 1; 1890 p 476 § 10; RRS § 9909.]

**42.28.120 Commissioners of deeds.** The governor may appoint in each of the United States and the territories thereof, one or more commissioners, under the seal of this state, to continue in office for the term of four years, who shall have power to administer oaths, and to take depositions and affidavits, to be used in this state, and also to take the acknowledgment of any deed or other instrument to be used or recorded in the state. [1890 p 91 § 1; 1890 p 90 § 1; RRS § 9910. Prior: Code 1881 § 2626; 1877 p 257 § 1; 1872 p 447 § 1; 1871 p 91 § 1; 1863 p 500 § 1; 1854 p 448 § 1.]

*Acknowledgments: Chapter 64.08 RCW.*

*Oaths and affirmations: Chapter 5.28 RCW.*

*Persons before whom depositions may be taken: Civil rules for superior court—CR 28.*

**42.28.130 Oath, seal, fee.** Before any commissioner appointed as aforesaid shall proceed to perform any of the duties of his office he shall take and subscribe an oath before any clerk of a court of record, or other officer having an official seal authorized to administer oaths in the state or territory for which such commissioner is appointed, that he will faithfully discharge all duties of his office, a certificate of which shall be filed in the office of the secretary of state, and shall provide and keep an official seal, upon which must be engraved his name and the words "Commissioner of Deeds for the State of Washington", and the name of the state or territory for which he is commissioned, with the date at which his commission expires, and shall pay into the state treasury the sum of five dollars for the special state library fund [state general fund]. [1890 p 90 § 2; RRS § 9911. Prior: 1877 p 257 § 2; 1872 p 477 § 2; 1871 p 91 § 2; 1863 p 500 § 2; 1854 p 448 § 2.]

*Reviser's note: Since the enactment of 1907 c 8 § 1 (RCW 43.79-.010) the fee herein specified to be paid into the special state library fund has been paid into the state general fund.*

## Chapter 42.30 OPEN PUBLIC MEETINGS ACT

### Sections

42.30.010	Legislative declaration.
42.30.020	Definitions.
42.30.030	Meetings declared open and public.
42.30.040	Conditions to attendance not to be required.
42.30.050	Interruptions—Procedure.
42.30.060	Ordinances, rules, resolutions, regulations, etc., to be adopted at public meetings—Notice.
42.30.070	Times and places for meetings—Emergencies—Exception.
42.30.080	Special meetings.
42.30.090	Adjournments.
42.30.100	Continuances.
42.30.110	Executive sessions.
42.30.120	Violations—Personal liability—Penalty.
42.30.130	Violations—Mandamus or injunction.
42.30.140	Chapter controlling—Application.
42.30.900	Short title.
42.30.910	Construction—1971 ex.s. c 250.
42.30.920	Severability—1971 ex.s. c 250.



**42.30.010 Legislative declaration.** The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. [1971 ex.s. c 250 § 1.]

**Reviser's note:** Throughout this chapter, the phrases "this act" and "this 1971 amendatory act" have been changed to "this chapter". "This act" [1971 ex.s. c 250] consists of this chapter, the amendment to RCW 34.04.025 and to the repeal of RCW 42.32.010 and 42.32.020.

**42.30.020 Definitions.** As used in this chapter unless the context indicates otherwise:

(1) "Public agency" means:

(a) Any state board, commission, committee, department, educational institution or other state agency which is created by or pursuant to statute, other than courts and the legislature.

(b) Any county, city, school district, special purpose district or other municipal corporation or political subdivision of the state of Washington;

(c) Any subagency of a public agency which is created by or pursuant to statute, ordinance or other legislative act, including but not limited to planning commissions, library or park boards, and other boards, commissions and agencies.

(2) "Governing body" means the multimember board, commission, committee, council or other policy or rule-making body of a public agency.

(3) "Action" means the transaction of the official business of a public agency by a governing body including but not limited to a collective decision made by a majority of the members of a governing body, a collective commitment or promise by a majority of the members of a governing body to make a positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.

(4) "Meeting" means meetings at which action is taken. [1971 ex.s. c 250 § 2.]

**42.30.030 Meetings declared open and public.** All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter. [1971 ex.s. c 250 § 3.]

**42.30.040 Conditions to attendance not to be required.** A member of the public shall not be required, as a condition to attendance at a meeting of a governing body, to register his name and other information, to

complete a questionnaire, or otherwise to fulfill any condition precedent to his attendance. [1971 ex.s. c 250 § 4.]

**42.30.050 Interruptions—Procedure.** In the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, the members of the governing body conducting the meeting may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members. In such a session, final disposition may be taken only on matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the governing body from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting. [1971 ex.s. c 250 § 5.]

**42.30.060 Ordinances, rules, resolutions, regulations, etc., to be adopted at public meetings—Notice.** No governing body of a public agency shall adopt any ordinance, resolution, rule, regulation, order, or directive, except in a meeting open to the public and then only at a meeting, the date of which is fixed by law or rule, or at a meeting of which notice has been given according to the provisions of this chapter. Any action taken at meetings failing to comply with the provisions of this section shall be null and void. [1971 ex.s. c 250 § 6.]

**42.30.070 Times and places for meetings—Emergencies—Exception.** The governing body of a public agency shall provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body. Unless otherwise provided for in the act under which the public agency was formed, meetings of the governing body need not be held within the boundaries of the territory over which the public agency exercises jurisdiction. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day. If by reason of fire, flood, earthquake, or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the presiding officer of the governing body: *Provided*, That the notice requirements of this chapter shall be suspended during such emergency. It shall not be a violation of the requirements of this chapter for a majority of the members of a governing body to travel together or gather for purposes other than a regular meeting or a special meeting as these terms are used in this chapter: *Provided*, That they take no action as defined in this chapter. [1973 c 66 § 1; 1971 ex.s. c 250 § 7.]

**42.30.080 Special meetings.** A special meeting may be called at any time by the presiding officer of the governing body of a public agency or by a majority of the

members of the governing body by delivering personally or by mail written notice to each member of the governing body; and to each local newspaper of general circulation and to each local radio or television station which has on file with the governing body a written request to be notified of such special meeting or of all special meetings. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the governing body. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the governing body a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage. [1971 ex.s. c 250 § 8.]

**42.30.090 Adjournments.** The governing body of a public agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the governing body may declare the meeting adjourned to a stated time and place. He shall cause a written notice of the adjournment to be given in the same manner as provided in RCW 42.30.080 for special meetings, unless such notice is waived as provided for special meetings. Whenever any meeting is adjourned a copy of the order or notice of adjournment shall be conspicuously posted immediately after the time of the adjournment on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule. [1971 ex.s. c 250 § 9.]

**42.30.100 Continuances.** Any hearing being held, noticed, or ordered to be held by a governing body at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of the governing body in the same manner and to the same extent set forth in RCW 42.30.090 for the adjournment of meetings. [1971 ex.s. c 250 § 10.]

**42.30.110 Executive sessions.** Nothing contained in this chapter shall be construed to prevent a governing body from holding executive sessions during a regular or special meeting to consider matters affecting national security; the selection of a site or the acquisition of real estate by lease or purchase, when publicity regarding such consideration would cause a likelihood of increased price; the appointment, employment, or dismissal of a public officer or employee; or to hear complaints or charges brought against such officer or employee by another public officer, person, or employee unless such officer or employee requests a public hearing. The governing body also may exclude from any such public meeting or executive session, during the examination of a witness on any such matter, any or all other witnesses in the matter being investigated by the governing body. [1973 c 66 § 2; 1971 ex.s. c 250 § 11.]

**42.30.120 Violations—Personal liability—Penalty.** Each member of the governing body who attends a meeting of such governing body where action is taken in violation of any provision of this chapter applicable to him, with knowledge of the fact that the meeting is in violation thereof, shall be subject to personal liability in the form of a civil penalty in the amount of one hundred dollars. The civil penalty shall be assessed by a judge of the superior court and an action to enforce this penalty may be brought by any person. A violation of this chapter does not constitute a crime and assessment of the civil penalty by a judge shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense. [1973 c 66 § 3; 1971 ex.s. c 250 § 12.]

**42.30.130 Violations—Mandamus or injunction.** Any person may commence an action either by mandamus or injunction for the purpose of stopping violations or preventing threatened violations of this chapter by members of a governing body. [1971 ex.s. c 250 § 13.]

**42.30.140 Chapter controlling—Application.** If any provision of this chapter conflicts with the provisions of any other statute, the provisions of this chapter shall control: *Provided*, That this chapter shall not apply to:

(1) The proceedings concerned with the formal issuance of an order granting, suspending, revoking, or denying any license, permit, or certificate to engage in any business, occupation or profession or to any disciplinary proceedings involving a member of such business, occupation or profession, or to receive a license for a sports activity or to operate any mechanical device or motor vehicle where a license or registration is necessary; or

(2) That portion of a meeting of a quasi-judicial body which relates to a quasi-judicial matter between named parties as distinguished from a matter having general effect on the public or on a class or group; or

(3) Matters governed by Title 34 RCW, the administrative procedure act, except as expressly provided in RCW 34.04.025; or

(4) That portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by such governing body during the

course of any collective bargaining, professional negotiations, grievance or mediation proceedings, or reviewing the proposals made in such negotiations or proceedings while in progress. [1973 c 66 § 4; 1971 ex.s. c 250 § 14.]

**42.30.900 Short title.** This chapter may be cited as the "Open Public Meetings Act of 1971". [1971 ex.s. c 250 § 16.]

**42.30.910 Construction—1971 ex.s. c 250.** The purposes of this chapter are hereby declared remedial and shall be liberally construed. [1971 ex.s. c 250 § 18.]

**42.30.920 Severability—1971 ex.s. c 250.** 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. [1971 ex.s. c 250 § 19.]

## Chapter 42.32 MEETINGS

### Sections

42.32.030 Minutes.

*Open public meetings act: Chapter 42.30 RCW.*

**42.32.030 Minutes.** The minutes of all regular and special meetings except executive sessions of such boards, commissions, agencies or authorities shall be promptly recorded and such records shall be open to public inspection. [1953 c 216 § 3.]

**Reviser's note:** RCW 42.32.010 and 42.32.020 were repealed by 1971 ex.s. c 250 § 15; later enactment see chapter 42.30 RCW.



# TITLE 43

## STATE GOVERNMENT—EXECUTIVE

### Chapter

- 43.01 State officers—General provisions.
- 43.03 Salaries and expenses.
- 43.06 Governor.
- 43.07 Secretary of state.
- 43.08 State treasurer.
- 43.09 State auditor.
- 43.10 Attorney general.
- 43.12 Commissioner of public lands.
- 43.17 Administrative departments and agencies—  
General provisions.
- 43.19 Department of general administration.
- 43.20 Department of health—State board of health.
- 43.20A Department of social and health services.
- 43.21 Department of conservation.
- 43.21A Department of ecology.
- 43.21B Pollution control hearings board of the state.
- 43.21C State environmental policy.
- 43.21E Grass burning research advisory committee.
- 43.21F State energy office.
- 43.21G Energy supply emergencies, alerts.
- 43.21H State economic policy.
- 43.22 Department of labor and industries.
- 43.23 Department of agriculture.
- 43.24 Department of motor vehicles.
- 43.27A Department of water resources.
- 43.30 Department of natural resources.
- 43.31 Department of commerce and economic  
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- 43.31A Economic assistance act of 1972.
- 43.32 Design standards committee.
- 43.33 Finance committee—Investment advisory  
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- 43.34 Capitol committee.
- 43.37 Weather modification.
- 43.38 Tax advisory council.
- 43.41 Director of program planning and fiscal  
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- 43.43 Washington state patrol.
- 43.46 Arts commission.
- 43.49 Columbia Basin commission.
- 43.51 Parks and recreation commission.
- 43.52 Operating agencies (Power commission).
- 43.56 Uniform legislation commission.
- 43.57 Interstate compact commission.
- 43.58 Washington–Oregon boundary commission.
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- 43.62 Determination of populations—Student  
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- 43.74 Basic science law.
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- 43.77 Printing and duplicating committee.
- 43.78 Public printer—Public printing.
- 43.79 State funds.
- 43.79A Treasurer's trust fund.
- 43.80 Fiscal agencies.
- 43.82 State agency housing.
- 43.83 Capital improvements.
- 43.83A Waste disposal facilities bond issue.
- 43.83B Water supply facilities bond issue.
- 43.83C Recreation improvements bond issue.
- 43.83D Social and health services facilities 1972 bond  
issue.
- 43.83F Refunding bonds—Capitol facilities revenue  
bonds, 1969—East capitol site bonds, 1969.
- 43.83H Social and health services facilities—1975-'76  
bond issue.
- 43.83I Department of fisheries bond issue.
- 43.84 Investments and interfund loans.
- 43.85 State depositaries.
- 43.86A Surplus funds—Investment program.
- 43.88 Budget and accounting.
- 43.89 Teletypewriter communications network.
- 43.92 Geological survey.
- 43.94 Oceanographic commission.
- 43.96B Expo '74.
- 43.97 Columbia River Gorge commission.
- 43.98 Outdoor recreational facilities.
- 43.99 Marine recreation land—Interagency commit-  
tee for outdoor recreation.
- 43.99A Outdoor recreational areas and facilities—  
1967 bond act.
- 43.101 Criminal justice training commission—Edu-  
cation and training standards boards.
- 43.105 Data processing and communications systems.
- 43.110 Municipal research council.
- 43.115 State commission on Mexican–American affairs.
- 43.117 State commission on Asian–American affairs.
- 43.125 American revolution bicentennial commission.
- 43.126 Geographic names.
- 43.130 Economic impact act—Closing of state  
facilities.
- 43.198 Construction.

*Accountancy board: Chapter 18.04 RCW.*

*Accountants examining committee: RCW 18.04.130.*

*Advisory boarding home council: RCW 18.20.080.*

*Aeronautics commission: Chapter 14.04 RCW.*

*Agricultural pesticide advisory board: RCW 17.21.230–17.21.270.*

- Air pollution control advisory council: RCW 70.94.240.*  
*Air pollution control board: Chapter 70.94 RCW.*  
*Anti-monopoly board: RCW 19.24.140.*  
*Apple advertising commission: Chapter 15.24 RCW.*  
*Apprenticeship council: RCW 49.04.010.*  
*Architects board of registration: RCW 18.08.120.*  
*Archives and records management division: Chapter 40.14 RCW.*  
*Athletic commission: Chapter 67.08 RCW.*  
*Bar association, Washington state: Chapter 2.48 RCW.*  
*Bar association board of governors: RCW 2.48.030.*  
*Barber examining committee: RCW 18.15.051–18.15.056.*  
*Boarding home advisory council: RCW 18.20.080.*  
*Boiler rules, board of: RCW 70.79.010–70.79.030.*  
*Canal commission: Chapter 91.12 RCW.*  
*Canvassing board, state: RCW 29.62.100, 29.62.110.*  
*Capitol historical association: Chapter 27.36 RCW.*  
*Cemetery board: Chapter 68.05 RCW.*  
*Censors, board of: RCW 29.81.090.*  
*Child development research and development institute: RCW 28B.20-400, 28B.20.402.*  
*Children and youth council: RCW 72.05.180, 72.05.190.*  
*Chiropractic examiners, board of: RCW 18.25.015–18.25.017.*  
*Civil defense agency: RCW 38.52.030.*  
*Civil defense communications coordinating committee: RCW 38.52.030.*  
*Civil defense council: RCW 38.52.040.*  
*Coal mining examining board: RCW 78.40.100.*  
*College trustees, boards of: RCW 28B.40.100–28B.40.120.*  
*Commodity board: RCW 15.65.220–15.65.280.*  
*Commodity commission: RCW 15.66.110–15.66.170.*  
*Commodity committees: RCW 15.28.140, 15.28.150, 15.28.180.*  
*Conservation, advisory board for: RCW 15.68.080, 15.68.140.*  
*Coordinating council for occupational education: Chapter 28B.50 RCW.*  
*Cosmetology examining committee: RCW 18.18.100–18.18.108.*  
*County assessors, association of: RCW 82.44.040.*  
*County commissioners, state association of: RCW 36.32.350.*  
*Dairy products commission: Chapter 15.44 RCW.*  
*Dental examiners, board of: Chapter 18.32 RCW.*  
*Design standards committee: RCW 35.78.020, 35.78.030, chapter 43.32 RCW.*  
*Dispensing opticians' examining committee: RCW 18.34.050.*  
*Driving instructor's examination committee: RCW 46.82.140, 46.82.270.*  
*Eastern Washington historical society (board of curators): Chapter 27.32 RCW.*  
*Education, board of: Chapter 28A.04 RCW.*  
*Elected county officials, state association of: RCW 36.28.170, 36.47-030, 36.47.040, 36.47.060.*  
*Electrical advisory board: RCW 19.28.065.*  
*Electrical board of appeals: RCW 19.28.270, 19.28.300, 19.28.310.*  
*Eminent domain commissioners, board of: RCW 8.12.260–8.12.290.*  
*Employment security advisory council: RCW 50.12.200.*  
*Employment security department: Chapter 50.08 RCW.*  
*Engineers and land surveyors, board of registration: Chapter 18.43 RCW.*  
*Equalization committee: RCW 89.16.120.*  
*Equipment, commission on: Chapter 46.37 RCW.*  
*Explosives and flammables transport, advisory committee on safety: RCW 46.48.190.*  
*Fairs commission: Chapter 15.76 RCW.*  
*Farmer advisory board: RCW 15.68.140.*  
*Fire marshal, state: Chapter 48.48 RCW.*  
*Fisheries department: Chapter 75.08 RCW.*  
*Forest products institute: Chapter 76.44 RCW.*  
*Fruit commission: Chapter 15.28 RCW.*  
*Game commission: Title 77 RCW.*  
*Game department: Chapter 77.04 RCW.*  
*Handicapped children, division for: Chapter 28A.13 RCW.*  
*Highway commission: Chapter 47.01 RCW.*  
*Historical society, state: Chapter 27.28 RCW.*  
*Horse racing commission: Chapter 67.16 RCW.*  
*Horticultural inspectors: RCW 15.17.240–15.17.250.*  
*Horticultural pests and diseases inspection board: RCW 15.08.180, 15.08.190.*  
*Hours of labor in defense and war production, commission: RCW 49.28.070.*  
*Human rights commission: RCW 49.60.050, 49.60.051, Chapter 49.60 RCW.*  
*Industrial insurance appeals board: Chapter 51.52 RCW.*  
*Industrial welfare commission: RCW 49.12.030, 49.12.040.*  
*Information agency, uniform reciprocal enforcement of support act: RCW 26.21.106.*  
*Institutional industries commission: Chapter 72.60 RCW.*  
*Insurance commissioner: RCW 48.02.010.*  
*Irrigation districts, state association of: RCW 87.76.020.*  
*Judicial council: Chapter 2.52 RCW.*  
*Legal aid bureau: RCW 2.50.050–2.50.080.*  
*Legislative budget committee: Chapter 44.28 RCW.*  
*Legislative council: Chapter 44.24 RCW.*  
*Librarians' certification board: RCW 27.08.010, 27.08.045.*  
*Library commission: Chapter 27.04 RCW.*  
*Limited access facilities review board: RCW 47.52.150, 47.52.160, 47.52.190.*  
*Liquor control board: Chapter 66.08 RCW.*  
*Magistrates' association: Chapter 3.70 RCW.*  
*Maps and surveys, advisory board: RCW 58.24.020–58.24.040.*  
*Marine employee commission: Chapter 47.64 RCW.*  
*Medical disciplinary board: Chapter 18.72 RCW.*  
*Medical examiners, state board of: RCW 18.71.015.*  
*Mental retardation research, advisory committee on: RCW 28B.20.412.*  
*Militia advisory council: RCW 38.12.040, 38.12.050.*  
*Mines to market road commission: RCW 78.48.010.*  
*Nuclear energy, advisory council on: RCW 70.98.070.*  
*Nurse planning council: RCW 18.88.040.*  
*Nursing home advisory council: RCW 18.51.100, 18.51.110.*  
*Occupational and environmental research advisory committee: RCW 28B.20.456.*  
*Oil and gas conservation committee: Chapter 78.52 RCW.*  
*Optometry board: Chapter 18.54 RCW.*  
*Pacific marine fisheries commission, representatives appointed by governor: RCW 75.40.040.*  
*Personnel, department of: RCW 41.06.030.*  
*Personnel board, state: RCW 41.06.110.*  
*Pharmacy board: Chapter 18.64 RCW.*  
*Physical therapy examining committee: Chapter 18.74 RCW.*  
*Pilotage commissioners, state board of: Chapter 88.16 RCW.*  
*Practical nurse examiners, state board of: RCW 18.78.020–18.78.050.*  
*Prison terms and paroles, board of: Chapter 9.95 RCW.*  
*Professional nurse registration, board of: Chapter 18.88 RCW.*  
*Psychology examining board: RCW 18.83.030–18.83.051.*  
*Public accountants' registration committee: RCW 18.04.230.*  
*Public pension commission: Chapter 41.52 RCW.*  
*Public ports association: Chapter 53.06 RCW.*  
*Radiation control agency: RCW 70.98.050–70.98.200.*  
*Real estate commission: RCW 18.85.071–18.85.100.*  
*Reciprocity commission: RCW 46.85.030.*  
*Reclamation commission: RCW 89.30.055–89.30.070.*  
*Records committee: RCW 40.14.050.*  
*Recreation division, public instruction: Chapter 28A.14 RCW.*  
*Registered nurses board of nursing: RCW 18.88.050–18.88.080.*  
*Review, board of, limited access facilities: RCW 47.52.150, 47.52.160, 47.52.190.*  
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*School directors' association: RCW 28A.61.010–28A.61.060.*

*School transportation commission, county: Chapter 28A.24 RCW.*  
*Securities advisory committee: RCW 21.20.550–21.20.590.*  
*Securities examining committee: RCW 21.20.580, 21.20.590.*  
*Soil and water conservation committee: Chapter 89.08 RCW.*  
*State employees' retirement system board: Chapter 41.40 RCW.*  
*State-wide city employees' retirement system board of trustees: RCW 41.44.070, 41.44.080.*  
*Statistics, division of, industrial insurance: RCW 51.04.020.*  
*Statute law committee: Chapter 1.08 RCW.*  
*Superintendent of public instruction: Chapter 28A.03 RCW.*  
*Superior court judges, association of: Chapter 2.16 RCW.*  
*Superior students division, public instruction: Chapter 28A.16 RCW.*  
*Supreme court reports, commission on: RCW 2.32.160, 2.32.170.*  
*Surveys and maps, state agency: Chapter 58.24 RCW.*  
*Teachers' retirement system board of trustees: Chapter 41.32 RCW.*  
*Toll bridge authority: RCW 47.56.020.*  
*Toll facilities division: RCW 47.56.034.*  
*Toxicological laboratory, state: RCW 68.08.107.*  
*Unemployment compensation advisory council: RCW 50.12.200.*  
*University of Washington regents, board of: RCW 28B.20.100–28B.20.130.*  
*Urban area government, joint committee on: Chapter 44.36 RCW.*  
*Utilities and transportation commission: Chapter 80.01 RCW.*  
*Vehicle equipment safety, commission on: Chapter 46.38 RCW.*  
*Veterinary board of governors: RCW 18.92.021–18.92.040.*  
*Vital statistics bureau: State Constitution Art. 20 § 1.*  
*Vocational rehabilitation services: Chapter 28A.10 RCW.*  
*Volunteer firemen, state board: RCW 41.24.250–41.24.310.*  
*Viewer's pamphlet committees: RCW 29.81.030–29.81.060.*  
*Voting machine committee: RCW 29.33.030.*  
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### Chapter 43.01

#### STATE OFFICERS—GENERAL PROVISIONS

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*Tort claims against state:* Chapter 4.92 RCW.

*Usurpation of office, quo warranto proceedings:* Chapter 7.56 RCW.

*Venue of actions against:* RCW 4.12.020.

*Wage deductions for charitable contributions:* RCW 41.04.035, 41.04.036.

**43.01.010 Terms of office.** The governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, and insurance commissioner, shall hold office for the term of four years, and until their successors are elected and qualified; and the term shall commence on the Wednesday after the second Monday of January following their election. [1965 c 8 § 43.01-.010. Prior: 1891 c 82 § 1; RRS § 10980.]

*Term of person elected to fill vacancy:* RCW 42.12.030.

*Terms of office:* State Constitution Art. 3 § 3.

*Vacancies in office:* Chapter 42.12.

**43.01.020 Oath of office.** The governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, and insurance commissioner, shall, before entering upon the duties of their respective offices, take and subscribe an oath or affirmation in substance as follows: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the state of Washington, and that I will faithfully discharge the duties of the office of (name of office) to the best of my ability.

The oath or affirmation shall be administered by one of the justices of the supreme court at the capitol. A certificate shall be affixed thereto by the person administering the oath, and the oath or affirmation so certified shall be filed in the office of the secretary of state before the officer shall be qualified to discharge any official duties: *Provided*, That the oath of the secretary of state shall be filed in the office of the state auditor. [1965 c 8 § 43.01.020. Prior: 1909 c 43 § 1; RRS § 10981.]

*Attorney general, oath of office:* RCW 43.10.010.

*Bank examiners, oath of office:* RCW 43.19.030.

*Commissioner of deeds, oath required:* RCW 42.28.130.

*Commissioner of public lands, oaths of employees:* RCW 79.01.056, 79.01.068.

*Court commissioners, oath of office:* RCW 2.24.020.

*Election officials, oaths required:* RCW 29.45.080–29.45.110.

*Elections, registration officers, oath required:* RCW 29.07.050.

*Engineers and land surveyors' board of registration, oath required:* RCW 18.43.030.

*Game department employees, oath of office:* RCW 77.04.070.

*Horse racing commission, oath of office:* RCW 67.16.012.

*Judges of superior court, oath of office:* State Constitution Art. 4 § 28; RCW 2.08.080, 2.08.180.

*Judges of supreme court, oath of office:* State Constitution Art. 4 § 28; RCW 2.04.080.

*Liquor control board, oath of office:* RCW 66.08.014.

*Militia, oath of office:* RCW 38.12.150, 38.12.160.

*Notary public, oath of office:* RCW 42.28.030.

*Oaths, mode of administering:* State Constitution Art. 1 § 6.

*Perjury, oath defined:* RCW 9.72.040.

*State administrative officers, oath required:* RCW 43.17.030.

*State auditor, oath of office:* RCW 43.09.010.

*State treasurer, oath of office:* RCW 43.08.020.

*Subversive activities, oath required of public officers and employees:* RCW 9.81.070.

*University of Washington, board of regents, oath required:* RCW 28B.10.520.

*Utilities and transportation commission:* RCW 80.01.020.

*Washington State University, board of regents:* RCW 28B.10.520.

**43.01.030 Filing and printing of reports of state officers, etc.** Reports required to be made by state officers, boards, commissions, regents, trustees, and institutions to the governor or the legislature, shall be typewritten, the original of which shall be filed with the governor, or with the legislature, as the law may require, and a duplicate copy thereof shall be filed with the director of budget.

The director shall determine which reports, or what portions of any report, with the approval of the governor, shall be printed as public documents.

The governor shall determine the number of such reports to be printed for distribution. [1965 c 8 § 43.01-.030. Prior: 1929 c 161 § 1; RRS § 10973–1.]

*Reports or statements, falsifying:* RCW 42.20.040.

**43.01.035 Reports—Periods to be covered.** All biennial reports to the legislature and the governor shall cover the period comprising the first full fiscal year of the then current biennium and the last full fiscal year of the biennium immediately preceding. All annual reports to the governor shall cover the full fiscal year immediately preceding the date of said report. [1965 c 8 § 43.01.035. Prior: 1953 c 184 § 3.]

**43.01.040 Vacations—Computation—Accrual—Transfer.** Each subordinate officer and employee of the several offices, departments, and institutions of the state government shall be entitled under their contract of employment with the state government to not less than one working day of vacation leave with full pay for each month of employment if said employment is continuous for six months.

Each such subordinate officer and employee shall be entitled under such contract of employment to not less than one additional working day of vacation with full



pay each year for satisfactorily completing the first two, three and five continuous years of employment respectively.

Such part time officers or employees of the state government who are employed on a regular schedule of duration of not less than one year shall be entitled under their contract of employment to that fractional part of the vacation leave that the total number of hours of such employment bears to the total number of hours of full time employment.

Each subordinate officer and employee of the several offices, departments and institutions of the state government shall be entitled under his contract of employment with the state government to accrue unused vacation leave not to exceed thirty working days. Officers and employees transferring within the several offices, departments and institutions of the state government shall be entitled to transfer such accrued vacation leave to each succeeding state office, department or institution. All vacation leave shall be taken at the time convenient to the employing office, department or institution: *Provided*, That if a subordinate officer's or employee's request for vacation leave is deferred by reason of the convenience of the employing office, department or institution, and a statement of the necessity therefor is filed by such employing office, department or institution with the appropriate personnel board or other state agency or officer, then the aforesaid maximum thirty working days of accrued unused vacation leave shall be extended for each month said leave is so deferred. [1965 ex.s. c 13 § 1; 1965 c 8 § 43.01.040. Prior: 1955 c 140 § 1; 1921 c 7 § 133; RRS § 10891.]

*Military leaves of absence: RCW 38.40.060.*

**43.01.041 Vacations—Payment upon severance of employment.** Officers and employees referred to in RCW 43.01.040 whose employment is terminated by their death; reduction in force; resignation; dismissal; or by retirement and who have accrued vacation leave as specified in RCW 43.01.040, shall be paid therefor under their contract of employment, or their estate if they are deceased, or if the employee in case of voluntary resignation has provided adequate notice of termination. [1965 c 8 § 43.01.041. Prior: 1955 c 140 § 2.]

**43.01.042 Vacations—State institutions of higher learning.** State institutions of higher learning may prescribe such rules and regulations as they may determine governing vacation leave for academic and professional personnel. [1965 c 8 § 43.01.042. Prior: 1955 c 140 § 3.]

**43.01.043 Vacations—Rules and regulations.** The several offices, departments and institutions of the state government may prescribe supplemental rules and regulations that are not inconsistent with the provisions of RCW 43.01.040 through 43.01.043 with respect to vacation leave of subordinate officers and employees thereof. [1965 c 8 § 43.01.043. Prior: 1955 c 140 § 4.]

**43.01.050 Daily remittance of moneys to treasury—Undistributed receipts fund created, use.** Each state officer or other person, other than county treasurer,

who is authorized by law to collect or receive moneys which are required by statute to be deposited in the state treasury shall transmit to the state treasurer each day, all such moneys collected by him on the preceding day: *Provided*, That the state treasurer may in his discretion grant exceptions where such daily transfers would not be administratively practical or feasible. In the event that remittances are not accompanied by a statement designating source and fund the state treasurer shall deposit these moneys in the state treasury in a fund hereby created to be known as the "undistributed receipts fund". These moneys shall be retained in said fund until such time as the transmitting agency provides a statement in duplicate of the source from which each item of money was derived and the fund into which it is to be transmitted. The \*budget director in accordance with RCW 43.88.160 shall promulgate regulations designed to assure orderly and efficient administration of this fund. In the event moneys are deposited in this fund that constitute overpayments, refunds may be made by the remitting agency without virtue of a legislative appropriation. [1967 c 212 § 1; 1965 c 8 § 43.01.050. Prior: 1909 c 133 § 1, part; 1907 c 96 § 1, part; RRS § 5501, part.]

*\*Reviser's note: Central budget agency abolished; powers and duties transferred to office of program planning and fiscal management: RCW 43.41.940; 43.41.050.*

*Commissioner of public lands, deposit of funds: RCW 43.85.130.*

*State depositaries: Chapter 43.85 RCW.*

**43.01.060 Daily remittance of moneys to treasury—Treasurer's duty on default.** The state treasurer shall inform the governor of any failure on the part of any officer to comply with the provisions of RCW 43.01.050. [1965 c 8 § 43.01.060. Prior: 1907 c 96 § 2; RRS § 5502.]

**43.01.070 Daily remittance of moneys to treasury—Liability of officers for noncompliance.** If any officer fails to comply with the provisions of RCW 43.01.050, he shall be liable to the state upon his official bond in a sum equal to ten percent annual interest on the funds for such time as he retained them. [1965 c 8 § 43.01.070. Prior: 1907 c 96 § 3; RRS § 5503.]

**43.01.072 Refund of fees or other payments collected by state.** Whenever any law which provides for the collection of fees or other payments by a state agency does not authorize the refund of erroneous or excessive payments thereof, refunds may be made or authorized by the state agency which collected the fees or payments of all such amounts received by the state agency in consequence of error, either of fact or of law as to: (1) The proper amount of such fee or payments; (2) The necessity of making or securing a permit, filing, examination or inspection; (3) The sufficiency of the credentials of an applicant; (4) The eligibility of an applicant for any other reason; (5) The necessity for the payment. [1965 c 8 § 43.01.072. Prior: 1955 c 224 § 1.]

*Refunds of fees or other payments, budget and accounting system: RCW 43.88.170.*

**43.01.073 Refund of fees or other payments collected by state—Voucher.** Any state agency desiring to authorize such a refund shall file with the state treasurer a voucher naming the payee and giving full particulars as to the reason for the refund and the fund in the treasury to which it was credited. [1965 c 8 § 43.01.073. Prior: 1955 c 224 § 2.]

**43.01.074 Refund of fees or other payments collected by state—Warrant.** Payment of such refunds shall be by warrant issued by the state treasurer against the fund in the state treasury to which the erroneous or excessive payment was credited or from any other appropriation made for such refund. [1965 c 8 § 43.01.074. Prior: 1955 c 224 § 3.]

*Appropriation, when not required for refunds: RCW 43.88.180.*

**43.01.075 Refund of fees or other payments collected by state—Limitation where amount is two dollars or less.** No such refund shall be authorized by a state agency where the amount is two dollars or less unless demand for the refund is made within six months from the date the erroneous or excessive payment was made. [1965 c 8 § 43.01.075. Prior: 1955 c 224 § 4.]

**43.01.090 Certain departments to pay housing costs.** The director of general administration may assess a charge against each state board, commission, agency, office, department, activity, or other occupant or user for payment of a proportion of costs for occupancy of buildings, structures, or facilities including but not limited to all costs of operating and maintaining such buildings, structures, or facilities and the repair, remodeling, or furnishing thereof and for the rendering of any service or the furnishing or providing of any supplies, equipment, or materials.

The director of general administration may recover the full costs including appropriate overhead charges of the foregoing by billing either quarterly or semiannually as determined by the director including but not limited to transfers upon accounts and advancements into the general administration facilities and services revolving fund. Rates shall be established by the director of general administration after consultation with the director of the office of program planning and fiscal management. The director of general administration may allot, provide, or furnish any of such facilities, structures, services, equipment, supplies, or materials to any other public service type occupant or user at such rates or charges as are equitable and reasonably reflect the actual costs of the services provided: *Provided, however,* That the legislature, its duly constituted committees, interim committees and other committees shall be exempted from the provisions of this section. Billings shall be adjusted at intervals of not to exceed six months to reflect any change in actual costs relative to whatever estimates may have been made for budget purposes.

Upon receipt of such bill, each entity, occupant, or user shall cause a warrant or check in the amount thereof to be drawn in favor of the department of general administration which shall be deposited in the state treasury to the credit of the general administration

facilities and services revolving fund established in RCW 43.19.500 unless the director of the office of program planning and fiscal management has authorized another method for payment of costs. [1973 1st ex.s. c 82 § 1; 1971 ex.s. c 159 § 1; 1965 c 8 § 43.01.090. Prior: (i) 1951 c 131 § 1; 1941 c 228 § 1; Rem. Supp. 1941 § 10964–30. (ii) 1951 c 131 § 1; 1941 c 228 § 2; Rem. Supp. 1941 § 10964–31.]

**Effective date—1973 1st ex.s. c 82:** "This 1973 amendatory 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, 1973." [1973 1st ex.s. c 82 § 2.]

*General administration facilities and services revolving fund: RCW 43.19.500.*

*Housing for state offices, departments and institutions: Chapter 43.82 RCW.*

**43.01.100 Application forms—Employment—Licenses—Mention of race or religion prohibited.** The inclusion of any question relative to an applicant's race or religion in any application blank or form for employment or license required to be filled in and submitted by an applicant to any department, board, commission, officer, agent, or employee of this state or the disclosure on any license of the race or religion of the licensee is hereby prohibited. [1965 c 8 § 43.01.100. Prior: 1955 c 87 § 1.]

*Law against discrimination: Chapter 49.60 RCW.*

*Subversive activities, public officials and employees: Chapter 9.81 RCW.*

**43.01.110 Penalty for violation of RCW 43.01.100.** Any person who shall violate RCW 43.01.100 shall be guilty of a misdemeanor. [1965 c 8 § 43.01.110. Prior: 1955 c 87 § 2.]

**43.01.120 Accidental death and dismemberment coverage during aircraft flights for state officers, employees, and legislators.** The departments of state government are authorized to procure at state expense accidental death and dismemberment coverage not to exceed one hundred thousand dollars per person for the benefit of state employees and state elected officials, including legislators, while they are, in the course of their employment, passengers on or crew members of any nonscheduled aircraft flight. [1967 ex.s. c 6 § 1; 1965 ex.s. c 68 § 1.]

**43.01.130 Truth in spending act of 1974—Legislative finding and intent.** The legislature finds that knowledge of the expenditures made by state government is of importance to the people of this state. It is the intent of the legislature that \*this act require state agencies to prepare information to inform the people of the disposition of state revenues on a per capita basis. \*This act shall be known and may be cited as "The Truth in Spending Act of 1974". [1974 ex.s. c 48 § 1.]

**\*Reviser's note:** "this act" [1974 ex.s. c 48] is codified as RCW 43.01.130 and 43.01.140.

**43.01.140 Truth in spending act of 1974—Operating expenditures report—Preparation—Distribution.** Within one hundred twenty days after the close of

each fiscal biennium, the office of program planning and fiscal management shall prepare a report which indicates as accurately as possible the total operating expenditures of each commission, committee, agency or department on a per capita basis for the two immediately preceding fiscal biennia. The report shall be based on population figures prepared by the office of program planning and fiscal management and shall be distributed to each member of the legislature and to at least one newspaper of general circulation in each county of this state. [1974 ex.s. c 48 § 2.]

**43.01.150 Power to employ or appoint personnel not to include authority to provide state owned or leased motor vehicle.** Notwithstanding any other provision of law, whenever any state agency, institution of higher education, or other appointing authority is empowered to employ or appoint administrators or other personnel and to fix their compensation, such power, in the absence of a specific contrary statutory authorization to the agency, institution of higher education, or appointing authority, shall not extend to the power to provide a state owned or leased motor vehicle for any use other than official state business. [1975 1st ex.s. c 33 § 1.]

*Providing motor vehicle transportation services for public employees: RCW 43.19.560-43.19.635.*

### Chapter 43.03 SALARIES AND EXPENSES

#### Sections

- 43.03.010 Salaries of elective state officers.
- 43.03.015 Emoluments of office for appointees to office of state legislator.
- 43.03.020 Expenses of lieutenant governor acting as governor.
- 43.03.027 Salaries of public officials—State policy enunciated.
- 43.03.028 State committee on salaries—Members—Duties—Reports.
- 43.03.030 Increase or reduction of appointees' compensation.
- 43.03.040 Governor to fix salaries of certain appointees and statutory assistant directors—Maximum.
- 43.03.045 Governor to recommend salaries of state elective officials in budget—Recommendations carried forth in appropriations act constitute official salaries.
- 43.03.047 Governor to recommend salaries of state elective officials in budget—Salaries shown by appropriation bill shall be published in session laws and RCW.
- 43.03.050 Subsistence allowance for officials, employees, and members of boards, commissions, or committees.
- 43.03.060 Mileage allowance.
- 43.03.080 Minimum salaries of full time state employees.
- 43.03.090 Minimum salaries of part time employees.
- 43.03.100 Exceptions.
- 43.03.110 Moving expenses of employees.
- 43.03.120 Moving expenses of new employees.
- 43.03.130 Travel expenses of prospective employees.
- 43.03.140 Budget director to prescribe procedures for reporting expenditures incurred under RCW 43.03.060, 43.03.110, 43.03.120 and 43.03.130.
- 43.03.150 Advance payment of travel expenses—Authorized.
- 43.03.160 Advance payment of travel expenses—"Department" defined.
- 43.03.170 Advance payment of travel expenses—Advance warrants—Issuance—Limitations.
- 43.03.180 Advance payment of travel expenses—Itemized travel expense voucher to be submitted—Repayment of unexpended portion of advance—Default.
- 43.03.190 Advance payment of travel expenses—Lien against and right to withhold funds payable until proper accounting or repaying of advance made.
- 43.03.200 Advance payment of travel expenses—Advances construed.
- 43.03.210 Advance payment of travel expenses—Budget director to prescribe rules and regulations to carry out RCW 43.03.150 through 43.03.210.

*Compensation for unofficial services permitted: RCW 42.04.070.*

*Compensation not to be changed during term: State Constitution Art. 2 § 25, Art. 3 § 25, Art. 28 § 1.*

*Free transportation prohibited: State Constitution Art. 2 § 39, Art. 12 § 20.*

*Salaries of state officers, paid monthly: RCW 42.16.010.*

**43.03.010 Salaries of elective state officers.** The annual salaries of the following named state elected officials shall be: Governor, forty-two thousand one hundred fifty dollars; lieutenant governor, seventeen thousand eight hundred dollars plus a sum equal to 1/260th of the difference between the annual salary of the lieutenant governor and the annual salary of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death, or disability of the governor; secretary of state, twenty-one thousand four hundred dollars; state treasurer, twenty-four thousand one hundred fifty dollars; state auditor, twenty-four thousand nine hundred fifty dollars; attorney general, thirty-one thousand five hundred dollars; superintendent of public instruction, thirty-one thousand five hundred dollars; commissioner of public lands, twenty-nine thousand two hundred fifty dollars; state insurance commissioner, twenty-four thousand fifty dollars; members of the legislature shall receive for their service seven thousand two hundred dollars per annum, effective January 10, 1977; and in addition, ten cents per mile for travel to and from legislative sessions. [1975-'76 2nd ex.s. c 113 § 1; 1975 1st ex.s. c 263 § 1; 1974 ex.s. c 149 § 2 (Initiative Measure No. 282); 1967 ex.s. c 100 § 1; 1965 ex.s. c 127 § 4; 1965 c 8 § 43.03.010. Prior: 1965 c 1 § 2; 1961 c 5 § 1; 1959 c 316 § 1; 1949 c 48 § 1; Rem. Supp. 1949 § 10965-1; prior: 1947 c 79 § .02.04; 1945 c 116 § 1; 1939 c 226 § 1; 1925 ex.s. c 163 § 1; 1925 ex.s. c 90 § 1; 1919 c 124 §§ 1, 2; 1907 c 94 § 1.]

**Severability—1975 1st ex.s. c 263:** "If any provision of this 1975 amendatory 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." [1975 1st ex.s. c 263 § 7.]

**Effective date—1975 1st ex.s. c 263:** "This 1975 amendatory 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, 1975." [1975 1st ex.s. c 263 § 8.]

**Severability—1974 ex.s. c 149 (Initiative Measure No. 282):** "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." [Initiative Measure No. 282 § 7.]

**43.03.015 Emoluments of office for appointees to office of state legislator.** Any person appointed to fill a vacancy that may occur in either the senate or house of representatives of the state legislature, prior to his qualification at the next succeeding regular or special session

of the legislature shall be entitled to the same emoluments of office as the duly elected member whom he succeeded. [1967 ex.s. c 100 § 2.]

*Eligibility of member of legislature to appointment or election to office of official whose salary was increased during legislator's term: RCW 3.58.010.*

**43.03.020 Expenses of lieutenant governor acting as governor.** Whenever by reason of the absence from the state or the disability of the governor, the lieutenant governor is called upon temporarily to perform the duties of the office of governor, he shall be paid upon his personal voucher therefor the sum of ten dollars per day for expenses. [1965 c 8 § 43.03.020. Prior: 1919 c 118 § 1; RRS § 10979.]

**43.03.027 Salaries of public officials—State policy enunciated.** It is hereby declared to be the public policy of this state to base the salaries of public officials on realistic standards in order that such officials may be paid according to the true value of their services and the best qualified citizens may be attracted to public service. It is the purpose of RCW 43.03.027, 43.03.028, 43.03.040, 43.03.045 and 43.03.047 to effectuate this policy by utilizing the expert knowledge of citizens having access to pertinent facts concerning proper salaries for public officials, thus removing and dispelling any thought of political consideration in fixing the appropriateness of the amount of such salaries. [1970 ex.s. c 43 § 1.]

*Severability—1970 ex.s. c 43:* "If any provision of this 1970 amendatory 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, shall not be affected." [1970 ex.s. c 43 § 7.] Term "this 1970 amendatory act" refers to RCW 43.03.027, 43.03.028, 43.03.040, 43.03.045 and 43.03.047.

**43.03.028 State committee on salaries—Members—Duties—Reports.** There is hereby created a committee to be known as the state committee on salaries, to consist of seven members as follows: The president of the University of Puget Sound or his nominee; the president of Washington State University or his nominee; the chairman of the State Personnel Board; the president of the Association of Washington Business; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association, and the president of the Washington State Labor Council or his nominee. If any of the titles or positions mentioned in this subsection are changed or abolished, any person occupying an equivalent or like position shall be qualified for appointment by the governor to membership upon the committee.

(1) The committee herein created shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government who are subject to appointment by the governor, the director of game, the director of highways, the director of aeronautics, the director of parks and recreation, the director of the veterans' rehabilitation council and the statutory assistant directors of all departments the executive head of which is an individual appointed by the governor, and to recommend to the governor the salaries to be fixed for each

respective position. Such recommendations shall be submitted to the governor in writing at least once in each fiscal biennium on such date as the governor may designate, but not later than seventy-five days prior to the convening of the legislature.

(2) The committee shall also make a study of the duties and salaries of all state elective officials, including members of the supreme, appellate, superior, and district courts and of the members of the legislature, and also a study of the duties and salaries of county elective officials, and report to the governor and the legislative council not later than sixty days prior to the convening of each regular session of the legislature and recommend the salaries to be established for each position. [1970 ex.s. c 43 § 2; 1967 c 19 § 1; 1965 c 8 § 43.03.028. Prior: 1961 c 307 § 1; 1955 c 340 § 1.]

*Reviser's note:* The position of director of the veterans' rehabilitation council was abolished in 1970 ex.s. c 18 which transferred certain powers and duties to a newly created department of social and health services; see RCW 43.61.020 wherein the position was originally created.

*Severability—1970 ex.s. c 43:* See note following RCW 43.03.027. *Aeronautics director, salary: RCW 14.04.040.*

*Horse racing commission members, salaries: RCW 67.16.012.*

**43.03.030 Increase or reduction of appointees' compensation.** (1) Wherever the compensation of any appointive state officer or employee is fixed by statute, it may be hereafter increased or decreased in the manner provided by law for the fixing of compensation of other appointive state officers or employees; but this subsection shall not apply to the heads of state departments.

(2) Wherever the compensation of any state officer appointed by the governor, or of any employee in any office or department under the control of any such officer, is fixed by statute, such compensation may hereafter, from time to time, be changed by the governor, and he shall have power to fix such compensation at any amount not to exceed the amount fixed by statute. [1965 c 8 § 43.03.030. Prior: (i) 1921 c 49 § 1; RRS § 10896. (ii) 1933 c 47 § 1; RRS § 10976-1.]

**43.03.040 Governor to fix salaries of certain appointees and statutory assistant directors—Maximum.** The directors of the several departments and members of the several boards and commissions, who are subject to appointment by the governor, the director of game, the director of highways, the director of aeronautics, the director of parks and recreation, the director of the veterans' rehabilitation council and the statutory assistant directors of all departments the executive head of which is an individual appointed by the governor, shall each severally receive such salaries, payable in monthly installments, as shall be fixed by the governor, in an amount not to exceed the recommendations of the committee on salaries created in RCW 43.03.028, upon the basis of official responsibility. [1970 ex.s. c 43 § 3; 1965 c 8 § 43.03.040. Prior: 1961 c 307 § 2; 1955 c 340 § 2; 1949 c 111 § 1; 1937 c 224 § 1; Rem. Supp. 1949 § 10776-1.]

*Reviser's note:* "director of the veterans' rehabilitation council", see note following RCW 43.03.028.

*Severability—1970 ex.s. c 43:* See note following RCW 43.03.027.

*Aeronautics director, salary: RCW 14.04.040.*

*Horse racing commission members, salaries: RCW 67.16.012.*

**43.03.045 Governor to recommend salaries of state elective officials in budget**—Recommendations carried forth in appropriations act constitute official salaries. (1) The governor shall include, in the budget next transmitted by him to the legislature after the date of the submission of the report and recommendations of the committee under RCW 43.03.028, his recommendations with respect to the exact annual salaries which he deems advisable for all state elective officials within the purview of RCW 43.03.028. As used in this subsection, the term "budget" means the budget referred to in RCW 43.88.020(1).

(2) The recommendation of the governor transmitted to the legislature in the budget as to such positions shall be carried forth and included in the appropriation act of the state.

The amount of the salaries for which positions as enacted by the legislature, in the appropriation bill, shall be the salary that each respective official shall receive.

In the event the governor makes no recommendation, the salary that each such respective official shall receive shall remain the same. [1970 ex.s. c 43 § 4.]

**Severability**—1970 ex.s. c 43: See note following RCW 43.03.027.

**43.03.047 Governor to recommend salaries of state elective officials in budget**—Salaries shown by appropriation bill shall be published in session laws and RCW. The salaries of public officials as shown by the appropriation bill shall be printed in the session laws and the Revised Code of Washington under the section caption of "Salaries for Public Officials". [1970 ex.s. c 43 § 6.]

**Severability**—1970 ex.s. c 43: See note following RCW 43.03.027.

**43.03.050 Subsistence allowance for officials, employees, and members of boards, commissions, or committees.** (1) The director of the office of program planning and fiscal management shall prescribe for all state agencies per diem rates of allowance, not exceeding twenty-five dollars in lieu of subsistence and lodging to elective and appointive officials and state employees while engaged on official business away from their designated posts of duty, but within the state of Washington, and not exceeding thirty-five dollars per day while engaged on official business elsewhere. The director of the office of program planning and fiscal management may within the limits established herein prescribe and regulate the per diem rates to be allowed in lieu of subsistence and lodging expenses and may prescribe the conditions under which reimbursement for subsistence and lodging may be allowed.

(2) Those persons appointed to serve without compensation on any state board, commission, or committee, if entitled to reimbursement of travel expenses, shall be reimbursed pursuant to a special schedule at the daily per diem rate prescribed in accordance with subsection (1) of this section by the office of program planning and fiscal management, for each day or portion thereof spent on official business of the board, commission, or committee. [1975-'76 2nd ex.s. c 34 § 94; 1970 ex.s. c 34 §

1; 1965 ex.s. c 77 § 1; 1965 c 8 § 43.03.050. Prior: 1961 c 220 § 1; 1959 c 194 § 1; 1953 c 259 § 1; 1949 c 17 § 1; 1943 c 86 § 1; Rem. Supp. 1949 § 10981-1.]

**Effective date**—**Severability**—1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

**43.03.060 Mileage allowance.** Whenever it becomes necessary for an elective or appointive official or employee of the state to travel away from his designated post of duty while engaged on official business, and it is found to be more advantageous and economical to the state that travel be by a privately-owned vehicle rather than a common carrier or a state-owned or operated vehicle, a mileage rate not to exceed thirteen cents a mile shall be allowed.

The director of the office of program planning and fiscal management may within the limits established in this section prescribe and regulate the specific mileage rate or other allowance for the use of privately-owned vehicles or common carriers on official business and the conditions under which reimbursement of transportation costs may be allowed: *Provided*, That reimbursement or other payment for transportation expenses of any employee or appointive official of the state shall be based on the method deemed most advantageous and economical to the state. [1975-'76 2nd ex.s. c 34 § 95; 1974 ex.s. c 157 § 1; 1967 ex.s. c 16 § 4; 1965 c 8 § 43.03.060. Prior: 1949 c 17 § 2; 1943 c 86 § 2; Rem. Supp. 1949 § 10981-2.]

**Effective date**—**Severability**—1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

**43.03.080 Minimum salaries of full time state employees.** Each full time employee of the state or of any office, department, or institution thereof, who has been actually employed on a full time basis for not less than six months shall receive for his services such compensation as may be prescribed by the head of the employing office, department, or institution; but such compensation, however computed, shall be not less than one hundred seventy-five dollars a month.

Any such employee whose compensation includes subsistence and lodging shall receive, in addition to such maintenance, however computed, not less than one hundred and fourteen dollars per month. [1965 c 8 § 43.03.080. Prior: 1951 c 99 § 1; 1937 c 139 § 1; RRS § 10890-1.]

**43.03.090 Minimum salaries of part time employees.** Each person employed by the state or any office, department, or institution thereof on a part time basis for such period shall receive for his services such compensation as may be prescribed by the head of the employing office, department, or institution, which shall be determined on such proportional basis as will compensate the employee for time actually spent in the performance of his duties at a rate of not less than one hundred dollars a month for full time employment. [1965 c 8 § 43.03.090. Prior: 1937 c 139 § 2; RRS § 10890-2.]

**43.03.100 Exceptions.** RCW 43.03.080 and 43.03-.090 shall not apply to teaching fellows, student employees, and student instructors in the state institutions of higher learning, or to student nurses, student attendants, household maids, or common farm labor in the state's educational, charitable, eleemosynary, penal, and reform institutions, or to the state military department. [1965 c 8 § 43.03.100. Prior: 1937 c 139 § 3; RRS § 10890-3.]

**43.03.110 Moving expenses of employees.** Whenever it is reasonably necessary to the successful performance of the required duty of a state office, commission, department or institution to transfer a deputy or other employee from one station to another within the state, thereby necessitating a change of such deputy's or employee's domicile, it shall be lawful for such office, commission, department or institution to move such deputy's or employee's household goods and effects to the new station at the expense of the state, or to defray the actual cost of such removal by common carrier, or otherwise, at the expense of the state, in which latter event reimbursement to the deputy or employee shall be upon voucher submitted by him and approved by the department head. [1967 ex.s. c 16 § 1; 1965 c 8 § 43.03.110. Prior: 1943 c 128 § 1; Rem. Supp. 1943 § 9948-1.]

**43.03.120 Moving expenses of new employees.** Any state office, commission, department or institution may also pay the moving expenses of a new employee, necessitated by his acceptance of state employment, pursuant to mutual agreement with such employee in advance of his employment: *Provided*, That if such employee is in the classified service as defined in chapter 41.06 RCW, that said employee has been duly certified from an eligible register. No such offer or agreement for such payment shall be made to a prospective member of the classified service, prior to such certification, except through appropriate public announcement by the department of personnel, or other corresponding personnel agency as provided by chapter 41.06 RCW. Payment for all expenses authorized by RCW 43.03.060, 43.03-.110 through 43.03.210 including moving expenses of new employees, exempt or classified, and others, shall be subject to reasonable regulations promulgated by the budget director, including regulations defining allowable moving costs: *Provided*, That, if the new employee terminates or causes termination of his employment with the state within one year of the date of employment, the state shall be entitled to reimbursement for the moving costs which have been paid and may withhold such sum as necessary therefor from any amounts due the employee. [1967 ex.s. c 16 § 2.]

**43.03.130 Travel expenses of prospective employees.** Any state office, commission, department or institution may agree to pay the travel expenses of a prospective employee as an inducement for such applicant to travel to a designated place to be interviewed by and for the convenience of such agency: *Provided*, That if such employment is to be in the classified service, such offer may be made only on the express authorization of the

state department of personnel, or other corresponding personnel agency as provided by chapter 41.06 RCW, to applicants reporting for a merit system examination or to applicants from an eligible register reporting for a pre-employment interview. Travel expenses authorized for prospective employees called for interviews shall be payable at rates in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. When an applicant is called to be interviewed by or on behalf of more than one agency, the authorized travel expenses may be paid directly by the authorizing personnel department or agency, subject to reimbursement from the interviewing agencies on a pro rata basis.

In the case of both classified and exempt positions, such travel expenses will be paid only for applicants being considered for the positions of director, deputy director, assistant director, or supervisor of state departments, boards or commissions; or equivalent or higher positions; or engineers, or other personnel having both executive and professional status. In the case of institutions of higher education, such travel expenses will be paid only for applicants being considered for academic positions above the rank of instructor or professional or administrative employees in supervisory positions. [1975-'76 2nd ex.s. c 34 § 96; 1967 ex.s. c 16 § 3.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.03.140 Budget director to prescribe procedures for reporting expenditures incurred under RCW 43.03.060, 43.03.110, 43.03.120 and 43.03.130.** The budget director shall prescribe procedures for reporting of expenditures incurred by any state office, board, commission, department, or institution under the provisions of RCW 43.03-.060, 43.03.110, 43.03.120 and 43.03.130, and shall report the aggregate expenditures for such purposes to the forty-first session of the legislature when it convenes in January, 1969. [1967 ex.s. c 16 § 5.]

**43.03.150 Advance payment of travel expenses—Authorized.** Whenever it becomes necessary for an elective or appointive official or employee of the state to travel and to incur expenses for which reimbursement may be made, it shall be the policy of the state to make reasonable allowances to such officers and employees in advance of expenditure, on request of such officer or employee, under appropriate rules and regulations prescribed by the budget director. [1967 ex.s. c 16 § 6.]

**43.03.160 Advance payment of travel expenses—"Department" defined.** "Department", as used herein, shall mean every department, office, agency or institution of state government. [1967 ex.s. c 16 § 7.]

**43.03.170 Advance payment of travel expenses—Advance warrants—Issuance—Limitations.** The head of any state department may issue an advance warrant on the request of any officer or employee for the purpose of defraying his anticipated reimbursable expenses while traveling on business of such state department away from his designated post of duty, except expenses in connection with the use of a personal

automobile. The amount of such advance shall not exceed the amount of such reasonably anticipated expenses of the officer or employee to be necessarily incurred in the course of such business of the state for a period of not to exceed thirty days. Department heads shall establish written policies prescribing a reasonable amount for which such warrants may be written. [1967 ex.s. c 16 § 8.]

**43.03.180 Advance payment of travel expenses—**  
**Itemized travel expense voucher to be submitted—**  
**Repayment of unexpended portion of advance—**  
**Default.** On or before the tenth day following each month in which such advance was furnished to the officer or employee, he shall submit to the head of his department a fully itemized travel expense voucher fully justifying the expenditure of such advance or whatever part thereof has been expended, for legally reimbursable items on behalf of the state. Any unexpended portion of such advance shall be returned to the agency at the close of the authorized travel period. Payment shall accompany such itemized voucher at the close of the travel period; and may be made by check or similar instrument payable to the department. Any default in accounting for or repaying an advance shall render the full amount which is unpaid immediately due and payable with interest at the rate of ten percent per annum from the date of default until paid. [1967 ex.s. c 16 § 9.]

**43.03.190 Advance payment of travel expenses—**  
**Lien against and right to withhold funds payable until proper accounting or repaying of advance made.** To protect the state from any losses on account of advances made as provided in RCW 43.03.150 through 43.03.210, the state shall have a prior lien against and a right to withhold any and all funds payable or to become payable by the state to such officer or employee to whom such advance has been given as provided in RCW 43.03.150 through 43.03.210, up to the amount of such advance and interest at the rate of ten percent per annum, until such time as repayment or justification has been made. No advance of any kind may be made to any officer or employee under RCW 43.03.150 through 43.03.210, at any time when he is delinquent in accounting for or repaying a prior advance under RCW 43.03.150 through 43.03.210. [1967 ex.s. c 16 § 10.]

**43.03.200 Advance payment of travel expenses—**  
**Advances construed.** An advance made under RCW 43.03.150 through 43.03.210 shall be considered as having been made to such officer or employee to be expended by him as an agent of the state for state purposes only, and specifically to defray necessary costs while performing his official duties. No such advance shall be considered for any purpose as a loan to such officer or employee, and any unauthorized expenditure of such funds shall be considered a misappropriation of state funds by a custodian of such funds. [1967 ex.s. c 16 § 11.]

**43.03.210 Advance payment of travel expenses—**  
**Budget director to prescribe rules and regulations to**

**carry out RCW 43.03.150 through 43.03.210.** The budget director may prescribe rules and regulations to assist in carrying out the purposes of RCW 43.03.150 through 43.03.210 including regulation of travel by officers and employees and the conditions under which per diem and mileage shall be paid, so as to improve efficiency and conserve funds and to insure proper use and accountability of travel advances strictly in the public interest and for public purposes only. [1967 ex.s. c 16 § 12.]

## Chapter 43.06 GOVERNOR

### Sections

- 43.06.010 General powers and duties.
- 43.06.015 Interstate oil compact commission—Governor may join.
- 43.06.020 Records to be kept.
- 43.06.030 Appointments to senate for confirmation.
- 43.06.040 Lieutenant governor acts in governor's absence.
- 43.06.050 Powers and duties of acting governor.
- 43.06.055 Governor-elect—Appropriation to provide office and staff.
- 43.06.060 Expense of publishing proclamations.
- 43.06.070 Removal of appointive officers.
- 43.06.080 Removal of appointive officers—Statement of reasons to be filed.
- 43.06.090 Removal of appointive officers—Filling of vacancy.
- 43.06.100 May sign notarial papers by proxy.
- 43.06.110 Economic opportunity act programs—State participation—Authority of governor.
- 43.06.120 Federal funds and programs—Acceptance of funds by governor authorized—Administration and disbursement.
- 43.06.130 Federal funds and programs—Payment of travel expenses of committees, councils, or other bodies.
- 43.06.140 Federal funds and programs—Reports to legislature.
- 43.06.150 Federal funds and programs—Participating agencies to notify director of program planning and fiscal management, legislative budget committee and legislative council—Progress reports.
- 43.06.200 Definitions.
- 43.06.210 Proclamation of state of emergency—Termination.
- 43.06.220 Powers of governor pursuant to proclamation.
- 43.06.230 Destroying or damaging property or causing personal injury after emergency proclaimed—Penalty.
- 43.06.240 Disorderly conduct after emergency proclaimed—Penalty.
- 43.06.250 Refusing to leave public way or property when ordered—Penalty.
- 43.06.260 Prosecution of persons sixteen years or over as adults.
- 43.06.270 State militia or state patrol—Use in restoring order.
- 43.06.280 Electric power use—Emergency curtailment, allocation.

*Administrative board, chairman of: RCW 43.17.080.*

### *Appointing power*

*accountancy board: RCW 18.04.020.*

*administrator for the courts, submission of list for appointment from: RCW 2.56.010.*

*aeronautics commission: RCW 14.04.030.*

*agricultural pesticide advisory board: RCW 17.21.230.*

*arbitrator, disputes between community college district board and common school district board as to use of single facility: RCW 28B.50.590.*

*architects board of registration: RCW 18.08.120.*

*barber examining committee: RCW 18.15.051.*

*basic science examining committee: RCW 43.74.010.*

*beauty culture examining committee: RCW 18.18.102.*

*board of dental examiners: RCW 18.32.035.*

*board of registration of professional engineers and land surveyors: RCW 18.43.030.*

*board of tax appeals: RCW 82.03.020.*

- civil defense director: RCW 38.52.030.  
 chiropractic examining board: RCW 18.25.015.  
 commerce and economic development director: RCW 43.31.030.  
 community college boards of trustees: RCW 28B.50.100.  
 coordinating council for occupational education: RCW 28B.50.170.  
 court of appeals vacancy: State Constitution Art. 4 § 30 (Amendment 50); RCW 2.06.080.  
 data processing authority: RCW 43.105.032.  
 department of ecology, director of: RCW 43.21A.050.  
 department of social and health services, secretary of: RCW 43.20A.040.  
 directors of state departments and agencies: RCW 43.17.020.  
 driving instructor's examination committee: RCW 46.82.140.  
 ecological commission: RCW 43.21A.170.  
 education commission members: RCW 28A.92.020.  
 electrical advisory board members: RCW 19.28.065.  
 factory built housing advisory board: RCW 43.22.475.  
 game commission: RCW 77.04.030.  
 highway commission members: RCW 47.01.020.  
 industrial insurance appeals board: RCW 51.52.010.  
 interagency committee for outdoor recreation: RCW 43.99.110.  
 interim committee on public employees collective bargaining: RCW 41.56.405.  
 interstate compact commission members: RCW 43.57.010.  
 judges of court of appeals, vacancy: State Constitution Art. 4 § 30 (Amendment 50); RCW 2.06.080.  
 judges of superior court, vacancy: State Constitution Art. 4 § 5; RCW 2.08.120.  
 vacancy resulting from creation of additional judgeship: RCW 2.08.069.  
 justices of supreme court, vacancy: State Constitution Art. 4 § 3; RCW 2.04.100.  
 librarians' certification board: RCW 27.08.010.  
 license examining committee: RCW 43.24.060.  
 license revocation committee: RCW 43.24.110.  
 militia officers: State Constitution Art. 10 § 2.  
 notary public: RCW 42.28.010.  
 nurses, board of: RCW 18.88.050.  
 oceanographic commission: RCW 43.94.020.  
 optometry board members: RCW 18.54.030.  
 Pacific marine fisheries commission, appointment of representatives to: RCW 75.40.040.  
 pharmacy board: RCW 18.64.001.  
 physical therapy examining committee: RCW 18.74.020.  
 pollution control hearings board of the state: RCW 43.21B.020, 43.21B.030.  
 practical nurse examining board: RCW 18.78.020.  
 prison terms and paroles board: RCW 9.95.003.  
 program planning and fiscal management, director: RCW 43.41.060.  
 public pension commission members: RCW 41.52.010.  
 public printer: RCW 43.78.010.  
 railroad policemen: RCW 81.60.010.  
 real estate commission: RCW 18.85.071.  
 regents of educational institutions: State Constitution Art. 13 § 1.  
 registered sanitarians, board of: RCW 18.90.020.  
 stadium commission members: RCW 67.28.090.  
 state arts commission: RCW 43.46.020.  
 state board for community college education: RCW 28B.50.050, 28B.50.070.  
 state board of health: RCW 43.20.030.  
 state colleges boards of trustees: RCW 28B.40.100.  
 state law enforcement officers' training commission members: RCW 43.100.030.  
 state library commission: RCW 27.04.020.  
 state patrol chief: RCW 43.43.020.  
 state personnel board: RCW 41.06.110.  
 statute law committee members: RCW 1.08.001.  
 superior court vacancy: State Constitution Art. 4 § 5; RCW 2.08.069, 2.08.120.  
 supreme court vacancy: State Constitution Art. 4 § 3; RCW 2.04.100.  
 thermal power plant site evaluation council: RCW 80.50.030.  
 toll bridge authority members: RCW 47.56.020, 47.56.021.  
 traffic safety commission: RCW 43.59.030.  
 uniform legislation commission: RCW 43.56.010.  
 United States senator, filling vacancy in office of: RCW 29.68.070.  
 University of Washington board of regents: RCW 28B.20.100.  
 utilities and transportation commission: RCW 80.01.010.  
 vacancies in  
 appointive office filled by: State Constitution Art. 3 § 13.  
 court of appeals, filled by: State Constitution Art. 4 § 30 (Amendment 50); RCW 2.06.080.  
 legislature, duties: State Constitution Art. 2 § 15 (Amendment 32).  
 superior court, filled by: State Constitution Art. 4 § 5; RCW 2.08.069, 2.08.120.  
 supreme court, filled by: State Constitution Art. 4 § 3; RCW 2.04.100.  
 veterinary board of governors: RCW 18.92.021.  
 visiting judges of superior court: RCW 2.08.140.  
 Washington State University board of regents: RCW 28B.30.100.  
 youth development and conservation committee, appointment of members: RCW 43.51.520.  
 Approval and disposition of assets for community college purposes: RCW 28B.50.610.  
 Approval of laws: State Constitution Art. 3 § 12.  
 Associations of municipal corporations or officers to furnish information to governor: RCW 44.04.170.  
 Attorney general  
 advice to governor: RCW 43.10.030(5).  
 biennial report to: RCW 43.10.100.  
 Board of natural resources member: RCW 43.30.040.  
 Bonds, notes and other evidences of indebtedness, governor's duties: Chapter 39.42 RCW.  
 Commander-in-chief of state militia: State Constitution Art. 3 § 8.  
 Commissions issued by state, signed by: State Constitution Art. 3 § 15.  
 Commutation of death sentence, power to commute: RCW 10.01.120.  
 Contingent receipts fund, governor as state's agent to receive funds for: RCW 43.79.260.  
 Continuity of government in event of enemy attack, succession to office of governor: RCW 42.14.020.  
 Data processing systems, powers and duties: Chapter 43.105 RCW.  
 Director of highways, governor to fix salary of: RCW 47.01.130.  
 Disputes between community college districts and existing offices, boards, commissions, etc., regarding transfers of equipment, governor to settle: RCW 28B.50.610.  
 Driver license compact, executive head: RCW 46.21.040.  
 Duties concerning mental retardation facilities and community mental health centers: Chapter 71.16 RCW.  
 Eastern Washington historical society board of curators, member of: RCW 27.32.030.  
 Education commission  
 annual report to governor: RCW 28A.92.010.  
 governor as member of: RCW 28A.92.010.  
 Election of: State Constitution Art. 3 § 1.  
 Election certificates issued for state and congressional offices by: RCW 29.27.110.  
 Execution of laws: State Constitution Art. 3 § 5.  
 Extradition proceedings  
 power and duties as to: RCW 10.34.030.  
 warrant issued by: RCW 10.88.260.  
 Financial plan for ensuing fiscal period—State colleges and universities: RCW 28B.10.180.  
 Fines, power to remit: State Constitution Art. 3 § 11.  
 Forfeitures, power to remit: State Constitution Art. 3 § 11.  
 Highway commission  
 budget of, governor to receive: RCW 47.05.070.  
 governor to appoint members of: RCW 47.01.020.  
 removal of members of, grounds: RCW 47.01.030.  
 report of need of highway improvements, governor to receive: RCW 47.01.160(2).  
 Highway construction bonds and coupons, governor to sign: RCW 47.10.030, 47.10.170, 47.10.300, 47.10.430, 47.10.708.  
 Highway toll facility property sale, deed executed by: RCW 47.56.252, 47.56.255.  
 Highways director, governor to fix salary: RCW 47.01.130.



- Impeachment: State Constitution Art. 5 §§ 1, 2.*
- Indians, assumption of state jurisdiction, proclamation by governor: RCW 37.12.021.*
- Information in writing may be required from state officers: State Constitution Art. 3 § 5.*
- Interstate compact on juveniles, duties: Chapter 13.24 RCW.*
- Joint committee on education, report to: RCW 44.33.330.*
- Joint committee on urban area government, report to: RCW 44.36.150.*
- Judges' retirement applications, doctors' examination report, approval and filing of: RCW 2.12.020.*
- Judicial officers, extension of leave of absence of: State Constitution Art. 4 § 8.*
- superior court, assignment to another county by: State Constitution Art. 4 §§ 5, 7.*
- Labor and industries, department, biennial report to governor: RCW 43.22.330.*
- Legal holidays*
- designation of: RCW 1.16.050.*
- proclamation process, applicability to courts: RCW 2.28.100.*
- Legislature*
- extra session, may convene: State Constitution Art 3 § 7.*
- messages to: State Constitution Art. 3 § 6.*
- vacancies, filled by: State Constitution Art. 2 § 15 (Amendment 52).*
- Local governmental organizations, actions affecting boundaries, etc., review by boundary review board: Chapter 36.93 RCW.*
- Marketing agreements or orders, annual audit of financial affairs under, governor to receive reports of: RCW 15.65.490.*
- Messages to legislature: State Constitution Art. 3 § 6.*
- Militia and military affairs*
- commander-in-chief of militia: State Constitution Art. 3 § 8; RCW 38.08.020.*
- compacts with other states for guarding boundaries: RCW 38.08.100.*
- duty of organized militia prescribed by: RCW 38.08.080.*
- eminent domain for military purposes: RCW 8.04.170, 8.04.180.*
- martial law, proclamation by, when: RCW 38.08.030.*
- officers, commissioned by: State Constitution Art. 10 § 2.*
- personal staff: RCW 38.08.070.*
- rules and regulations promulgated by: RCW 38.08.090.*
- strength, composition, training, etc., prescribed by: RCW 38.04.040.*
- Motor vehicle administration, annual report of director of licenses to go to: RCW 46.01.290.*
- Notary public, appointment of: RCW 42.28.010.*
- Oath of office: RCW 43.01.020.*
- OASI, agreement of state for participation of state and political subdivision employees, duties concerning: Chapter 41.48 RCW.*
- Official bonds, approval of: RCW 42.08.100.*
- Pardons*
- power to grant: RCW 10.01.120.*
- report to legislature of: State Constitution Art. 3 § 9, Art. 3 § 11.*
- restrictions prescribed by law: State Constitution Art. 3 § 9.*
- Paroles, governor may revoke: RCW 9.95.160.*
- Priority programming for highway development*
- budget presented to governor: RCW 47.05.070.*
- summary of proposed construction program presented to: RCW 47.05.060.*
- Prosecuting attorneys, annual report to: RCW 36.27.020(12).*
- Protection for governor, duty of chief of state patrol to provide: RCW 43.43.035.*
- Puget Sound ferry and toll bridge system, governor's powers and duties relating to: Chapter 47.60 RCW.*
- Registry of governor's acts kept by secretary of state: RCW 43.07.030(1).*
- Remission of fines and forfeitures report to legislature with reasons: State Constitution Art. 3 § 11.*
- Reports to*
- accountancy board: RCW 18.04.110.*
- agricultural marketing agreements or orders, audits and financial reports: RCW 15.65.490.*
- agricultural marketing legislation recommendations: RCW 15.64.010.*
- agriculture director: RCW 43.23.130.*
- annual report by state officers, etc., period covered: RCW 43.01.035.*
- attorney general's biennial report: RCW 43.10.100.*
- board against discrimination: RCW 49.60.100.*
- board of prison terms and paroles: RCW 9.95.265.*
- commerce and economic development director: RCW 43.31.160.*
- dental examining board: RCW 18.32.060.*
- engineers and land surveyors board of registration: RCW 18.43.035.*
- enrollment forecasts: RCW 43.62.050.*
- fisheries director: RCW 75.08.020.*
- governor's advisory committee on salaries: RCW 43.03.028.*
- gambling commission on state lottery: RCW 67.67.030.*
- higher education assistance authority: RCW 28B.17.170.*
- highway commission: RCW 47.01.160(2).*
- horse racing commission: RCW 67.16.015.*
- industrial insurance, violations: RCW 51.04.020(6), (8)*
- industrial welfare committee: RCW 49.12.180.*
- institutional industries commission: RCW 72.60.280.*
- interim committee on public employees collective bargaining: RCW 41.56.420.*
- joint committee on urban area government: RCW 44.36.150.*
- judges of the supreme court to report defects or omissions in laws to: RCW 2.04.230.*
- judicial council: RCW 2.52.050(5).*
- labor and industries director: RCW 43.22.330.*
- motor vehicle administration, director of motor vehicles: RCW 46.01.290.*
- natural resources administrator: RCW 43.30.200.*
- program planning and fiscal management, director: RCW 43.88.160(1).*
- prosecuting attorneys, annual report to: RCW 36.27.020(12).*
- public assistance medical care division: RCW 74.09.140.*
- public pension commission: RCW 41.52.040(9).*
- retirement system actuarial reports: RCW 41.04.060.*
- sheep disease eradication and prevention: RCW 16.44.170.*
- state arts commission: RCW 43.46.070.*
- state board for community college education: RCW 28B.50.070.*
- state board of health: RCW 43.20.100.*
- state fire marshal: RCW 48.48.110.*
- state law enforcement officers' training commission: RCW 43.100.100.*
- state officers: State Constitution Art. 3 § 5.*
- state parks and recreation commission: RCW 43.51.040(9).*
- superintendent of public instruction, biennial report: RCW 28A.03.030(2).*
- University of Washington board of regents: RCW 28B.20.130(9).*
- utilities and transportation commission: RCW 80.01.090.*
- veterans' rehabilitation council: RCW 43.61.040.*
- vocational rehabilitation division: RCW 28A.10.025(3).*
- Reprieves*
- power to grant: RCW 10.01.120.*
- report to legislature: State Constitution Art. 3 § 11.*
- Residence at seat of government: State Constitution Art. 3 § 24.*
- Resignation by state officers and members of legislature made to: RCW 42.12.020.*
- Salaries of public officials, governor's duties: RCW 43.03.028, 43.03-.040 and 43.03.045.*
- Salary of governor, amount of: State Constitution Art. 28 § 1 (Amendment 20); RCW 43.03.010.*
- Sale of unneeded toll facility property, governor to execute deed: RCW 47.56.252, 47.56.255.*
- School apportionment demands estimate certified to: RCW 28A.41.040.*
- Security and protection for governor, duty of state patrol to provide: RCW 43.43.035.*
- Soil conservation and domestic allotment act*
- annual report on state administration of, governor to receive: RCW 15.67.070.*
- state agency to carry out, governor to designate: RCW 15.67.010.*
- State building authority member: Chapter 43.75 RCW.*
- State capitol committee member: RCW 43.34.010.*

*State capitol historical association board of trustees, member: RCW 27.36.040.*

*State finance committee member: RCW 43.33.010.*

*State historical society board of curators, member of: RCW 27.28.030.*

*State parks, disposal of land not needed for park purposes, conveyance instruments executed by: RCW 43.51.210.*

*State parks and recreation commission, reports to governor: RCW 43.51.040(9).*

*State participation within student exchange compact programs— Council to advise governor: RCW 28B.80.170.*

*Succession to governorship: State Constitution Art. 3 § 10 (Amendment 6).*

*Superior court judge, assignment to another county: State Constitution Art. 4 §§ 5, 7.*

*Supreme executive power vested in: State Constitution Art. 3 § 2.*

*Term of office: State Constitution Art. 3 § 2; RCW 43.01.010.*

*Toll bridge authority*

*governor as member of: RCW 47.56.020.*

*governor to appoint appointive members of: RCW 47.56.020, 47.56.021.*

*Toll bridge bonds, governor to countersign: RCW 47.56.140.*

*Toll bridges, improvement of existing bridge and construction of new bridge as single project, governor's powers and duties relating to: Chapter 47.58 RCW.*

*Traffic safety commission and programs, powers, duties and responsibilities of governor: Chapter 43.59 RCW.*

*United States representative, special election to fill vacancy in office of called by: RCW 29.68.080.*

*United States senate, filling vacancy in: RCW 29.68.070.*

*Unemployment compensation, delinquent payments in lieu of contributions of political subdivisions, governor may withhold funds for: RCW 50.24.125.*

*Uniform reciprocal enforcement of support act extradition powers and duties: RCW 26.21.040. governor defined for purposes of: RCW 26.21.010.*

*Vacancies in office filled by: State Constitution Art. 3 § 13.*

*in court of appeals: State Constitution Art. 4 § 30 (Amendment 50); RCW 2.06.080.*

*in legislature, duties: State Constitution Art. 2 § 15 (Amendment 52).*

*in superior court: State Constitution Art. 4 § 5.*

*in supreme court: State Constitution Art. 4 § 3.*

*Vacancy in office of governor*

*election to fill: State Constitution Art. 3 § 10 (Amendment 6).*

*succession to: State Constitution Art. 3 § 10 (Amendment 6).*

*Veto*

*enactment of laws, veto of bill and passage over: State Constitution Art. 3 § 12.*

*initiatives and referendums, power does not extend to: State Constitution Art. 2 § 1 (Amendment 7 (d)).*

*power of: State Constitution Art. 3 § 12.*

*two-thirds vote necessary to pass bill over: State Constitution Art. 3 § 12.*

*veto and return of bill with objections: State Constitution Art. 3 § 12.*

*Water pollution control, powers and duties pertaining to: RCW 90.48-.260, 90.48.262.*

**43.06.010 General powers and duties.** In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

(1) He shall supervise the conduct of all executive and ministerial offices;

(2) He shall see that all offices are filled, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;

(3) He shall make the appointments and supply the vacancies mentioned in this title;

(4) He is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;

(5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, he may direct the attorney general to appear on behalf of the state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session;

(6) He may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session;

(7) He may require the attorney general to aid any prosecuting attorney in the discharge of his duties;

(8) He may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for the apprehension of any person convicted of a felony who has escaped from the state prison or of any person who has committed or is charged with the commission of a felony;

(9) He shall perform such duties respecting fugitives from justice as are prescribed by law;

(10) He shall issue and transmit election proclamations as prescribed by law;

(11) He may require any officer or board to make, upon demand, special reports to him, in writing;

(12) He may, after finding that a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property or the public peace, proclaim a state of emergency in the area affected and the powers granted him during a state of emergency shall be effective only within the area described in the proclamation. [1975-'76 2nd ex.s. c 108 § 25; 1969 ex.s. c 186 § 8; 1965 c 8 § 43.06.010. Prior: 1890 p 627 § 1; RRS § 10982.]

**Severability—Effective date—1975-'76 2nd ex.s. c 108:** See notes following RCW 43.21F.010.

**Department of social and health services, divisions of, plan for to be approved by governor:** RCW 43.20A.060.

**Energy supply emergencies, alerts:** Chapter 43.21G RCW.

**Extradition proceedings:** RCW 10.34.030, Chapter 10.88 RCW.

**General election proclamation:** RCW 29.27.045.

**Rewards, duties in relation to offer of:** RCW 10.85.020.

**43.06.015 Interstate oil compact commission— Governor may join.** The governor is authorized, on behalf of the state of Washington, to join the interstate oil compact commission as an associate member and to become an active member thereof if and when oil and gas are produced in Washington in commercial quantities and to attend meetings and participate in the activities carried on by said commission either in person or by a duly authorized representative. [1965 c 8 § 43.06.015. Prior: 1953 c 47 § 1.]

*Interstate compact to conserve oil and gas: 65 Stat. 199 (P. L. 128, ch. 350) Aug. 28, 1951. Associate membership authorized by Art. 9 § 2 of the commission's bylaws.*

**43.06.020 Records to be kept.** The governor must cause to be kept the following records:

First, a register of all pardons, commutations, executive paroles, final discharges, and restorations of citizenship made by him;

Second, an account of all his disbursements of state moneys, and of all rewards offered by him for the apprehension of criminals and persons charged with crime;

Third, a register of all appointments made by him with date of commission, name of appointee and name of predecessor, if any. [1965 c 8 § 43.06.020. Prior: 1921 c 28 § 1; 1890 p 628 § 2; RRS § 10983.]

**43.06.030 Appointments to senate for confirmation.** On or before the last five days of each biennial session of the legislature, the governor must transmit to the senate a list of all appointments made by him, and not before communicated to the senate for confirmation. [1965 c 8 § 43.06.030. Prior: 1890 p 629 § 3; RRS § 10984.]

**43.06.040 Lieutenant governor acts in governor's absence.** If the governor absents himself from the state, he shall, prior to his departure, notify the lieutenant governor of his proposed absence, and during such absence the lieutenant governor shall perform all the duties of the governor. [1965 c 8 § 43.06.040. Prior: 1890 p 629 § 6; RRS § 10985.]

*Duties of lieutenant governor: State Constitution Art. 3 § 16.*

**43.06.050 Powers and duties of acting governor.** Every provision of law in relation to the powers and duties of the governor, and in relation to acts and duties to be performed by others towards him, extends to the person performing for the time being the duties of governor. [1965 c 8 § 43.06.050. Prior: 1890 p 629 § 4; RRS § 10986.]

**43.06.055 Governor-elect—Appropriation to provide office and staff.** The legislature preceding the gubernatorial election shall make an appropriation which may only be expended by a newly elected governor other than the incumbent for the purpose of providing office and staff for the governor-elect preparatory to his assumption of duties as governor. The funds for the appropriation shall be made available to him not later than thirty days prior to the date when the legislature will convene. [1969 ex.s. c 88 § 1.]

**43.06.060 Expense of publishing proclamations.** When the governor is authorized or required by law to issue a proclamation, payment for publishing it shall be made out of the state treasury. [1965 c 8 § 43.06.060. Prior: 1881 p 45 §§ 1-3; Code 1881 § 2367; RRS § 10988.]

**43.06.070 Removal of appointive officers.** The governor may remove from office any state officer appointed by him not liable to impeachment, for incompetency, misconduct, or malfeasance in office. [1965 c 8 § 43.06.070. Prior: 1893 c 101 § 1; RRS § 10988.]

**43.06.080 Removal of appointive officers—Statement of reasons to be filed.** Whenever the governor is satisfied that any officer not liable to impeachment has been guilty of misconduct, or malfeasance in office, or is incompetent, he shall file with the secretary of state a statement showing his reasons, with his order of removal, and the secretary of state shall forthwith send a certified copy of such order of removal and statement of causes by registered mail to the last known post office address of the officer in question. [1965 c 8 § 43.06.080. Prior: 1893 c 101 § 2; RRS § 10989.]

**43.06.090 Removal of appointive officers—Filling of vacancy.** At the time of making any removal from office, the governor shall appoint some proper person to fill the office, who shall forthwith demand and receive from the officer removed the papers, records, and property of the state pertaining to the office, and shall perform the duties of the office and receive the compensation thereof until his successor is appointed. [1965 c 8 § 43.06.090. Prior: 1893 c 101 § 3; RRS § 10990.]

**43.06.100 May sign notarial papers by proxy.** The governor may designate an executive assistant on his staff who shall have authority to affix the governor's signature to the commission issued to any notary public or any other notarial paper requiring his signature. In affixing the governor's signature, the person designated may sign the governor's name either personally in writing or by facsimile reproduction, followed by the word "by" and the original signature of the person so designated. The governor's signature so affixed shall be valid for all purposes. [1965 c 8 § 43.06.100. Prior: 1949 c 10 § 1; Rem. Supp. 1949 § 10982-1.]

**43.06.110 Economic opportunity act programs—State participation—Authority of governor.** The governor, or his designee, is hereby authorized and empowered to undertake such programs as will, in the judgment of the governor, or his designee, enable families and individuals of all ages, in rural and urban areas, in need of the skills, knowledge, motivations, and opportunities to become economically self-sufficient to obtain and secure such skills, knowledge, motivations, and opportunities. Such programs may be engaged in as solely state operations, or in conjunction or cooperation with any appropriate agency of the federal government, any branch or agency of the government of this state, any city or town, county, municipal corporation, metropolitan municipal corporation or other political subdivision of the state, or any private corporation. Where compliance with the provisions of federal law or rules or regulations promulgated thereunder is a necessary condition to the receipt of federal funds by the state, the governor or his designee, is hereby authorized to comply with such laws, rules or regulations to the extent necessary for the state to cooperate most fully with the federal government in furtherance of the programs herein authorized. [1971 ex.s. c 177 § 2; 1965 c 14 § 2.]

*County participation in Economic Opportunity Act programs: RCW 36.32.410.*

**43.06.120 Federal funds and programs—Acceptance of funds by governor authorized—Administration and disbursement.** The governor is authorized to accept on behalf of the state of Washington funds provided by any act of congress for the benefit of the state or its political subdivisions. He is further authorized to administer and disburse such funds, or to designate an agency to administer and disburse them, until the legislature otherwise directs. [1967 ex.s. c 41 § 1.]

**43.06.130 Federal funds and programs—Payment of travel expenses of committees, councils, or other bodies.** Members of advisory committees, councils, or other bodies established to meet requirements of acts of congress may be paid travel expenses incurred pursuant to RCW 43.03.050 and 43.03.060 as now existing or hereafter amended from such funds as may be available by legislative appropriation or as may otherwise be available as provided by law. [1975-'76 2nd ex.s. c 34 § 97; 1973 2nd ex.s. c 17 § 1; 1967 ex.s. c 41 § 2.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.06.140 Federal funds and programs—Reports to legislature.** Not later than the first day of any regular legislative session, the governor shall submit to the legislature a report listing federal programs, including those programs in which funds have been received directly by any state agency, in which the state has begun participation since the end of the last previous regular legislative session. [1973 2nd ex.s. c 17 § 2; 1967 ex.s. c 41 § 3.]

**43.06.150 Federal funds and programs—Participating agencies to notify director of program planning and fiscal management, legislative budget committee and legislative council—Progress reports.** See RCW 43.88.205.

**43.06.200 Definitions.** Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in RCW 43.06.010, and 43.06.200 through 43.06.270 each as now or hereafter amended shall have the following meaning:

"State of emergency" means an emergency proclaimed as such by the governor pursuant to RCW 43.06.010 as now or hereafter amended.

"Energy emergency" means a condition in which the unavailability or disruption of energy supply poses an immediate and grave threat to life, health, property, or the public peace in the area in which such condition is declared to exist. "Energy" shall include the following: (1) Petroleum and other liquid fuels; (2) natural or synthetic fuel gas; (3) solid carbonaceous fuels; (4) fissionable nuclear material; and (5) electricity.

"Governor" means the governor of this state or, in case of his removal, death, resignation or inability to discharge the powers and duties of his office, then the person who may exercise the powers of governor pursuant to the Constitution and laws of this state relating to succession in office.

"Criminal offense" means any prohibited act for which any criminal penalty is imposed by law and includes any misdemeanor, gross misdemeanor, or felony. [1975-'76 2nd ex.s. c 108 § 26; 1969 ex.s. c 186 § 1.]

**Severability—Effective date—1975-'76 2nd ex.s. c 108:** See notes following RCW 43.21F.010.

**Provisions cumulative—1969 ex.s. c 186:** "The provisions of this act shall be cumulative to and shall not operate to repeal any other laws, or local ordinances, except those specifically mentioned in this act." [1969 ex.s. c 186 § 10.]

**Severability—1969 ex.s. c 186:** "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." [1969 ex.s. c 186 § 11.]

*Energy supply emergencies: Chapter 43.21G RCW.*

**43.06.210 Proclamation of state of emergency—Termination.** The proclamation of a state of emergency and other proclamations or orders issued by the governor pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter amended shall be in writing and shall be signed by the governor and shall then be filed with the secretary of state. The governor shall give as much public notice as practical through the news media of the issuance of proclamations or orders pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter amended. The state of emergency shall cease to exist upon the issuance of a proclamation of the governor declaring its termination: *Provided*, That the governor must terminate said state of emergency proclamation when order has been restored in the area affected: *Provided, further*, That the condition of a state of emergency declared upon a finding that an energy emergency exists shall terminate after thirty consecutive days unless a continuing condition of state of emergency exists, which shall be defined as the occurrence of any of the following: (1) Extension by the governor based on a declaration by the president of the United States of a national emergency; or (2) declaration of the legislature by concurrent resolution of a continuing condition of a state of emergency. [1975-'76 2nd ex.s. c 108 § 27; 1969 ex.s. c 186 § 2.]

**Severability—Effective date—1975-'76 2nd ex.s. c 108:** See notes following RCW 43.21F.010.

*Energy supply emergencies: Chapter 43.21G RCW.*

**43.06.220 Powers of governor pursuant to proclamation.** The governor after proclaiming a state of emergency and prior to terminating such, may, in the area described by the proclamation issue an order prohibiting:

(1) Any person being on the public streets, or in the public parks, or at any other public place during the hours declared by the governor to be a period of curfew;

(2) Any number of persons, as designated by the governor, from assembling or gathering on the public streets, parks, or other open areas of this state, either public or private;

(3) The manufacture, transfer, use, possession or transportation of a molotov cocktail or any other device, instrument or object designed to explode or produce uncontained combustion;

(4) The transporting, possessing or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;

(5) The possession of firearms or any other deadly weapon by a person (other than a law enforcement officer) in a place other than that person's place of residence or business;

(6) The sale, purchase or dispensing of alcoholic beverages;

(7) The sale, purchase or dispensing of other commodities or goods, as he reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace;

(8) The use of certain streets, highways or public ways by the public; and

(9) Such other activities as he reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace.

In imposing the restrictions provided for by RCW 43.06.010, and 43.06.200 through 43.06.270, the governor may impose them for such times, upon such conditions, with such exceptions and in such areas of this state he from time to time deems necessary.

Any person wilfully violating any provision of an order issued by the governor under this section shall be guilty of a gross misdemeanor. [1969 ex.s. c 186 § 3.]

**43.06.230 Destroying or damaging property or causing personal injury after emergency proclaimed—Penalty.** After the proclamation of a state of emergency as provided in RCW 43.06.010, any person who maliciously destroys or damages any real or personal property or maliciously injures another shall be guilty of a felony and upon conviction thereof shall be imprisoned in the state penitentiary for not less than two years nor more than ten years. [1969 ex.s. c 186 § 4.]

**43.06.240 Disorderly conduct after emergency proclaimed—Penalty.** After the proclamation of a state of emergency pursuant to RCW 43.06.010, every person who:

(1) Wilfully causes public inconvenience, annoyance, or alarm, or recklessly creates a risk thereof, by:

(a) engaging in fighting or in violent, tumultuous, or threatening behavior; or

(b) making an unreasonable noise or an offensively coarse utterance, gesture, or display, or addressing abusive language to any person present; or

(c) dispersing any lawful procession or meeting of persons, not being a peace officer of this state and without lawful authority; or

(d) creating a hazardous or physically offensive condition which serves no legitimate purpose; or

(2) Engages with at least one other person in a course of conduct as defined in subsection (1) of this section which is likely to cause substantial harm or serious inconvenience, annoyance, or alarm, and refuses or knowingly fails to obey an order to disperse made by a peace officer shall be guilty of disorderly conduct and be punished by imprisonment in the county jail for not

more than one year or fined not more than one thousand dollars or by both fine and imprisonment. [1969 ex.s. c 186 § 5]

**43.06.250 Refusing to leave public way or property when ordered—Penalty.** Any person upon any public way or any public property, within the area described in the state of emergency, who is directed by a public official to leave the public way or public property and refuses to do so shall be guilty of a misdemeanor. [1969 ex.s. c 186 § 6.]

**43.06.260 Prosecution of persons sixteen years or over as adults.** After the proclamation of a state of emergency as provided in RCW 43.06.010 any person sixteen years of age or over who violates any provision of RCW 43.06.010, and 43.06.200 through 43.06.270 shall be prosecuted as an adult. [1969 ex.s. c 186 § 7.]

**43.06.270 State militia or state patrol—Use in restoring order.** The governor may in his discretion order the state militia pursuant to chapter 38.08 RCW or the state patrol to assist local officials to restore order in the area described in the proclamation of a state of emergency. [1969 ex.s. c 186 § 9.]

**43.06.280 Electric power use—Emergency curtailment, allocation.** See chapter 43.21D RCW.

## Chapter 43.07 SECRETARY OF STATE

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*certification: RCW 29.27.060.*

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*candidates' pamphlets, rules and regulations by secretary of state: RCW 29.80.070.*

*certificates of election, issuance by: RCW 29.27.110.*

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*returns, certifying of: RCW 43.07.030(6).*

*rules and regulations made by for state, city and town elections: RCW 29.04.080.*

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*aeronautics commission rules and regulations: RCW 14.04.210.*

*banks: Chapter 30.08 RCW.*

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*corporations: Title 23A RCW.*

*credit unions: RCW 31.12.050.*

*domestic insurers: RCW 48.06.200.*

*engrossed bills: RCW 44.20.010.*

*industrial loan company articles of incorporation: RCW 31.04.050.*

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*mine inspectors, filing of examinations and papers as public documents: RCW 43.22.140.*

*mutual savings banks: RCW 32.08.061, 32.08.070.*

*notary public's certificate of appointment: RCW 42.28.100.*

**railroad companies**

*branch lines into state: RCW 81.36.070.*

*consolidation with other companies: RCW 81.36.070.*

*purchase of property of other companies: RCW 81.36.070.*

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*savings and loan associations: RCW 33.08.080.*

*standard uniforms for sheriffs: RCW 36.28.170.*

*statute law committee code correction orders: RCW 1.08.016.*

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**Initiatives and referendums**

*acceptance or rejection of petitions for filing: RCW 29.79.150.*

*filing of proposals and petitions with: State Constitution Art. 2 § 1 (Amendment 7 (a), (d)); RCW 29.79.010.*

*numbering of initiative and referendum measures: RCW 29.79.030.*

*transmittal of copies to attorney general: RCW 29.79.040.*

*Joint county jail districts, numbering: RCW 36.63.340.*

*Legislative journals, custodian of: RCW 43.07.040(2).*

*Massachusetts trusts, power to prescribe rules and regulations as to: RCW 23.90.040(5).*

*Notary public, certificate of appointment made by, filing: RCW 42.28.100.*

*Oath of office: RCW 43.01.020.*

*Official bond: RCW 43.07.010.*

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*copyright violators, service of process upon: RCW 19.24.100.*

*domestic corporation without officer in state upon whom process can be served: RCW 4.28.090.*

*foreign corporation failing to maintain agent in state: RCW 23A.28.130.*

*nonadmitted foreign corporations having powers as to notes secured by real estate mortgages: RCW 23A.36.040-23A.36.050.*

*nonresident or former resident motorists: RCW 46.64.040.*

*trademark registration actions: RCW 19.77.090.*

*Records, custodian of: State Constitution Art. 3 § 24; RCW 43.07.040.*

*Registry of governor's acts kept by: RCW 43.07.030(1).*

*Residence to be maintained at seat of government: State Constitution Art. 3 § 24.*

*Salary, amount of: State Constitution Art. 3 § 17 (Amendment 20); RCW 43.03.010.*

*Sale of unneeded toll facility property, secretary to attest deed and deliver: RCW 47.56.252, 47.56.255.*

**Session laws**

*custodian of: RCW 43.07.040(1).*

*engrossed bill filed with: RCW 44.20.010.*

*numbering of: RCW 44.20.020.*

*State canvassing board member: RCW 29.62.100.*

*State capitol historical association board of trustees, member of: RCW 27.36.040.*

*State historical society board of curators, member of: RCW 27.28.030.*

*Statute law committee code correction orders filed with: RCW 1.08.016.*

*Succession to office of governor: State Constitution Art. 3 § 10 (Amendment 6).*

*Term of office: State Constitution Art. 3 § 3; RCW 43.01.010.*

**Trademarks and trade names**

*filing fee: RCW 43.07.120(3).*

*registration of, duties: Chapter 19.77 RCW.*

*Voters' pamphlets, rules and regulations promulgated by: RCW 29.81.070.*

**43.07.010 Official bond.** The secretary of state must execute an official bond to the state in the sum of ten thousand dollars, conditioned for the faithful performance of the duties of his office, and shall receive no pay until such bond, approved by the governor, is filed with the state auditor. [1965 c 8 § 43.07.010. Prior: 1890 p 633 § 10; RRS § 10994.]

**43.07.020 Assistant and deputy secretary of state.** The secretary of state may have one assistant secretary of state and one deputy secretary of state each of whom shall be appointed by him in writing, and continue during his pleasure. The assistant secretary of state and deputy secretary of state shall have the power to perform any act or duty relating to the secretary of state's office, that the secretary of state has, and the secretary of state shall be responsible for the acts of said assistant and deputy. [1965 c 8 § 43.07.020. Prior: 1947 c 107 § 1; 1903 c 75 § 1; 1890 p 633 § 12; RRS § 10995.]

**43.07.030 General duties.** The secretary of state shall:

(1) Keep a register of and attest the official acts of the governor;

(2) Affix the state seal, with his attestation, to commissions, pardons, and other public instruments to which the signature of the governor is required, and also attestations and authentications of certificates and other documents properly issued by the secretary;

(3) Record all articles of incorporation, letters patent, deeds, certified copies of franchises, or other papers filed in his office;

(4) Receive and file all the official bonds of officers required to be filed with him;

(5) Take and file in his office receipts for all books distributed by him;

(6) Certify to the legislature the election returns for all officers required by the Constitution to be so certified, and certify to the governor the names of all other persons who have received at any election the highest number of votes for any office the incumbent of which is to be commissioned by the governor;

(7) Furnish, on demand, to any person paying the fees therefor, a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in his office;

(8) Present to the speaker of the house of representatives, at the beginning of each regular session of the legislature, a full account of all purchases made and expenses incurred by him on account of the state;

(9) File in his office an impression of each and every seal in use by any state officer, and furnish state officers with new seals when necessary;

(10) Keep a fee book, in which must be entered all fees charged or received by him, with the date, name of the payor, paid or unpaid, and the nature of the services in each case, which must be verified annually by his affidavit entered therein. [1969 ex.s. c 53 § 3; 1965 c 8 § 43.07.030. Prior: 1890 p 630 § 2; RRS § 10992.]

**43.07.040 Custodian of state records.** The secretary of state is charged with the custody:

(1) Of all acts and resolutions passed by the legislature;

(2) Of the journals of the legislature;

(3) Of the seal of the state;

(4) Of all books, records, deeds, parchments, maps, and papers required to be kept on deposit in his office pursuant to law;

(5) Of the enrolled copy of the Constitution. [1965 c 8 § 43.07.040. Prior: 1903 c 107 § 1; 1890 p 629 § 1; RRS § 10991.]

**43.07.050 Bureau of statistics—Secretary ex officio commissioner.** The secretary of state shall be ex officio commissioner of statistics. He shall establish within his office, and under his immediate supervision, a bureau to be known as the bureau of statistics, agriculture and immigration. [1965 c 8 § 43.07.050. Prior: 1895 c 85 § 1; RRS § 10933.]

**43.07.060 Bureau of statistics—Duties of commissioner.** The commissioner shall collect, assort, systematize and present in biennial reports to the legislature, statistical details classified as follows:

(1) Agriculture;

(2) Immigration;

(3) Mechanical and manufacturing industries;

(4) Mining;

(5) Transportation on land and water;

(6) The amount of cash capital invested in lands, buildings, machinery, materials, and means of production generally. [1965 c 8 § 43.07.060. Prior: 1895 c 85 § 2; RRS § 10934.]

**43.07.070 Bureau of statistics—Officers to furnish data—Distribution of reports.** All state officers and the assessors of the various counties of the state shall furnish, upon the written request of the commissioner, all the information possible and necessary to assist in carrying out the purposes of the bureau.

All printing required by the bureau in the discharge of its duty shall be performed by the state printer at public expense, and at least three thousand copies of the printed biennial report shall be furnished the commissioner for free distribution to the public. [1965 c 8 § 43.07.070. Prior: 1895 c 85 § 3; RRS § 10935.]

**43.07.080 Bureau of statistics—Preparation of report.** The commissioner of statistics shall prepare for publication, from the reports of the county assessors, chambers of commerce, boards of trade and other authentic sources, a comprehensive report, setting forth the geography, topography, climate, natural and artificial resources of Washington, its inland waters and adjacent seas, a knowledge of which would tend to invite industrious, enterprising, intelligent people to remove hither. It shall be the duty at all times of the bureau to promptly answer all proper inquiries relative to the state of Washington received by mail or otherwise from intending immigrants. [1965 c 8 § 43.07.080. Prior: 1895 c 85 § 4; RRS § 10936.]

**43.07.090 Bureau of statistics—Power to obtain statistics—Penalty.** The commissioner shall have the power to send for persons and papers whenever in his opinion it is necessary, and he may examine witnesses under oath, being hereby qualified to administer the same in the performance of his duty, and the testimony so taken must be filed and preserved in his office. He shall have free access to all places and works of labor, and any principal, owner, operator, manager, or lessee of any mine, factory, workshop, warehouse, manufacturing or mercantile establishment, or any agent or employee of any such principal, owner, operator, manager, or lessee, who shall refuse to the commissioner or his duly authorized representative admission therein, or who shall, when requested by him, wilfully neglect or refuse to furnish him any statistics or information pertaining to his lawful duties which may be in the possession or under the control of said principal, owner, operator, lessee, manager, or agent thereof, shall be punished by a fine of not less than fifty nor more than two hundred dollars. [1965 c 8 § 43.07.090. Prior: 1895 c 85 § 5; RRS § 10937.]

**43.07.100 Bureau of statistics—Information confidential—Penalty.** No use shall be made in the report of the bureau of the names of individuals, firms, or corporations supplying the information called for by these sections, such information being deemed confidential and not for the purpose of disclosing any person's affairs; and

any agent or employee of said bureau violating this provision shall upon conviction thereof be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not to exceed six months. [1965 c 8 § 43.07.100. Prior: 1895 c 85 § 6; RRS § 10938.]

**43.07.110 Bureau of statistics—Deputy commissioner.** The commissioner shall appoint a deputy commissioner, who shall act in his absence, and the deputy shall receive the sum of twelve hundred dollars per annum to be paid by the state treasurer in the same manner as other state officers are paid; the sum allowed for deputy and other incidental expenses of the bureau shall not exceed the sum of three thousand dollars any one year. The commissioner shall have authority to employ one person to act as immigration agent, which agent shall reside in such city as said commissioner may designate, and he shall be provided with such literature and incidental accessories as in his judgment may be necessary. [1965 c 8 § 43.07.110. Prior: 1895 c 85 § 7; RRS § 10939.]

**43.07.120 Fees.** The secretary of state shall collect the fees herein prescribed for his official services:

(1) For a copy of any law, resolution, record, or other document or paper on file in his office, fifty cents per page for the first ten pages and twenty-five cents per page for each additional page;

(2) For any certificate under seal, two dollars;

(3) For filing and recording trademark, ten dollars;

(4) For each deed or patent of land issued by the governor, if for one hundred and sixty acres of land, or less, one dollar, and for each additional one hundred and sixty acres, or fraction thereof, one dollar;

(5) For recording miscellaneous records, papers, or other documents, five dollars for filing each case.

No member of the legislature, state officer, justice of the supreme court, judge of the court of appeals, or judge of the superior court shall be charged for any search relative to matters pertaining to the duties of his office; nor may he be charged for a certified copy of any law or resolution passed by the legislature relative to his official duties, if such law has not been published as a state law.

All fees herein enumerated must be collected in advance. [1971 c 81 § 107; 1965 c 8 § 43.07.120. Prior: 1959 c 263 § 5; 1907 c 56 § 1; 1903 c 151 § 1; 1893 c 130 § 1; RRS § 10993.]

**43.07.130 Secretary of state's revolving fund—Publication fees authorized, disposition.** There is created within the state treasury a revolving fund, to be known as the "secretary of state's revolving fund," which shall be used by the office of the secretary of state to defray the costs of printing, reprinting, or distributing printed matter authorized by law to be issued by the office of secretary of state. The secretary of state is hereby authorized to charge a fee for such publications in an amount which will compensate for the costs of printing, reprinting, and distributing such printed matter. Fees recovered shall be placed in the secretary of state's

revolving fund. [1973 1st ex.s. c 85 § 1; 1971 ex.s. c 122 § 1.]

**43.07.140 Materials specifically authorized to be printed and distributed.** The secretary of state is hereby specifically authorized to print, reprint, and distribute the following materials:

- (1) Lists of active corporations;
- (2) The provisions of Title 23 RCW;
- (3) The provisions of Title 23A RCW;
- (4) The provisions of Title 24 RCW;
- (5) The provisions of Title 29 RCW;
- (6) The provisions of Title 62A RCW;
- (7) The provisions of chapter 18.100 RCW;
- (8) The provisions of chapter 19.77 RCW;
- (9) The provisions of chapter 43.07 RCW;
- (10) The provisions of the Washington state Constitution;

(11) The provisions of Initiative Measure 276 and rules and regulations adopted by the public disclosure commission; and

(12) Rules and regulations related to the statutory provisions set forth above. [1973 1st ex.s. c 85 § 2.]

## Chapter 43.08 STATE TREASURER

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- Astoria-Megler bridge project, treasurer's duties relating to:* RCW 47.56.652.
- Bond issue of 1974 for capital improvements for institutions of higher education, treasurer's powers and duties:* Chapter 28B.13 RCW.
- Bonds, notes and other evidences of indebtedness treasurer's duties:* Chapter 39.42 RCW.
- Budget and accounting system, powers and duties:* RCW 43.88.160(2).
- Community college facilities aid—1972 bond issue:* Chapter 28B.56 RCW.
- Driver education courses, additional fines and forfeitures, assessments transmitted to:* RCW 46.81.050.
- Drivers' training schools, treasurer's powers and duties relating to:* Chapter 46.82 RCW.
- Duties:* State Constitution Art. 3 § 19.
- Eastern Washington historical society board of curators, member of:* RCW 27.32.030.
- Election:* State Constitution Art. 3 § 1.
- Eminent domain by state, warrant to pay damages and costs to court:* RCW 8.04.160.
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- Funds from franchises across bridges jointly owned or operated, treasurer to deposit into proper fund:* RCW 47.44.040.
- Gambling commission, payments for costs of audit:* RCW 9.46.060.
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- Higher education assistance authority, treasurer may render assistance to:* RCW 28B.17.160.
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- Misappropriation of funds, penalty:* RCW 42.20.090.
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- Obstructions on highway right of way, treasurer's duties relating to:* RCW 47.32.060.
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- Public utility districts, privilege taxes, duties in regard to:* RCW 54.28.040.
- Puget Sound ferry and toll bridge system, treasurer's powers and duties relating to:* Chapter 47.60 RCW.
- Purchase of bridges or ferries by toll bridge authority, treasurer's powers and duties relating to:* RCW 47.56.050.
- Records and accounts to be kept at seat of government:* State Constitution Art. 3 § 24.
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- Sale of state highway land formerly used for administrative purposes, treasurer's duties relating to:* RCW 47.12.110.
- Snowmobile act, treasurer's duties:* Chapter 46.10 RCW.
- State canvassing board member:* RCW 29.62.100.
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- State employees' retirement board member:* RCW 41.40.030.
- State finance committee chairman:* RCW 43.33.040.
- State finance committee member:* RCW 43.33.010.
- State historical society board of curators, member of:* RCW 27.28.030.
- State lottery, director of, monthly statement of to treasurer:* RCW 67.67.040.
- Succession to governorship:* State Constitution Art. 3 § 10 (Amendment 6).
- Surplus funds, investment program:* Chapter 43.86 RCW.
- Teachers' retirement board of trustees, duties concerning:* RCW 41.32.090.
- Teachers' retirement fund, custodian, duties:* RCW 41.32.220.
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- Term of office:* State Constitution Art. 3 § 3; RCW 43.01.010.
- Toll bridge bonds, treasurer's powers and duties relating to:* Chapter 47.56 RCW.
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- Vocational education funds, custodian of:* RCW 28A.09.080.
- Vocational rehabilitation funds, custodian of:* RCW 28A.10.050.
- Volunteer firemen's board of trustees, report, duties:* RCW 41.24.070.
- Warrants or checks, unlawful to issue except upon forms prescribed by budget director:* RCW 43.88.160(2).
- Washington State University bonds and securities, annual report to regents:* RCW 28B.30.300.
- Washington State University, receiving agent for federal aid to:* RCW 28B.30.270.

#### 43.08.010 General duties. The state treasurer shall:

- (1) Receive and keep all moneys of the state in the manner provided in RCW 43.88.160, as now or hereafter amended;
- (2) Disburse the public moneys only upon warrants or checks drawn upon the treasurer in the manner provided by law;
- (3) Account for moneys in the manner provided by law;
- (4) Render accounts in the manner provided by law;
- (5) Indorse on each warrant when required by law, the date of payment, the amount of the principal, and the interest due on that date;
- (6) Report to each house of the legislature, within ten days after the commencement of each regular session, a detailed statement of the condition of the treasury, and of its operations for the preceding fiscal year;
- (7) Give information, in writing, to either house of the legislature, whenever required, upon any subject connected with the treasury, or touching any duty of his office;

(8) Account for and pay over all moneys on hand to his successor in office, and deliver all books, vouchers, and effects of office to him, who shall receipt therefor;

(9) Upon payment of any warrant, or check, take upon the back thereof the indorsement of the person to whom it is paid. [1965 c 8 § 43.08.010. Prior: 1890 p 642 § 1; RRS § 11019; prior: 1886 p 134 § 2; 1871 p 77 § 2; 1864 p 52 § 3; 1854 p 413 § 3.]

*Budget and accounting system, powers and duties: RCW 43.88.160(2).*

**43.08.020 Residence—Bond—Oath.** The state treasurer shall reside and keep his office at the seat of government. Before entering upon his duties, he shall execute and deliver to the secretary of state a bond to the state in a sum of not less than five hundred thousand dollars, to be approved by the secretary of state and one of the justices of the supreme court, conditioned to pay all moneys at such times as required by law, and for the faithful performance of all duties required of him by law. He shall take an oath of office, to be indorsed on his commission, and file a copy thereof, together with the bond, in the office of the secretary of state. [1972 ex.s. c 12 § 1. Prior: 1971 c 81 § 108; 1971 c 14 § 1; 1965 c 8 § 43.08.020; prior: 1890 p 642 § 2; RRS § 11022; prior: 1886 p 133 § 1; 1881 p 18 § 1; 1871 p 76 § 1; 1864 p 51 § 2; 1854 p 413 § 2.]

**43.08.030 Seal.** The treasurer shall keep a seal of office for the authentication of all papers, writings, and documents required to be certified by him. [1965 c 8 § 43.08.030. Prior: 1890 p 643 § 6; RRS § 11025; prior: 1886 p 135 § 6; 1871 p 78 § 6; 1864 p 53 § 7; 1854 p 414 § 7.]

**43.08.040 Administration of oaths.** The treasurer may administer all oaths required by law in matters pertaining to the duties of his office. [1965 c 8 § 43.08.040. Prior: 1890 p 643 § 5; RRS § 11024; prior: 1886 p 135 § 5; 1871 p 78 § 5; 1864 p 53 § 6; 1854 p 414 § 6.]

**43.08.050 Records and accounts—Public inspection.** All the books, papers, letters, and transactions pertaining to the office of treasurer shall be open for the inspection of a committee of the legislature to examine or settle all accounts, and to count all money; and to the inspection of the public generally during office hours; and when the successor of any treasurer is elected and qualified, the state auditor shall examine and settle all the accounts of the treasurer remaining unsettled, and give him a certified statement showing the balance of moneys, securities, and effects for which he is accountable, which have been delivered to his successor, and report the same to the legislature. [1965 c 8 § 43.08.050. Prior: 1890 p 643 § 3; RRS § 11023; prior: 1886 p 134 § 3; 1864 p 53 § 4; 1854 p 414 § 4.]

*Public records, budget and accounting system: RCW 43.88.200.*

**43.08.060 Duplicate receipts.** All persons required by law to pay any moneys into the state treasury, or to transmit any public funds to the state treasurer on state accounts, shall, at the time of making such payments or

transmissions, notify the budget director thereof, specifying the amount and date of such payment, and for what particular fund or account.

For all sums of money so paid the state treasurer shall forthwith give duplicate receipts under his seal of office, one of which he shall deposit with the budget director; who shall credit the payor accordingly, and charge the treasurer with the amount. The other receipt the treasurer shall transmit to the payor. [1965 c 8 § 43.08.060. Prior: 1890 p 643 § 4; RRS § 5504; prior: 1886 p 134 § 4; 1871 p 78 § 4; 1864 p 53 § 5; 1854 p 414 § 5.]

**43.08.061 Warrants—Public printer to print—Retention of redeemed warrants.** The public printer shall print all state treasury warrants for distribution as directed by the state treasurer. All warrants redeemed by the state treasurer shall be retained for a period of six years, following their issuance, after which they may be destroyed without regard to the requirements imposed for their destruction by chapter 40.14 RCW. [1975 c 48 § 2.]

*Actions against state on redeemed warrants, time limitation: RCW 4.92.200.*

**43.08.062 Warrants—Presentation—Cancellation.** All warrants drawn on the state treasury shall be presented for payment within five years after the date of the issue thereof.

Should the payee or legal holder of any warrant fail to present it for payment within the time specified, the state treasurer shall enter the same as canceled on the books of his office.

Should the payee or legal owner of any canceled warrant present it for payment after the lapse of five years from the date of issue, the state treasurer may, upon proper showing by affidavit and the delivery of the canceled warrant into his possession, issue a new warrant in lieu thereof, and the state treasurer is authorized to pay the new warrant. [1965 c 8 § 43.08.062. Prior: 1890 p 638 § 13; RRS § 11008; prior: 1883 p 61 § 1. Formerly RCW 43.09.100.]

**43.08.064 Lost or destroyed warrants, instruments, or other evidence of indebtedness—Issuing officer to issue duplicate.** In case of the loss or destruction of a state warrant for the payment of money, or any bond or other instrument or evidence of indebtedness, issued by any state officer, or agency, such officer, or such agency through its appropriate officer may issue or cause to be issued a duplicate in lieu thereof, bearing the same number, class, or designation in all respects and for the same amount as the original, except that the word duplicate shall plainly appear upon the face of the new instrument in such a manner as to clearly identify it as a duplicate instrument. The duplicate instrument so issued shall be subject in all other respects to the same provisions of law as the original instrument: *Provided*, That the requirements of RCW 43.08.066(2) shall not be applicable to instruments received by officers or employees of the state for payment of salary or wages or as other compensation for work performed nor shall those requirements be applicable to instruments received by

former employees or their beneficiaries for the payment of pension benefits. [1975-'76 2nd ex.s. c 77 § 2; 1965 ex.s. c 61 § 1; 1965 c 8 § 43.08.064. Prior: 1890 p 639 § 15; RRS § 11010; prior: 1888 p 236 § 1. Formerly RCW 43.09.110.]

*Lost or destroyed evidence of indebtedness issued by local governments: Chapter 39.72 RCW.*

**43.08.066 Lost or destroyed warrants, instruments, or other evidence of indebtedness—Conditions on issuance.** Before a duplicate instrument is issued, the state treasurer or other issuing officer shall require the person making application for its issue:

(1) To file in his office a written affidavit specifically alleging on oath that he is the proper owner, payee, or legal representative of such owner or payee of the original instrument, giving the date of issue, the number, amount, and for what services or claim or purpose the original instrument or series of instruments of which it is a part was issued, and that the same has been lost or destroyed, and has not been paid, or has not been received by him;

(2) To give a bond, in twice the face amount of the original instrument, with one or more sufficient sureties, conditioned to save harmless the state, its paying agent or any trustee under the terms of the instrument from the payment of the original instrument, and the payment of all costs and charges on account thereof: *Provided*, That the proper owner, payee, or legal representative thereof and sureties shall not be liable where the payment of the original warrant resulted from forgery or fraud by others, not aided or abetted by such proper owner, payee or legal representative thereof or sureties, or occurred as a result of their negligence: *Provided further*, That this subsection shall not apply to instruments received by virtue of or under the public assistance laws or employment security laws: *Provided further*, That in the event that an original and its duplicate instrument issued without bond under this proviso are both presented for payment as a result of forgery or fraud, the department of social and health services or the department of employment security, as the case may be, shall be the state agency responsible for endeavoring to recover any losses suffered by the state. [1972 ex.s. c 74 § 1; 1971 ex.s. c 54 § 1; 1965 ex.s. c 61 § 2; 1965 c 8 § 43.08.066. Prior: 1890 p 639 § 16; RRS § 11011; prior: 1888 p 236 § 2. Formerly RCW 43.09.120.]

**43.08.068 Lost or destroyed warrants, instruments, or other evidence of indebtedness—Records to be kept—Cancellation of originals—Notice.** The state treasurer or other issuing officer shall keep a full and complete record of all warrants, bonds or other instruments alleged to have been lost or destroyed, which were issued by such agency, and of the issue of any duplicate therefor; and upon the issuance of any duplicate, the officer shall enter upon his books the cancellation of the original instrument and immediately notify the state treasurer, the state auditor, and all trustees and paying agents authorized to redeem such instruments on behalf of the state of Washington, of such cancellation. The treasurer shall keep a similar list of all warrants, bonds

or other instruments so canceled. [1965 ex.s. c 61 § 3; 1965 c 8 § 43.08.068. Prior: 1890 p 640 § 17; RRS § 11012; prior: 1888 p 236 § 3. Formerly RCW 43.09.130.]

**43.08.070 Warrants—Indorsement—Interest—Issuance of new warrants.** Upon the presentation of any state warrant to the state treasurer, if there is not sufficient money then available in the appropriate fund with which to redeem all warrants drawn against such fund which the treasurer anticipates will be presented for payment during the current business day, he may endorse on the warrant, "Not paid for want of funds," with the day and date of presentation, and the warrant shall draw legal interest from and including that date until five days from and after being called for payment in accordance with RCW 43.08.080, or until paid, whichever occurs first; or, in the alternative, the treasurer may prepare and register a single new warrant, drawn against the appropriate fund, and exchange such new warrant for one or more warrants not paid for want of funds when presented for payment totaling a like amount but not exceeding one million dollars, which new warrant shall then draw legal interest from and including its date of issuance until five days from and after being called for payment in accordance with RCW 43.08.080, or until paid, whichever occurs first. [1971 ex.s. c 88 § 2; 1965 c 8 § 43.08.070. Prior: 1869 p 408 § 2; RRS § 5516.]

**Severability—1971 ex.s. c 88:** See note following RCW 39.56.010.

**43.08.080 Call of warrants.** When the state treasurer deems that there is sufficient money in a fund to pay all or part of the registered warrants of such fund, and the warrants are not presented for payment, he may advertise at least once in some newspaper published at the seat of government, stating the serial number of the warrants he is calling and prepared to pay; and if such warrants are not presented for payment within five days from and after the date of publication of the notice, the warrants shall not then draw any further interest: *Provided*, That when said fund has a balance in excess of three percent of the preceding monthly warrant issue of said fund, or at any time that the money in the fund exceeds the warrants outstanding, the state treasurer shall similarly advertise a call for all those registered warrants which can be fully paid out of said fund in accordance with their registration sequence. [1971 ex.s. c 88 § 3; 1965 c 8 § 43.08.080. Prior: 1890 p 644 § 8; RRS § 5517; prior: 1886 p 135 § 9; 1871 p 79 § 9.]

**Severability—1971 ex.s. c 88:** See note following RCW 39.56.010.

**43.08.090 Fiscal agent for state.** The state treasurer shall be ex officio the fiscal agent of the state. [1965 c 8 § 43.08.090. Prior: 1891 c 138 § 1; RRS § 5484.]

*Fiscal agencies: Chapter 43.80 RCW.*

**43.08.100 Fiscal agent for state—Duties of fiscal agent.** The fiscal agent of the state shall receive all moneys due the state from any other state or from the federal government, take all necessary steps for the

collection thereof, and apply the same to the funds to which they belong. He shall collect from time to time all moneys that may accrue to the state by virtue of section 13 of the enabling act, or from any other source not otherwise provided for by law. [1965 c 8 § 43.08.100. Prior: (i) 1891 c 138 § 2; RRS § 5485. (ii) 1891 c 138 § 4; RRS § 5487.]

**43.08.110 Fiscal agent for state—Fiscal agent's receipts.** The fiscal agent shall issue the necessary receipts for all moneys collected, and such receipts shall show the date when paid, the amount, from whom received, and on what account the money was collected.

One or more copies of such receipt shall be given to the persons from whom the money was received, and one copy shall be given to the budget director. [1965 c 8 § 43.08.110. Prior: 1891 c 138 § 3; RRS § 5486.]

**43.08.120 Assistant—Deputies—Responsibility for acts.** The state treasurer may appoint an assistant state treasurer, who shall have the power to perform any act or duty which may be performed by the state treasurer, and in case of a vacancy in the office of state treasurer, perform the duties of the office until the vacancy is filled as provided by law.

The state treasurer may appoint no more than three deputy state treasurers, who shall have the power to perform any act or duty which may be performed by the state treasurer.

The assistant state treasurer and the deputy state treasurers shall be exempt from the provisions of chapter 41.06 RCW and shall hold office at the pleasure of the state treasurer; they shall, before entering upon the duties of their office, take and subscribe, and file with the secretary of state, the oath of office provided by law for other state officers.

The state treasurer shall be responsible on his official bond for all official acts of the assistant state treasurer and the deputy state treasurers. [1973 c 10 § 1; 1971 c 15 § 1; 1965 c 8 § 43.08.120. Prior: 1921 c 36 § 1; RRS § 11020.]

**43.08.130 Wilful refusal to pay warrants—Exceptions—Recovery.** If the state treasurer wilfully refuses to pay except in accordance with the provisions of RCW 43.08.070 or by cash or check any warrant designated as payable in the state treasurer's office which is lawfully drawn upon the state treasury, or knowingly pays any warrant otherwise than as provided by law, then any person injured thereby may recover by action against the treasurer and the sureties on his official bond. [1972 ex.s. c 145 § 2; 1965 c 8 § 43.08.130. Prior: 1890 p 644 § 7; RRS § 11026; prior: 1886 p 135 § 8; 1871 p 78 § 8; 1864 p 53 § 8; 1854 p 414 § 8.]

**43.08.135 Cash or demand deposits—Duty to maintain—RCW 9.54.050 not deemed violated, when.** The state treasurer shall maintain at all times cash, or demand deposits in qualified public depositaries in an amount needed to meet the operational needs of state government: *Provided*, That the state treasurer shall not

be considered in violation of RCW 9.54.050 if he maintains demand accounts in public depositaries in an amount less than all treasury warrants issued and outstanding. [1972 ex.s. c 145 § 3.]

**43.08.140 Embezzlement—Penalty.** If any person holding the office of state treasurer fails to account for and pay over all moneys in his hands in accordance with law, or unlawfully converts to his own use in any way whatever, or uses by way of investment in any kind of property, or loans without authority of law, any portion of the public money intrusted to him for safekeeping, transfer, or disbursement, or unlawfully converts to his own use any money that comes into his hands by virtue of his office, he shall be guilty of embezzlement, and upon conviction thereof, shall be imprisoned in the penitentiary not exceeding fourteen years, and fined a sum equal to the amount embezzled. [1965 c 8 § 43.08.140. Prior: 1890 p 644 § 10; RRS § 11027; prior: 1886 p 105 § 11.]

*Embezzlement: RCW 9.54.010.*

*Misappropriation of funds: RCW 42.20.070, 42.20.090.*

*Using funds for private gain: RCW 42.20.010.*

**43.08.150 Monthly financial report.** On or before the tenth day after the close of each calendar month, the state treasurer shall prepare three hundred printed copies of a report as to the state of the general fund and separately as to each and every other fund under his control itemized as to:

- (1) The amount in the fund at the close of business at the end of the preceding month;
- (2) The amount of revenue deposited or transferred to the credit of each fund during the current month;
- (3) The amount of withdrawals or transfers from each fund during the current month; and
- (4) The amount on hand in each fund at the close of business at the end of the current month.

One copy of each report shall be mailed on or before the fifteenth day of the reporting month to each member of the state legislature and to each elected state officer. The remaining copies shall be distributed to those requesting them so long as the supply lasts. [1965 c 8 § 43.08.150. Prior: 1947 c 32 § 1; Rem. Supp. 1947 § 11019-1.]

*Biennial reports, periods: RCW 43.01.035.*

*Investment of surplus funds, rules and allocations to be published in report: RCW 43.86.050.*

*Reports, budget and accounting system: RCW 43.88.160(1).*

**43.08.160 Monthly financial report—Report to be printed.** The state treasurer shall cause all such reports to be printed as other public documents are printed and the approval of no other officer of the state shall be necessary in carrying out the purposes of RCW 43.08.150. [1965 c 8 § 43.08.160. Prior: 1947 c 32 § 2; Rem. Supp. 1947 § 11019-2.]

**43.08.180 Cashing checks for state officers and employees—Discretionary—Conditions—Procedure upon dishonor.** The state treasurer is hereby authorized, in his discretion and as a service to state

officers and employees, to accept in exchange for cash such checks drawn or endorsed by such state officers and employees and presented to his office as meet each of the following conditions:

(1) The check must be drawn to the order of cash or bearer and be immediately payable by a drawee bank located within the state of Washington;

(2) The amount of the check shall not exceed two hundred and fifty dollars; and

(3) The drawer presenting the check to the treasurer must produce such identification as the treasurer may require.

In the event that any check cashed by the state treasurer under this section is dishonored by the drawee bank when presented for payment, the treasurer is authorized, after notice to the drawer or endorser of the dishonor, to withhold from the drawer's or endorser's next state salary warrant the full amount of the dishonored check. [1971 c 5 § 1.]

**43.08.190 State treasurer's service fund—Creation—Purpose.** There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund". Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office. [1973 c 27 § 2.]

*Distribution of interest credited to deposit interest fund: RCW 43.85.241.*

**43.08.200 State treasurer's service fund—Expenditure limitation.** All moneys deposited in the state treasurer's service fund shall be expended only pursuant to legislative appropriation and for the purposes set forth in RCW 43.08.190, 43.08.200, and 43.85.241. [1973 c 27 § 3.]

## Chapter 43.09 STATE AUDITOR

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## GENERALLY

**43.09.010 Residence—Office—Bond—Oath.**  
 The state auditor shall reside and keep his office at the seat of government. Before entering upon his duties he shall execute and deliver to the secretary of state a bond to the state in the sum of fifty thousand dollars, to be approved by the governor, conditioned for the faithful performance of all duties required of him by law. He shall take an oath of office before any person authorized to administer oaths, and file a copy thereof, together with his bond, in the office of the secretary of state. [1965 c 8 § 43.09.010. Prior: 1890 p 634 § 1; RRS § 10996; prior: Code 1881 § 2566; 1871 p 96 § 1; 1854 p 409 § 2.]

**43.09.020 Auditor of public accounts—Books and records open to public.** The auditor shall be auditor of public accounts, and shall have such powers and perform such duties in connection therewith as may be prescribed by law.

All books, papers, letters, and transactions pertaining to the office of state auditor shall be open to the inspection of the public generally during office hours. [1965 c 8 § 43.09.020. Prior: 1890 p 635 § 2; RRS § 10997; prior: Code 1881 § 2567; 1871 p 97 § 4; 1854 p 409 § 3.]

Budget and accounting system, powers and duties: RCW 43.88.160(3).  
 Fiscal records open to public: RCW 43.88.200.

**43.09.030 Assistant—Powers—Bond—Oath.**  
 The state auditor may appoint an assistant state auditor, who may perform any act or duty of the state auditor, and in case of a vacancy in the office of state auditor, he shall perform the duties of the office until the vacancy is filled as provided by law.

The assistant state auditor shall subscribe to and file the oath of office provided by law for other state officers before entering upon the performance of his duties.

The state auditor shall be liable under his official bond for all the official acts of the assistant state auditor, and may revoke such appointment at his pleasure, and may require such assistant to furnish a bond in such sum as the auditor may determine, which shall be made, approved and filed as other state officials' bonds. The assistant state auditor shall be liable on such bond for any malfeasance or misfeasance in his office.

In case action is brought against the state auditor for the official acts of the assistant state auditor, the auditor shall be subrogated to the rights of the state on the bond of the assistant state auditor, and may maintain action thereon. [1965 c 8 § 43.09.030. Prior: 1909 ex.s. c 22 § 1; RRS § 10998.]

**43.09.040 Deputy—Oath.** The state auditor may appoint such deputies as he shall deem necessary, who, before entering upon their duties, shall take and subscribe an oath faithfully to perform the duties of such office, which oath shall be endorsed on the appointment and filed in the office of the secretary of state. The appointment may be revoked at the pleasure of the state auditor. The state auditor shall be liable on his official bond for all official acts of his deputies. Deputies shall be paid such salaries as the state auditor may determine. [1965 c 8 § 43.09.040. Prior: 1949 c 62 § 1; 1890 p 635 § 3; Rem. Supp. 1949 § 10999; prior: Code 1881 § 2568.]

**43.09.050 General duties of auditor.** The auditor shall:

(1) Audit, adjust, and settle all claims against the state, payable out of the treasury, except such as are expressly required by law to be audited and settled by other persons;

(2) Except as otherwise specifically provided by law, audit, settle, and adjust the accounts of all collectors of the revenue and other holders of public money required by law to pay the same into the treasury;

(3) In his discretion, inspect the books of any person charged with the receipt, safekeeping, and disbursement of public moneys;

(4) Direct prosecutions in the name of the state for all official delinquencies in relation to the assessment, collection, and payment of the revenue, against all persons who, by any means, become possessed of public money or property, and fail to pay over or deliver the same, and against all debtors of the state;

(5) Give information in writing to the legislature, whenever required, upon any subject relating to the financial affairs of the state, or touching any duties of his office;

(6) Require all persons who have received any moneys belonging to the state, and have not accounted therefor, to settle their accounts and make payment thereof;

(7) In his discretion, require any person presenting an account for settlement to be sworn before him, and to answer, orally or in writing, as to any facts relating to it;

(8) Authenticate with his official seal papers issued from his office;

(9) Make his official report biennially, on or before the 31st of December, in each year, preceding the meeting of the legislature. [1971 ex.s. c 170 § 1; 1965 c 8 § 43.09.050. Prior: 1890 p 636 § 5; RRS § 11001; prior: Code 1881 § 2570; 1854 p 410 § 5.]

**Severability—1971 ex.s. c 170:** "If any provision of this 1971 amendatory 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." [1971 ex.s. c 170 § 5.] This applies to the 1971 amendments to RCW 43.09.050, 43.09.310, 43.88.160 and to RCW 44.28.085.

*Advances: Chapter 42.26 RCW.*

*Information to legislature: RCW 43.88.160(3).*

*Post-audit duties: RCW 43.88.160(3).*

*Powers and duties, budget and accounting system: RCW 43.88.160(3).*

*Report of irregularities to attorney general: RCW 43.88.160(3).*

*Report to legislature: RCW 43.88.160(3).*

**43.09.160 Claims against state—Time for presenting—Setoff in actions by state.** All persons having claims against the state shall exhibit the same, with the evidence in support thereof, to the auditor, to be audited, settled, and allowed, within two years after the claims accrued, and not afterwards. In all actions brought in behalf of the state, no debt or claim shall be allowed against the state as a setoff, but such as has been exhibited to the auditor, and by him allowed or disallowed, except only in cases where it is proved to the satisfaction of the court that the defendant at the time of trial is in possession of vouchers which he could not produce to the auditor, or that he was prevented from exhibiting the claim to the auditor by absence from the state, sickness, or unavoidable accident. [1965 c 8 § 43.09.160. Prior: 1890 p 638 § 12; RRS § 11007; prior: Code 1881 § 2578; 1854 p 411 § 8.]

*Claims against state made to legislature, filing: RCW 44.18.010.*

*Tort claims against state, filing: RCW 4.92.100.*

**43.09.170 May administer oaths.** The auditor may administer all oaths required by law in matters pertaining to the duties of his office. [1965 c 8 § 43.09.170.

Prior: 1890 p 641 § 23; RRS § 11017; prior: Code 1881 § 2586.]

**43.09.180 Seal—Copies of documents as evidence.** The auditor shall keep a seal of office for the identification of all papers, writings, and documents required by law to be certified by him, and copies authenticated and certified of all papers and documents lawfully deposited in his office shall be received in evidence with the same effect as the originals. [1965 c 8 § 43.09.180. Prior: 1890 p 641 § 24; RRS § 11018; prior: Code 1881 § 2587.]

## MUNICIPAL CORPORATIONS

**43.09.190 Division of municipal corporations.** There shall be in the office of the state auditor a division to be known as the division of municipal corporations, the principal officer of which shall be the state auditor. He may appoint and deputize an assistant to be known as chief examiner to have charge of the division, subject to the supervision and control of the state auditor. [1965 c 8 § 43.09.190. Prior: (i) 1921 c 7 § 49; RRS § 10807. (ii) 1921 c 7 § 52; RRS § 10810. (iii) 1921 c 7 § 55; RRS § 10813. (iv) 1927 c 280 § 11; 1925 c 18 § 11; RRS § 11101.]

**43.09.200 Division of municipal corporations—Uniform system of accounting.** The state auditor, through such division, shall formulate, prescribe, and install a system of accounting and reporting, which shall be uniform for every public institution, and every public office, and every public account of the same class.

The system shall exhibit true accounts and detailed statements of funds collected, received, and expended for account of the public for any purpose whatever, and by all public officers, employees, or other persons.

The accounts shall show the receipt, use, and disposition of all public property, and the income, if any, derived therefrom; all sources of public income, and the amounts due and received from each source; all receipts, vouchers, and other documents kept, or required to be kept, necessary to isolate and prove the validity of every transaction; all statements and reports made or required to be made, for the internal administration of the office to which they pertain; and all reports published or required to be published, for the information of the people regarding any and all details of the financial administration of public affairs. [1965 c 8 § 43.09.200. Prior: 1909 c 76 § 2; RRS § 9952.]

*School districts budgets to be in compliance with: RCW 28A.65.455.*

**43.09.210 Division of municipal corporations—Separate accounts for each fund or activity.** Separate accounts shall be kept for every appropriation or fund of a taxing or legislative body showing date and manner of each payment made therefrom, the name, address, and vocation of each person, organization, corporation, or association to whom paid, and for what purpose paid.

Separate accounts shall be kept for each department, public improvement, undertaking, institution, and public service industry under the jurisdiction of every taxing body.

All service rendered by, or property transferred from, one department, public improvement, undertaking, institution, or public service industry to another, shall be paid for at its true and full value by the department, public improvement, undertaking, institution, or public service industry receiving the same, and no department, public improvement, undertaking, institution, or public service industry shall benefit in any financial manner whatever by an appropriation or fund made for the support of another.

All unexpended balances of appropriations shall be transferred to the fund from which appropriated, whenever the account with an appropriation is closed. [1965 c 8 § 43.09.210. Prior: 1909 c 76 § 3; RRS § 9953.]

**43.09.220 Division of municipal corporations—Separate accounts for public service industries.** Separate accounts shall be kept for every public service industry, which shall show the true and entire cost of the ownership and operation thereof, the amount collected annually by general or special taxation for service rendered to the public, and the amount and character of the service rendered therefor, and the amount collected annually from private users for service rendered to them, and the amount and character of the service rendered therefor. [1965 c 8 § 43.09.220. Prior: 1909 c 76 § 4; RRS § 9954.]

**43.09.230 Division of municipal corporations—Annual reports—Comparative statistics.** The state auditor shall require from every taxing district, and public institution, financial reports covering the full period of each fiscal year, in accordance with the forms and methods prescribed by him, which shall be uniform for all accounts of the same class.

Such reports shall be prepared, certified, and filed with the division within thirty days after the close of each fiscal year, by the auditing department of the taxing district or public institution.

The reports shall contain accurate statements, in summarized form, of all collections made, or receipts received, by the officers from all sources; all accounts due the public treasury, but not collected; and all expenditures for every purpose, and by what authority authorized; and also: (1) A statement of all costs of ownership and operation, and of all income, of each and every public service industry owned and operated by a municipality; (2) a statement of the entire public debt of every taxing district, to which power has been delegated by the state to create a public debt, showing the purpose for which each item of the debt was created, and the provisions made for the payment thereof; (3) a classified statement of all receipts and expenditures by any public institution; together with such other information as may be required by the state auditor.

The reports shall be certified as to their correctness by the state auditor, his deputies, or other person legally authorized to make such certificate.

Their substance shall be published in an annual volume of comparative statistics, which shall be issued for each class of accounts, at the expense of the state, as a public document, and shall be submitted by the state

auditor to the governor for transmittal to the legislature at the next regular session, or at a special session when required. [1965 c 8 § 43.09.230. Prior: 1909 c 76 § 5; RRS § 9955.]

**43.09.240 Division of municipal corporations—Public officers and employees—Duty to account and report—Removal from office—Deposit of collections.** Every public officer and employee shall keep all accounts of his office in the form prescribed and make all reports required by the state auditor. Any public officer or employee who refuses or wilfully neglects to perform such duties shall be subject to removal from office in an appropriate proceeding for that purpose brought by the attorney general or by any prosecuting attorney.

Every public officer and employee, whose duty it is to collect or receive payments due or for the use of the public shall deposit such moneys collected or received by him with the treasurer of the taxing district once every twenty-four consecutive hours.

In case a public officer or employee collects or receives funds for the account of a taxing district of which he is an officer or employee, he shall, on Saturday of each week, pay to the proper officer of the taxing district for the account of which the collection was made or payment received, the full amount collected or received during the current week for the account of the district. [1965 c 8 § 43.09.240. Prior: 1963 c 209 § 2; 1911 c 30 § 1; 1909 c 76 § 6; RRS § 9956; prior: 1890 p 638 § 11; Code 1881 § 2577; 1854 p 411 § 7.]

**43.09.250 Division of municipal corporations—Appointment of examiners.** After the auditor has formulated and installed the system of uniform accounting in any or all classes of public offices, he may appoint additional assistants as required, who shall be known as state examiners. [1965 c 8 § 43.09.250. Prior: 1963 c 209 § 3; 1919 c 119 § 1; 1911 c 30 § 1; 1909 c 76 § 7; RRS § 9957.]

**43.09.260 Division of municipal corporations—Examination of taxing districts—Reports—Action by attorney general.** The state auditor, the chief examiner, and every state examiner shall have power by himself or by any person legally appointed to perform the service, to examine into all financial affairs of every public office and officer.

The examination of the financial affairs of townships, cities and towns, and school districts shall be made at least once in every two years; all other examinations shall be made at least once a year.

On every such examination, inquiry shall be made as to the financial condition and resources of the taxing district; whether the Constitution and laws of the state, the ordinances and orders of the taxing district, and the requirements of the division of municipal corporations have been properly complied with; and into the methods and accuracy of the accounts and reports.

The state auditor, his deputies, every state examiner and every person legally appointed to perform such service, may issue subpoenas and compulsory process and direct the service thereof by any constable or sheriff,



compel the attendance of witnesses and the production of books and papers before him at any designated time and place, and may administer oaths.

When any person summoned to appear and give testimony neglects or refuses so to do, or neglects or refuses to answer any question that may be put to him touching any matter under examination, or to produce any books or papers required, the person making such examination shall apply to a superior court judge of the proper county to issue a subpoena for the appearance of such person before him; and the judge shall order the issuance of a subpoena for the appearance of such person forthwith before him to give testimony; and if any person so summoned fails to appear, or appearing, refuses to testify, or to produce any books or papers required, he shall be subject to like proceedings and penalties for contempt as witnesses in the superior court. Wilful false swearing in any such examination shall be perjury and punishable as such.

A report of such examination shall be made in triplicate, one copy to be filed in the office of the state auditor, one in the auditing department of the taxing district reported upon, and one in the office of the attorney general. If any such report discloses malfeasance, misfeasance, or nonfeasance in office on the part of any public officer or employee, within thirty days from the receipt of his copy of the report, the attorney general shall institute, in the proper county, such legal action as is proper in the premises by civil process and prosecute the same to final determination to carry into effect the findings of the examination.

It shall be unlawful for the county commissioners or any board or officer to make a settlement or compromise of any claim arising out of such malfeasance, misfeasance, or nonfeasance, or any action commenced therefor, or for any court to enter upon any compromise or settlement of such action, without the written approval and consent of the attorney general and the state auditor. [1965 c 8 § 43.09.260. Prior: 1909 c 76 § 8; RRS § 9958.]

*School district budgeting violations not to affect duties of attorney general under RCW 43.09.260: RCW 28A.65.460.*

**43.09.270 Division of municipal corporations—**  
**Expense of division, how paid.** The expense of maintaining and operating the division shall be paid out of the state general fund: *Provided*, That those expenses directly related to the prescribing of accounting systems, and field audit supervision, shall be considered as expenses of auditing public accounts within the meaning of RCW 43.09.280, and shall be prorated for that purpose equally among all entities directly affected by such service. [1965 c 8 § 43.09.270. Prior: 1963 c 209 § 4; 1911 c 30 § 1; 1909 c 76 § 10; RRS § 9960.]

**43.09.280 Division of municipal corporations—**  
**Expense of examination, how paid.** The expense of auditing public accounts shall be borne by each entity subject to such audit for the auditing of all accounts under its jurisdiction and the state auditor shall certify the expense of such audit to the fiscal or warrant-issuing

officer of such entity, who shall immediately make payment to the division of municipal corporations: *Provided*, That no expense of classification "Auditor I" may be so certified. If the expense as certified is not paid by any taxing district within thirty days from the date of certification, the state auditor may certify the expense to the auditor of the county in which the taxing district is situated, who shall promptly issue his warrant on the county treasurer payable out of the current expense fund of the county, which fund, except as to auditing the financial affairs and making inspection and examination of the county, shall be reimbursed by the county auditor out of the money due said taxing district at the next monthly settlement of the collection of taxes and shall be transferred to the current expense fund. [1965 c 8 § 43.09.280. Prior: 1963 c 209 § 5; 1911 c 30 § 1; 1909 c 76 § 11; RRS § 9961.]

**43.09.282 Division of municipal corporations—**  
**Municipal revolving fund.** To facilitate the collection and expenditure of funds for auditing municipal corporations there is hereby created a fund entitled the municipal revolving fund. The state treasurer shall be custodian of the fund. All moneys received by the division of municipal corporations or by any officer or employee thereof shall be deposited with the state treasurer, to be credited to the municipal revolving fund. Such fund shall be administered by the division of municipal corporations and shall be used for payment of the expenses of auditing public accounts. [1965 c 8 § 43.09.282. Prior: 1963 c 209 § 6.]

**43.09.285 Joint operations by municipal corporations or political subdivisions—**  
**Deposit and control of funds.** Whenever by law, two or more municipal corporations or political subdivisions of the state are permitted by law to engage in a joint operation, the funds of such joint operation shall be deposited in the public treasury of the municipal corporation or political subdivision embracing the largest population or the public treasury of any other as so agreed upon by the parties; and such deposit shall be subject to the same audit and fiscal controls as the public treasury where the funds are so deposited: *Provided*, That whenever the laws applicable to any particular joint operation specifically state a contrary rule for deposits, the specific rule shall apply in lieu of the provisions of this section: *Provided, further*, That nothing contained herein shall be construed as limiting the power or authority of the disbursing officer of such joint operation from making disbursements in accordance with the provisions of any contract or agreement entered into between the parties to the joint operation. [1967 c 41 § 1.]

## DEPARTMENTAL AUDITS

**43.09.290 Post-audit of state departments—**  
**Definitions.** For the purposes of RCW 43.09.290 through 43.09.340 post-audit means an annual audit of the books, records, funds, and financial transactions of a state department for a complete fiscal period; pre-audit

means all other audits and examinations; state department means elective officers and offices, and every other office, officer, department, board, council, committee, commission, authority, or agency of the state government now existing or hereafter created, supported, wholly or in part, by appropriations from the state treasury or funds under its control, or by the levy, assessment, collection, or receipt of fines, penalties, fees, licenses, sales of commodities, service charges, rentals, grants-in-aid, or other income provided by law, and all state educational, penal, reformatory, charitable, eleemosynary, or other institutions, supported, wholly or in part, by appropriations from the state treasury or funds under its control. [1965 c 8 § 43.09.290. Prior: 1941 c 196 § 1; Rem. Supp. 1941 § 11018-1.]

*Post-audit duties, budget and accounting system: RCW 43.88.160(3).*

**43.09.300 Post-audit of state departments—Division of departmental audits—Chief examiner.** There shall be in the office of the state auditor a division to be known as the division of departmental audits. The state auditor may appoint and deputize an assistant to be known as chief examiner, who shall have charge and supervision of the division and who may, with the approval of the state auditor, appoint and employ such state examiners and clerical assistants as may be necessary to carry out the duties of the division. [1965 c 8 § 43.09.300. Prior: 1941 c 196 § 2; Rem. Supp. 1941 § 11018-2.]

**43.09.310 Post-audit of state departments—Periodic audits—Reports—Filing.** The state auditor, through the division of departmental audits, shall make a post-audit of every state department at such reasonable periodic intervals as he shall determine but in each case an audit shall be conducted every two years: *Provided*, That for any state department whose biennial appropriation is less than six hundred thousand dollars, such interval may exceed two years, but shall not exceed five years. A report shall be made of each post-audit upon completion thereof, and one copy shall be transmitted to the governor, one to the director of the office of program planning and fiscal management, one to the attorney general, one to the state department audited, one to the legislative budget committee, one each to the standing committees on ways and means of the house and senate, one to the chief clerk of the house, one to the secretary of the senate, and at least one shall be kept on file in the office of the state auditor. [1975-'76 2nd ex.s. c 17 § 1. Prior: 1975 1st ex.s. c 293 § 1; 1975 1st ex.s. c 193 § 1; 1971 ex.s. c 170 § 2; 1965 c 8 § 43.09.310; prior: 1947 c 114 § 1; 1941 c 196 § 3; Rem. Supp. 1947 § 11018-3.]

**Severability—1975 1st ex.s. c 293:** See RCW 43.88.902.

**Effective date—1975 1st ex.s. c 293:** See RCW 43.88.910.

**Severability—1971 ex.s. c 170:** See note following RCW 43.09.050.

*Reports of post-audits: RCW 43.88.160(3).*

**43.09.320 Post-audit of state departments—Expense, how paid.** The expenses incurred in making post-audits shall be paid from an appropriation from the

general fund provided by law for that purpose. [1965 c 8 § 43.09.320. Prior: 1941 c 196 § 4; Rem. Supp. 1941 § 11018-4.]

**43.09.330 Post-audit of state departments—Authority of officials in making audits—Action by attorney general.** The state auditor, the chief examiner, and every state examiner of the division of departmental audits, for the purpose of making post-audits, may issue subpoenas and compulsory process and direct the service thereof by any constable or sheriff to compel the attendance of witnesses and the production of books and papers before him at any designated time and place, and may administer oaths.

If any person summoned neglects or refuses to appear, or neglects or refuses to answer any question that may be put to him touching any matter under audit, or to produce any books or papers required, the person making such audit shall apply to a superior court judge of the county where the hearing arose to issue a subpoena for the appearance of such person before him; and the judge shall order the issuance of a subpoena for the appearance of such person forthwith before him to give testimony; and if any person so summoned fails to appear, or appearing refuses to testify or to produce any books or papers required, he shall be subject to like proceedings and penalties for contempt as witnesses in the superior court. Wilful false swearing in any such examination shall be perjury and punishable as such.

If any audit discloses malfeasance, misfeasance, or nonfeasance in office on the part of any public officer or employee, within thirty days from the receipt of his copy of the report, the attorney general shall institute and prosecute in the proper county, appropriate legal action to carry into effect the findings of such post-audit. It shall be unlawful for any state department or the responsible head thereof, to make a settlement or compromise of any claim arising out of such malfeasance, misfeasance, or nonfeasance, or any action commenced therefor, or for any court to enter upon any compromise or settlement of such action without the written approval and consent of the attorney general and the state auditor. [1965 c 8 § 43.09.330. Prior: 1941 c 196 § 5; Rem. Supp. 1941 § 11018-5.]

**43.09.340 Post-audit of state departments—Audit of books of state auditor.** The governor may, from time to time, provide for a post-audit of the books, accounts, and records of the state auditor, and the funds under his control, to be made either by independent qualified public accountants or the director of budget, as he may determine. The expense of making such audit shall be paid from appropriations made therefor from the general fund. [1965 c 8 § 43.09.340. Prior: 1947 c 114 § 2; 1941 c 196 § 6; Rem. Supp. 1947 § 11018-6.]

## Chapter 43.10 ATTORNEY GENERAL

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*Support of dependent children*  
*agreements between attorney general and prosecuting attorneys to initiate petition for support under uniform act:* RCW 74.20.210.  
*divorce or separate maintenance actions, appearance by attorney general as friend of court:* RCW 74.20.220.  
*petition for order upon husband to provide support, attorney general may apply for, when:* RCW 74.20.230.

*Teachers' retirement board of trustees, duties concerning:* RCW 41.32.090.

*Term of office:* State Constitution Art. 3 § 3; RCW 43.01.010.

*Tort claims against state, authority to settle, compromise and stipulate for judgment:* RCW 4.92.150.

*Transfer of highway lands to United States, municipal subdivision or public utility, attorney general to adjudge if in public interest and certify:* RCW 47.12.080.

*Unemployment compensation, representation of department:* RCW 50.12.150.

*Unfair business practices act*  
*assurance of discontinuance of practices, acceptance by:* RCW 19.86.100.  
*restraint of prohibited acts, action by:* RCW 19.86.080.

*Utilities and transportation commission*  
*compliance with law by persons or corporations regulated, duty to enforce:* RCW 80.01.100, 80.04.510.  
*duty to represent:* RCW 80.01.100, 80.04.510.

*Vital statistics, duty to enforce laws of:* RCW 70.58.050.

*Washington habitual traffic offenders act, attorney general's duties:* Chapter 46.65 RCW.

*Water rights, legal determinations:* RCW 90.03.080.

**43.10.010 Qualifications—Oath—Bond.** No person shall be eligible to be attorney general unless he is a qualified practitioner of the supreme court of this state.

Before entering upon the duties of his office, any person elected or appointed attorney general shall take, subscribe, and file the oath of office as required by law; take, subscribe, and file with the secretary of state an oath to comply with the provisions of RCW 43.10.115; and execute and file with the secretary of state, a bond to the state, in the sum of five thousand dollars, with sureties to be approved by the governor, conditioned for the faithful performance of his duties and the paying over of all moneys, as provided by law. [1973 c 43 § 1; 1965 c 8 § 43.10.010. Prior: 1929 c 92 § 1, part; RRS § 11030, part; prior: 1921 c 119 § 1; 1888 p 7 § 4.]

**Severability—1973 c 43:** "If any provision of this 1973 amendatory 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." [1973 c 43 § 6.] This applies to the 1973 amendment to this section and to RCW 43.10.115–43.10.130.

**43.10.020 Additional bond—Penalty for failure to furnish.** If the governor deems any bond filed by the attorney general insufficient, he may require an additional bond for any amount not exceeding five thousand dollars.

If any attorney general fails to give such additional bond as required by the governor within twenty days after notice in writing of such requirement, his office may be declared vacant by the governor and filled as provided by law. [1965 c 8 § 43.10.020. Prior: (i) 1929 c 92 § 1, part; RRS § 11030, part. (ii) 1929 c 92 § 2; RRS § 11031; prior: 1921 c 119 § 1; 1888 p 7 §§ 4, 5.]

**43.10.030 General powers and duties.** The attorney general shall:

(1) Appear for and represent the state before the supreme court or the court of appeals in all cases in which the state is interested;

(2) Institute and prosecute all actions and proceedings for, or for the use of the state, which may be necessary in the execution of the duties of any state officer;

(3) Defend all actions and proceedings against any state officer or employee acting in his official capacity, in any of the courts of this state or the United States;

(4) Consult with and advise the several prosecuting attorneys in matters relating to the duties of their office, and when the interests of the state require, he shall attend the trial of any person accused of a crime, and assist in the prosecution;

(5) Consult with and advise the governor, members of the legislature, and other state officers, and when requested, give written opinions upon all constitutional or legal questions relating to the duties of such officers;

(6) Prepare proper drafts of contracts and other instruments relating to subjects in which the state is interested;

(7) Give written opinions, when requested by either branch of the legislature, or any committee thereof, upon constitutional or legal questions;

(8) Enforce the proper application of funds appropriated for the public institutions of the state, and prosecute corporations for failure or refusal to make the reports required by law;

(9) Keep in proper books a record of all cases prosecuted or defended by him, on behalf of the state or its officers, and of all proceedings had in relation thereto, and deliver the same to his successor in office;

(10) Keep books in which he shall record all the official opinions given by him during his term of office, and deliver the same to his successor in office;

(11) Pay into the state treasury all moneys received by him for the use of the state. [1975 c 40 § 5; 1971 c 81 § 109; 1965 c 8 § 43.10.030. Prior: (i) 1929 c 92 § 3; RRS § 112. (ii) 1929 c 92 § 4; RRS § 11032; prior: 1891 c 55 § 2; 1888 p 8 § 6.]

**43.10.040 Representation of boards, commissions and agencies.** The attorney general shall also represent the state and all officials, departments, boards, commissions and agencies of the state in the courts, and before all administrative tribunals or bodies of any nature, in all legal or quasi legal matters, hearings, or proceedings, and advise all officials, departments, boards, commissions, or agencies of the state in all matters involving legal or quasi legal questions, except those declared by law to be the duty of the prosecuting attorney of any county. [1965 c 8 § 43.10.040. Prior: 1941 c 50 § 1, part; Rem. Supp. 1941 § 11034-3, part.]

**43.10.050 Authority to execute appeal and other bonds.** The attorney general may execute, on behalf of the state, any appeal or other bond required to be given by the state in any judicial proceeding to which it is a party in any court, and procure sureties thereon. [1965 c 8 § 43.10.050. Prior: 1929 c 92 § 6; RRS § 11034; prior: 1905 c 99 § 1.]

**43.10.060 Appointment and authority of assistants.** The attorney general may appoint necessary assistants, who shall hold office at his pleasure, and who shall have the power to perform any act which the attorney general is authorized by law to perform. [1965 c 8 § 43.10.060. Prior: 1929 c 92 § 7, part; RRS § 11034-1, part.]

**43.10.065 Employment of attorneys and employees to transact state's legal business.** The attorney general may employ or discharge attorneys and employees to transact for the state, its departments, officials, boards, commissions, and agencies, all business of a legal or quasi legal nature, except those declared by law to be the duty of the judge of any court, or the prosecuting attorney of any county. [1965 c 8 § 43.10.065. Prior: 1941 c 50 § 1, part; Rem. Supp. 1941 § 11034-3, part. Formerly RCW 43.10.060, part.]

**43.10.067 Employment of attorneys by others restricted.** No officer, director, administrative agency, board, or commission of the state, other than the attorney general, shall employ, appoint or retain in employment any attorney for any administrative body, department, commission, agency, or tribunal or any

other person to act as attorney in any legal or quasi legal capacity in the exercise of any of the powers or performance of any of the duties specified by law to be performed by the attorney general, except where it is provided by law to be the duty of the judge of any court or the prosecuting attorney of any county to employ or appoint such persons: *Provided*, That RCW 43.10.040, and RCW 43.10.065 through 43.10.080 shall not apply to the administration of the judicial council, the state law library, the law school of the state university, or the administration of the state bar act by the Washington State Bar Association.

The authority granted by chapter 1.08 RCW, RCW 44.24.050, and RCW 44.28.140 shall not be affected hereby. [1965 c 8 § 43.10.067. Prior: (i) 1941 c 50 § 2; Rem. Supp. 1941 § 11034-4. (ii) 1941 c 50 § 4; Rem. Supp. 1941 § 11034-6. Formerly RCW 43.01.080.]

**43.10.070 Compensation of assistants, attorneys and employees.** The attorney general shall fix the compensation of all assistants, attorneys, and employees, and in the event they are assigned to any department, board, or commission, such department, board, or commission shall pay the compensation as fixed by the attorney general, not however in excess of the amount made available to the department by law for legal services. [1965 c 8 § 43.10.070. Prior: 1941 c 50 § 1, part; Rem. Supp. 1941 § 11034-3, part.]

**43.10.080 Employment of experts, technicians.** The attorney general may employ such skilled experts, scientists, technicians, or other specially qualified persons as he deems necessary to aid him in the preparation or trial of actions or proceedings. [1965 c 8 § 43.10.080. Prior: 1941 c 50 § 3; Rem. Supp. 1941 § 11034-5.]

**43.10.090 Criminal investigations—Supervision.** Upon the written request of the governor the attorney general shall investigate violations of the criminal laws within this state.

If, after such investigation, the attorney general believes that the criminal laws are improperly enforced in any county, and that the prosecuting attorney of the county has failed or neglected to institute and prosecute violations of such criminal laws, either generally or with regard to a specific offense or class of offenses, the attorney general shall direct the prosecuting attorney to take such action in connection with any prosecution as the attorney general determines to be necessary and proper.

If any prosecuting attorney, after the receipt of such instructions from the attorney general, fails or neglects to comply therewith within a reasonable time, the attorney general may initiate and prosecute such criminal actions as he shall determine. In connection therewith, the attorney general shall have the same powers as would otherwise be vested in the prosecuting attorney.

From the time the attorney general has initiated or taken over a criminal prosecution, the prosecuting attorney shall not have power or authority to take any legal steps relating to such prosecution, except as authorized

or directed by the attorney general. [1965 c 8 § 43.10.090. Prior: 1937 c 88 § 1; RRS § 112-1.]

*Corporations, governor may require attorney general to investigate:* RCW 43.06.010(6).

*Prosecuting attorneys, governor may require attorney general to aid:* RCW 43.06.010(7).

**43.10.100 Biennial report.** The attorney general shall prepare and report to the governor and the legislature, at or before the convening of each biennial session, a concise statement of all matters pertaining to his official duties, making such suggestions for lessening the public expenses and promoting frugality in the public offices as he deems expedient and proper. [1965 c 8 § 43.10.100. Prior: 1929 c 92 § 5; RRS § 11033; prior: 1888 p 8 § 7.]

**43.10.110 Other powers and duties.** The attorney general shall have the power and it shall be his duty to perform any other duties that are, or may from time to time be required of him by law. [1965 c 8 § 43.10.110. Prior: 1929 c 92 § 8; RRS § 11034-2.]

**43.10.115 Private practice of law—Attorney general—Prohibited.** The attorney general shall not practice law for remuneration in his private capacity:

(1) As an attorney in any court of this state during his continuance in office; or

(2) As adviser or advocate for any person who may wish to become his client. [1973 c 43 § 2.]

**43.10.120 Private practice of law—Deputies and assistants—Prohibited.** No full time deputy or assistant attorney general shall practice law for remuneration in his private capacity:

(1) As an attorney in any court of this state during his continuance in office; or

(2) As adviser or advocate for any person who may wish to become his client. [1973 c 43 § 3.]

**43.10.125 Private practice of law—Special assistant attorney generals.** Special assistant attorney generals employed on less than a full time basis to transact business of a legal or quasi legal nature for the state, such assistants and attorneys may practice law in their private capacity as attorney. [1973 c 43 § 4.]

**43.10.130 Private practice of law—Exceptions.** None of the provisions of RCW 43.10.010 and 43.10.115 through 43.10.125 shall be construed as prohibiting the attorney general or any of his full time deputies or assistants from:

(1) Performing legal services for himself or his immediate family; or

(2) Performing legal services of a charitable nature. [1973 c 43 § 5.]

**43.10.150 Legal services revolving fund—Created—Purpose.** A legal services revolving fund is hereby created in the state treasury for the purpose of a centralized funding, accounting, and distribution of the actual costs of the legal services provided to agencies of the state government by the attorney general. [1974 ex.s. c 146 § 1; 1971 ex.s. c 71 § 1.]

**Effective date—1974 ex.s. c 146:** "This act shall take effect on July 1, 1974 for costs, billings and charges affecting the 1975 fiscal year and subsequent biennia." [1974 ex.s. c 146 § 5.]

**43.10.160 Legal services revolving fund—Transfers and payments into fund—Allotments to attorney general.** The amounts to be disbursed from the legal services revolving fund from time to time shall be transferred thereto by the state treasurer from funds appropriated to any and all agencies for legal services or administrative expenses on a quarterly basis. Agencies operating in whole or in part from nonappropriated funds shall pay into the legal services revolving fund such funds as will fully reimburse funds appropriated to the attorney general for any legal services provided activities financed by nonappropriated funds.

The director of the office of program planning and fiscal management shall allot all such funds to the attorney general for the operation of his office, pursuant to appropriation, in the same manner as appropriated funds are allocated to other agencies headed by elected officers under chapter 43.88 RCW. [1974 ex.s. c 146 § 2; 1971 ex.s. c 71 § 2.]

**Effective date—1974 ex.s. c 146:** See note following RCW 43.10.150.

**43.10.170 Legal services revolving fund—Disbursements.** Disbursements from the legal services revolving fund shall be pursuant to vouchers executed by the attorney general or his designee in accordance with the provisions of RCW 43.88.160. [1971 ex.s. c 71 § 3.]

**43.10.180 Legal services revolving fund—Allocation of costs to funds and agencies—Accounting—Billing.** The attorney general shall keep such records as are necessary to facilitate proper allocation of costs to funds and agencies served and the director of the office of program planning and fiscal management shall prescribe appropriate accounting procedures to accurately allocate costs to funds and agencies served. Billings shall be adjusted in line with actual costs incurred at intervals not to exceed six months. [1974 ex.s. c 146 § 3; 1971 ex.s. c 71 § 4.]

**Effective date—1974 ex.s. c 146:** See note following RCW 43.10.150.

**43.10.190 Legal services revolving fund—Direct payments from agencies.** In cases where there are unanticipated demands for legal services or where there are insufficient funds on hand or available for payment through the legal services revolving fund or in other cases of necessity, the attorney general may request payment for legal services directly from agencies for whom the services are performed to the extent that revenues or other funds are available. Upon approval by the director of the office of program planning and fiscal management the agency shall make the requested payment. The payment may be made on either an advance or reimbursable basis as approved by the director of the office of program planning and fiscal management. [1971 ex.s. c 71 § 5.]

**43.10.200 Legal services revolving fund—Recovered court costs, fees and expenses—Deposit in fund—Expenditure.** Court costs, attorneys' fees, and other expenses recovered by the attorney general shall be deposited in the legal services revolving fund and shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended in the same manner and under the same conditions and restrictions as set forth in section 11, chapter 282, Laws of 1969 ex. sess. [1971 ex.s. c 71 § 6.]

**43.10.210 Antitrust revolving fund—Legislative finding and purpose.** The legislature having found that antitrust laws and the enforcement thereof are necessary for the protection of consumers and businesses, and further that the creation of an antitrust revolving fund provides a reasonable means of funding antitrust actions by the attorney general, and that the existence of such a fund increases the possibility of obtaining funding from other sources, now therefore creates the antitrust revolving fund. [1974 ex.s. c 162 § 1.]

**43.10.215 Antitrust revolving fund—Created—Contents.** There is hereby created the antitrust revolving fund in the custody of the state treasurer which shall consist of: Funds appropriated to the revolving fund, funds transferred to the revolving fund pursuant to a court order or judgment in an antitrust action; gifts or grants made to the revolving fund; and funds awarded to the state or any agency thereof for the recovery of costs and attorney fees in an antitrust action: *Provided however,* That to the extent that such costs constitute reimbursement for expenses directly paid from constitutionally dedicated funds, such recoveries shall be transferred to the constitutionally dedicated fund. [1974 ex.s. c 162 § 2.]

**43.10.220 Antitrust revolving fund—Expenditures.** The attorney general is authorized to expend from the antitrust revolving fund, created by RCW 43.10.210 through 43.10.220, such funds as are necessary for the payment of costs, expenses and charges incurred in the preparation, institution and maintenance of antitrust actions under the state and federal antitrust acts. [1974 ex.s. c 162 § 3.]

## Chapter 43.12 COMMISSIONER OF PUBLIC LANDS

### Sections

**43.12.010 Powers and duties—Generally.**  
*Abstracts of state lands maintained by:* RCW 79.01.304.  
*Acquisition of public lands for highway purposes, commissioner's powers and duties relating to:* RCW 47.12.020.  
*Acquisition of state lands for highway purposes, maps to be filed with commissioner:* RCW 47.12.020.  
*Administrator of natural resources:* RCW 43.30.050.  
*Assistant commissioner:* RCW 79.01.056.  
*Attorney general to represent:* RCW 79.01.736.  
*Biennial report to legislature:* RCW 79.01.744.  
*Board of natural resources secretary:* RCW 43.30.150(9).  
*Bonds:* RCW 79.01.064.

*City or metropolitan park district parks or playgrounds, member of citizens committee to investigate and determine needs for tidelands and shorelands:* RCW 79.08.080.

*Duties of, to be prescribed by legislature:* State Constitution Art. 3 § 23.

*Election:* State Constitution Art. 3 § 1.

*Eminent domain against state lands*  
*filing judgment with commissioner of public lands:* RCW 8.28.010.

*service of process on:* RCW 8.28.010.

*Eminent domain by corporations, service on:* RCW 8.20.020.

*Employees:* RCW 79.01.060.

### **Escheats**

*conveyance of real property to claimant:* RCW 11.08.270.  
*jurisdiction and supervision over real property:* RCW 11.08.220.  
*land acquired by, management and control over:* RCW 79.01.612.

*Fees:* RCW 79.01.720, 79.01.724.

### **Funds**

*collateral requirements:* RCW 43.85.150.  
*daily deposit of funds in state treasury:* RCW 43.85.130.  
*designation of depositaries:* RCW 43.85.140.  
*interest rate:* RCW 43.85.160.  
*statement of depositary:* RCW 43.85.170, 43.85.180.

*Game and game fish held lands, sale or lease of land or materials, certificate filed with commissioner of public lands:* RCW 77.12.210.

*Game hunting, withdrawal of state lands from lease and sale for purposes of:* Chapter 77.40 RCW.

*Harbor line relocation, platting of additional tidelands and shorelands created by:* RCW 79.01.424.

*Interagency committee for outdoor recreation, membership:* RCW 43.99.110.

### **Land inspectors**

*compensation:* RCW 79.01.068.  
*employment of:* RCW 79.01.060.  
*false statements by, penalty:* RCW 79.01.072.  
*oath:* RCW 79.01.068.

*Land settlement lands, sale:* RCW 89.04.110, 89.04.115.

*Local and other improvements and assessments against state lands, tidelands and harbor area assessments, disapproval, effect:* RCW 79.44.140.

*Mistakes, recall of leases, contract or deeds to correct:* RCW 79.01.740.

*Oath of office:* RCW 43.01.020, 79.01.056.

*Office may be abolished by legislature:* State Constitution Art. 3 § 25 (Amendment 31).

*Powers and duties transferred to natural resources department:* RCW 43.30.130.

*Recall of leases, contracts, or deeds to correct mistakes:* RCW 79.01.740.

*Reclamation projects of state:* RCW 89.16.080.

*Reconsideration of official acts:* RCW 79.01.740.

*Records to be kept at state capitol:* State Constitution Art. 3 § 24.

*Salary, amount of:* RCW 43.03.010.

*regulated by legislature:* State Constitution Art. 3 § 23.

*School lands, data and information furnished to department of natural resources as to sale or lease of:* RCW 79.01.094.

*State capitol committee, secretary of:* RCW 43.34.015.

*State capitol committee member:* RCW 43.34.010.

*State lands:* Chapter 79.01 RCW.

*State parks, withdrawal of public lands from sale, exchange for highway abutting lands, duties:* RCW 43.51.110.

*Subpoena power:* RCW 79.01.704.

*Succession to governorship:* State Constitution Art. 3 § 10 (Amendment 6).

*Survey and map agency, advisory board, appointment:* RCW 58.24.020.

*Term of office:* State Constitution Art. 3 § 3; RCW 43.01.010.

*Tidelands and shorelands in tidal rivers located by, finality of location:* RCW 79.01.564.

### **Underground storage of natural gas**

*lease of public lands for:* RCW 80.40.060.  
*notice of application for sent to:* RCW 80.40.040.

*United States land offices, appearance before:* RCW 79.01.732.

*Washington State University real property, annual report as to:* RCW 28B.30.310.

*Withdrawal of state land from lease for game purposes, powers and duties concerning:* RCW 77.12.360.

*Youth development and conservation committee, representation upon:* RCW 43.51.520.

**43.12.010 Powers and duties—Generally.** The commissioner of public lands shall exercise such powers and perform such duties as are prescribed by law. [1965 c 8 § 43.12.010. Prior: 1921 c 7 § 119; RRS § 10877.]

### Chapter 43.17 ADMINISTRATIVE DEPARTMENTS AND AGENCIES—GENERAL PROVISIONS

#### Sections

- 43.17.010 Departments created (as amended by 1975-'76 2nd ex.s. c 105).
- 43.17.010 Departments created (as amended by 1975-'76 2nd ex.s. c 115).
- 43.17.020 Chief executive officers—Appointment (as amended by 1975-'76 2nd ex.s. c 105).
- 43.17.020 Chief executive officers—Appointment (as amended by 1975-'76 2nd ex.s. c 115).
- 43.17.030 Powers and duties—Oath.
- 43.17.040 Chief assistant director—Powers.
- 43.17.050 Office at capital—Branch offices.
- 43.17.060 Departmental rules and regulations.
- 43.17.070 Administrative committees.
- 43.17.100 Official bonds.
- 43.17.110 Data, information, interdepartmental assistance.
- 43.17.120 Designation of agency to carry out federal social security disability program.
- 43.17.130 Designation of agency to carry out federal social security disability program—Appointment of personnel.
- 43.17.200 Agencies to expend moneys for acquisition of works of art—Conditions.

*Actions against regents, trustees, etc., of institutions of higher education or educational boards, administrative board duties:* RCW 28B.10.842.

*Higher education assistance authority, state agencies may render assistance to:* RCW 28B.17.160.

**43.17.010 Departments created (as amended by 1975-'76 2nd ex.s. c 105).** There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of highways, (8) the department of motor vehicles, (9) the department of general administration, (10) the department of commerce and economic development, (11) the department of revenue, and (12) the department of retirement systems, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide. [1975-'76 2nd ex.s. c 105 § 24; 1971 c 11 § 1. Prior: 1970 ex.s. c 62 § 28; 1970 ex.s. c 18 § 50; 1969 c 32 § 1; prior: 1967 ex.s. c 26 § 12; 1967 c 242 § 12; 1965 c 156 § 20; 1965 c 8 § 43.17.010; prior: 1957 c 215 § 19; 1955 c 285 § 2; 1953 c 174 § 1; prior: (i) 1937 c 111 § 1, part; RRS § 10760-2, part. (ii) 1935 c 176 § 1; 1933 c 3 § 1; 1929 c 115 § 1; 1921 c 7 § 2; RRS § 10760. (iii) 1945 c 267 § 1, part; Rem. Supp. 1945 § 10459-1, part. (iv) 1947 c 114 § 5; Rem. Supp. 1947 § 10786-10c.]

**Severability—1975-'76 2nd ex.s. c 105:** See note following RCW 41.04.270.

**43.17.010 Departments created (as amended by 1975-'76 2nd ex.s. c 115).** There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the

department of game, (7) the department of highways, (8) the department of motor vehicles, (9) the department of general administration, (10) the department of commerce and economic development, (11) the department of veterans affairs, and (12) the department of revenue, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide. [1975-'76 2nd ex.s. c 115 § 19; 1971 c 11 § 1. Prior: 1970 ex.s. c 62 § 28; 1970 ex.s. c 18 § 50; 1969 c 32 § 1; prior: 1967 ex.s. c 26 § 12; 1967 c 242 § 12; 1965 c 156 § 20; 1965 c 8 § 43.17.010; prior: 1957 c 215 § 19; 1955 c 285 § 2; 1953 c 174 § 1; prior: (i) 1937 c 111 § 1, part; RRS § 10760-2, part. (ii) 1935 c 176 § 1; 1933 c 3 § 1; 1929 c 115 § 1; 1921 c 7 § 2; RRS § 10760. (iii) 1945 c 267 § 1, part; Rem. Supp. 1945 § 10459-1, part. (iv) 1947 c 114 § 5; Rem. Supp. 1947 § 10786-10c.]

**Reviser's note:** RCW 43.17.010 was amended twice during the 1975-'76 second extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same session, see RCW 1.12.025.

**Savings—Construction—Severability—1975-'76 2nd ex.s. c 115:** See RCW 43.60A.905, 43.60A.907, 43.60A.908.

*Department of agriculture:* Chapter 43.23 RCW.

*Department of commerce and economic development:* Chapter 43.31 RCW.

*Department of fisheries:* Chapter 75.08 RCW.

*Department of game:* Chapter 77.04 RCW.

*Department of general administration:* Chapter 43.19 RCW.

*Department of highways:* Chapter 47.01 RCW.

*Department of labor and industries:* Chapter 43.22 RCW.

*Department of motor vehicles:* Chapters 43.24, 46.01 RCW.

*Department of natural resources:* Chapter 43.30 RCW.

*Department of retirement systems:* Chapter 41.50 RCW.

*Department of social and health services:* Chapter 43.20A RCW.

*Department of veterans affairs:* Chapter 43.60A RCW.

**43.17.020 Chief executive officers—Appointment (as amended by 1975-'76 2nd ex.s. c 105).** There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the director of highways, (8) the director of motor vehicles, (9) the director of general administration, (10) the director of commerce and economic development, (11) the director of revenue, and (12) the director of retirement systems.

Such officers, except the director of highways and the director of game, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office. The director of highways shall be appointed by the state highway commission, and the director of game shall be appointed by the game commission. [1975-'76 2nd ex.s. c 105 § 25; 1971 c 11 § 2. Prior: 1970 ex.s. c 62 § 29; 1970 ex.s. c 18 § 51; 1969 c 32 § 2; prior: 1967 ex.s. c 26 § 13; 1967 c 242 § 13; 1965 c 156 § 21; 1965 c 8 § 43.17.020; prior: 1957 c 215 § 20; 1955 c 285 § 3; 1953 c 174 § 2; prior: (i) 1935 c 176 § 2; 1933 c 3 § 2; 1929 c 115 § 2; 1921 c 7 § 3; RRS § 10761. (ii) 1937 c 111 § 1, part; RRS § 10760. (iii) 1945 c 267 § 1, part; Rem. Supp. 1945 § 10459-1, part.]

**Severability—1975-'76 2nd ex.s. c 105:** See note following RCW 41.04.270.

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while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office. The director of highways shall be appointed by the state highway commission, and the director of game shall be appointed by the game commission. [1975-'76 2nd ex.s. c 115 § 20; 1971 c 11 § 2. Prior: 1970 ex.s. c 62 § 29; 1970 ex.s. c 18 § 51; 1969 c 32 § 2; prior: 1967 ex.s. c 26 § 13; 1967 c 242 § 13; 1965 c 156 § 21; 1965 c 8 § 43.17.020; prior: 1957 c 215 § 20; 1955 c 285 § 3; 1953 c 174 § 2; prior: (i) 1935 c 176 § 2; 1933 c 3 § 2; 1929 c 115 § 2; 1921 c 7 § 3; RRS § 10761. (ii) 1937 c 111 § 1, part; RRS § 10760. (iii) 1945 c 267 § 1, part; Rem. Supp. 1945 § 10459-1, part.]

**Reviser's note:** RCW 43.17.020 was amended twice during the 1975-'76 second extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same session, see RCW 1.12.025.

**Savings—Construction—Severability—1975-'76 2nd ex.s. c 115:** See RCW 43.60A.905, 43.60A.907, 43.60A.908.

**Director of game appointed by state game commission:** RCW 77.04.060.

**Director of highways appointed by state highway commission:** RCW 47.01.100.

**43.17.030 Powers and duties—Oath.** The directors of the several departments shall exercise such powers and perform such executive and administrative duties as are provided by law.

Each appointive officer before entering upon the duties of his office shall take and subscribe the oath of office prescribed by law for elective state officers, and file the same in the office of the secretary of state. [1965 c 8 § 43.17.030. Prior: 1921 c 7 § 18; RRS § 10776.]

**Oaths of elective state officers:** RCW 43.01.020.

**43.17.040 Chief assistant director—Powers.** The director of each department may, from time to time, designate and deputize one of the chief assistant directors of his department to act as the chief assistant director, who shall have charge and general supervision of the department in the absence or disability of the director, and who, in case a vacancy occurs in the office of director, shall continue in charge of the department until a director is appointed and qualified, or the governor appoints an acting director. [1965 c 8 § 43.17.040. Prior: 1921 c 7 § 118; RRS § 10876.]

**43.17.050 Office at capital—Branch offices.** Each department shall maintain its principal office at the state capital. The director of each department may, with the approval of the governor, establish and maintain branch offices at other places than the state capital for the conduct of one or more of the functions of his department.

The governor, in his discretion, may require all administrative departments of the state and the appointive officers thereof, other than those created by this chapter, to maintain their principal offices at the state capital in rooms to be furnished by the director of general administration. [1965 c 8 § 43.17.050. Prior: (i) 1921 c 7 § 20; RRS § 10778. (ii) 1921 c 7 § 134; RRS § 10892.]

**Certain departments to pay housing costs:** RCW 43.01.090.

**Housing for state offices, departments and institutions:** Chapter 43.82 RCW.

**43.17.060 Departmental rules and regulations.** The director of each department may prescribe rules and regulations, not inconsistent with law, for the government of his department, the conduct of its subordinate officers and employees, the disposition and performance of its business, and the custody, use, and preservation of the records, papers, books, documents, and property pertaining thereto. [1965 c 8 § 43.17.060. Prior: 1921 c 7 § 19; RRS § 10777.]

**Administrative procedure:** Title 34 RCW.

**43.17.070 Administrative committees.** There shall be administrative committees of the state government, which shall be known as, (1) the state finance committee, (2) the state capitol committee, and (3) the state voting machine committee. [1965 c 8 § 43.17.070. Prior: 1929 c 115 § 3; 1921 c 7 § 4; RRS § 10762.]

**State capitol committee:** Chapter 43.34 RCW.

**State finance committee:** Chapter 43.33 RCW.

**State voting machine committee:** RCW 29.33.030-29.33.070.

**43.17.100 Official bonds.** Before entering upon the discharge of the duties of his office or employment, every appointive state officer and employee of the state shall give a surety bond, payable to the state, in such sum as is provided by law or in such sum as shall be deemed necessary by the director of the department of general administration, conditioned for the faithful performance of the duties of the office or employment, and accounting for all property of the state that shall come into his possession by virtue of his office or employment, which bond shall be approved as to form by the attorney general and shall be filed in the office of the secretary of state. [1975 c 40 § 6; 1965 c 8 § 43.17.100. Prior: 1921 c 7 § 16; RRS § 10774.]

**Official bonds:** Chapter 42.08 RCW.

**Powers and duties of director of general administration as to official bonds:** RCW 43.19.540.

**43.17.110 Data, information, interdepartmental assistance.** Where power is vested in a department or officer to inspect, examine, secure data or information from, or procure assistance from, another department or officer, such other department or officer shall submit to such inspection or examination, and furnish the data, information, or assistance required. [1965 c 8 § 43.17.110. Prior: 1921 c 7 § 128; RRS § 10886.]

**43.17.120 Designation of agency to carry out federal social security disability program.** Such state agency as the governor may designate is hereby authorized to enter into an agreement on behalf of the state with the Secretary of Health, Education and Welfare to carry out the provisions of the federal social security act, as amended, relating to the making of determinations of disability under title II of such act. [1965 c 8 § 43.17.120. Prior: 1955 c 200 § 1. Formerly RCW 74.44.010.]

**Federal social security for public employees:** Chapters 41.33, 41.41, 41.47 and 41.48 RCW.

**43.17.130 Designation of agency to carry out federal social security disability program—Appointment of**

**personnel.** The state agency entering into such agreement shall appoint such professional personnel and other assistants and employees as may be reasonably necessary to carry out the provisions of RCW 43.17.120 and 43.17.130. [1965 c 8 § 43.17.130. Prior: 1955 c 200 § 2. Formerly RCW 74.44.020.]

**43.17.200 Agencies to expend moneys for acquisition of works of art—Conditions.** All state agencies or departments shall expend, as a nondeductible item, out of any moneys appropriated for the original construction of any state building, an amount of one-half of one percent of the appropriation for the acquisition of works of art which may be an integral part of the structure, attached to the structure, detached within or outside of the structure, or can be exhibited by the agency in other public facilities. In case the amount shall not be required in toto or in part for any project, such unrequired amounts may be accumulated and expended for art in other projects of the agency. Expenditures for works of art as provided for herein shall be contracted for separately from all other items in the original construction of any state building. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided herein shall be used to provide for the administration by the contracting agency, the architect and Washington state arts commission and all costs for installation of the works of art. For the purpose of this section building shall not include highway construction sheds, warehouses or other buildings of a temporary nature. [1974 ex.s. c 176 § 2.]

*Acquisition of works of art for use in public buildings: RCW 43.46.090.*

*Purchase of works of art—Procedure: RCW 43.19.455.*

### Chapter 43.19

#### DEPARTMENT OF GENERAL ADMINISTRATION

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*Archives and records management division: Chapter 40.14 RCW.*

*Buildings, provision to be made for use by aged and handicapped: Chapter 70.92 RCW.*

*Data processing equipment and services, utilization of department of general administration: RCW 43.105.050.*

*Department created: RCW 43.17.010.*

**Director**

*appointment: RCW 43.17.020.*

*chief assistants: RCW 43.17.040.*

*control of traffic on capitol grounds: RCW 46.08.150.*

*oath: RCW 43.17.030.*

*printing and duplicating committee member: RCW 43.77.010.*

*vacancy in office of: RCW 43.17.020, 43.17.040.*

*East capitol site, powers and duties: Chapter 79.24 RCW.*

*Federal surplus property, powers and duties: Chapter 39.32 RCW.*

*Housing for state offices, departments and institutions: Chapter 43.82 RCW.*

*Office located at state capital: RCW 43.17.050.*

*Offshore items, use of in performance of public works contracts: Chapter 39.25 RCW.*

*Parking facilities and traffic on capitol grounds: RCW 79.24.300–79.24.320, 46.08.150.*

*Rules and regulations: RCW 43.17.060.*

*Transfers from state board of education to state board for community college education, duties: RCW 28B.50.700.*

*Veterans' loan insurance funds: Chapter 73.12 RCW.*

**43.19.010 Divisions of department—Authority and salary of director.** The department of general administration shall be organized into divisions, which shall include (1) the division of banking, (2) the division of savings and loan associations, (3) the division of capitol buildings, (4) the division of purchasing, (5) the division of engineering and architecture, and [(6)] the division of motor vehicle transportation service.

The director of general administration shall have charge and general supervision of the department. He may appoint and deputize such clerical and other assistants as may be necessary for the general administration of the department. The director of general administration shall receive a salary in an amount fixed by the governor. [1975 1st ex.s. c 167 § 1; 1965 c 8 § 43.19.010. Prior: 1959 c 301 § 1; 1955 c 285 § 4; 1955 c 195 § 6; 1935 c 176 § 11; prior: 1909 c 38 §§ 1–7; 1907 c 166 §§ 3–5; 1901 c 119 §§ 1–9; RRS § 10786–10.]

**Severability—1975 1st ex.s. c 167:** "If any provision of this 1975 amendatory act, or its application to any person or circumstance is

held invalid, the remainder of this 1975 amendatory act, or the application of the provision to other persons or circumstances is not affected." [1975 1st ex.s. c 167 § 20.]

**43.19.013 Deputy director.** The director of general administration may appoint and deputize an assistant director to be known as the deputy director, and who, in case a vacancy occurs in the office of director, shall continue in charge of the department until a director is appointed and qualified, or the governor appoints an acting director. [1967 c 27 § 1.]

**43.19.015 Certain powers and duties of director of public institutions transferred to director of general administration.** The director of general administration shall have the power and duties of the director of public institutions contained in the following chapters of RCW: Chapter 33.04 RCW concerning savings and loan associations; chapter 39.32 RCW concerning purchase of federal property; chapter 40.08 and 40.12 RCW concerning archives; chapter 43.90 RCW concerning central stores and chapter 73.12 RCW concerning veterans' loan insurance. [1965 c 8 § 43.19.015. Prior: 1955 c 285 § 18.]

**43.19.020 Supervisor of banking—Appointment—Qualifications—Examiners.** The director of general administration shall appoint and deputize an assistant director to be known as the supervisor of banking, who shall have charge and supervision of the division of banking. With the approval of the director, he may appoint and employ bank examiners and such other assistants and personnel as may be necessary to carry on the work of the division.

No person shall be eligible for appointment as supervisor of banking unless he is, and for the last two years prior to his appointment has been, a citizen of the United States and a resident of this state; nor if he is interested in any bank or trust company as director, officer, or stockholder. [1965 c 8 § 43.19.020. Prior: 1955 c 285 § 5; prior: (i) 1919 c 209 § 2; 1917 c 80 § 2; RRS § 3209. (ii) 1945 c 123 § 1; 1935 c 176 § 12; Rem. Supp. 1945 § 10786–11.]

**43.19.030 Oath and bond of examiners—Liability for acts performed in good faith.** Before entering upon his office each bank examiner shall take and subscribe an oath faithfully to discharge the duties of his office and shall each execute to the state a bond to be approved by the governor in such sum as may be deemed necessary by the director of the department of general administration, with a surety company authorized to do business in this state, as surety, conditioned for the faithful performance of his duties. The premiums on such bonds shall be paid by the state.

Oaths and bonds shall be filed with the secretary of state.

Neither the supervisor of banking, any deputy supervisor, nor any bank examiner shall be personally liable for any act done by him in good faith in the performance of his duties. [1975 c 40 § 7; 1965 c 8 § 43.19.030. Prior: 1943 c 217 § 1; 1919 c 209 § 3; 1917 c 80 § 3; Rem. Supp. 1943 § 3210.]

*Powers and duties of director of general administration as to official bonds: RCW 43.19.540.*

**43.19.040 Powers and duties—Division of banking.** The director of general administration, through the division of banking, shall exercise all the powers and perform all the duties prescribed by law with respect to banks and trust companies, mutual savings banks, loan agencies and other similar institutions. [1965 c 8 § 43.19.040. Prior: 1955 c 285 § 6; 1935 c 176 § 17; RRS § 10786–16.]

*Powers as to*

*banks and trust companies: Title 30 RCW.*

*industrial loan companies: Chapter 31.04 RCW.*

*mutual savings banks: Title 32 RCW.*

*small loan companies: Chapter 31.08 RCW.*

**43.19.050 Office of supervisor of banking—Record of receipts and disbursements—Seal.** The supervisor of banking shall maintain an office at the state capitol, but may with the consent of the governor also maintain an office at some other convenient banking center in this state. He shall keep books of record of all moneys received or disbursed by him. He shall adopt an official seal. [1965 c 8 § 43.19.050. Prior: 1917 c 80 § 4; RRS § 3211.]

**43.19.060 Secrecy enjoined as to banks and trust companies—Exceptions—Penalty.** Neither the supervisor nor any person connected with his division shall disclose any information obtained from any bank or trust company to any person not connected with the division, except federal, federal reserve bank, state or clearing house bank examiners, or to officials empowered to investigate criminal charges, or except as is otherwise required by law. Every person who violates any provision of this section shall forfeit his office or employment and be guilty of a gross misdemeanor. [1965 c 8 § 43.19.060. Prior: 1919 c 209 § 6; 1917 c 80 § 9; RRS § 3216.]

**43.19.070 Secrecy enjoined as to mutual savings banks—Exceptions—Penalty.** Neither the supervisor nor any person connected with his division shall disclose any information obtained from any mutual savings bank to any person not connected with the division except to officials empowered to investigate criminal charges, or except as is otherwise required by law. Every person who violates any provision of this section shall forfeit his office or employment and be guilty of a gross misdemeanor. [1965 c 8 § 43.19.070. Prior: 1931 c 132 § 3; RRS § 3369a.]

**43.19.080 Borrowing money by supervisor, deputy or employee—Penalty.** It shall be unlawful for the supervisor or any deputy or employee of his division to borrow money from any bank or trust company under his jurisdiction. Every person who violates this section shall forfeit his office or employment and be guilty of a gross misdemeanor. [1965 c 8 § 43.19.080. Prior: 1917 c 80 § 11; RRS § 3218.]

**43.19.090 Supervisor's annual report—Contents—Publication—Distribution.** The supervisor shall file in his office all reports required to be made to him, prepare and furnish to banks and trust companies blank forms for such reports as are required of them and on or before the first day of February of each year make a report for the preceding year to the governor showing:

(1) A summary of the conditions of the banks and trust companies at the date of their last report;

(2) A list of those organized or closed during the year;

(3) The amount of money collected and expended by him.

He shall publish annually at the expense of his division, in pamphlet form, at least five hundred copies of such report and shall furnish a copy thereof free to each bank and trust company, and may furnish them to other interested persons. He shall publish such other statements, reports, and pamphlets as he deems advisable. [1965 c 8 § 43.19.090. Prior: 1917 c 80 § 13; RRS § 3220.]

**43.19.100 Supervisor of savings and loan associations—Appointment—Qualifications.** The director of general administration, shall appoint and deputize an assistant director to be known as the supervisor of savings and loan associations, who shall have charge and supervision of the division of savings and loan associations.

With the approval of the director, he may appoint and employ such assistants and personnel as may be necessary to carry on the work of the division.

No person shall be eligible for appointment as supervisor of savings and loan associations unless he is, and for at least two years prior to his appointment has been, a citizen of the United States and a resident of this state, and has had at least two years' practical experience in savings and loan employment, examination, or supervision. [1965 c 8 § 43.19.100. Prior: 1955 c 285 § 7; 1935 c 176 § 13; RRS § 10786–12.]

**43.19.110 Powers and duties—Division of savings and loan associations.** The director of general administration, through the division of savings and loan associations, shall exercise all the powers and perform all the duties prescribed by law with respect to savings and loan associations, credit unions, and other similar institutions. [1965 c 8 § 43.19.110. Prior: 1955 c 285 § 8; 1935 c 176 § 18; RRS § 10786–17.]

*Powers as to credit unions: Chapter 31.12 RCW.*

*savings and loan associations: Title 33 RCW.*

**43.19.120 Secrecy enjoined as to associations—Exceptions—Penalty.** The information obtained by the supervisor or any of his examiners or agents shall be deemed confidential and any supervisor, examiner, or agent who wilfully circulates or transmits to another, other than in the course of duty to the institution examined and to his superior officer, and to the officials of the institution examined, any information so obtained shall be guilty of a gross misdemeanor.

The provisions of this section shall not apply to the preparation and publication of the usual statistical

reports of the supervisor or to the furnishing of any such information to any state or federal department or agency. [1965 c 8 § 43.19.120. Prior: 1945 c 235 § 93; Rem. Supp. 1945 § 3717-212.]

**43.19.125 Powers and duties—Division of capitol buildings.** The director of general administration, through the division of capitol buildings, shall have custody and control of the capitol buildings and grounds, supervise and direct proper care, heating, lighting and repairing thereof, and designate rooms in the capitol buildings to be occupied by various state officials. [1965 c 8 § 43.19.125. Prior: 1959 c 301 § 2; 1955 c 285 § 9.]

*East capitol site, acquisition and development: RCW 79.24.500-79.24.600.*

*Housing for state offices: Chapter 43.82 RCW.*

*Parking facilities and traffic on capitol grounds: RCW 79.24.300-79.24.320, 46.08.150.*

*Standards of designs for public buildings: Chapter 70.86 RCW.*

**43.19.180 State purchasing and material control director—Appointment—Personnel.** The director of general administration shall appoint and deputize an assistant director to be known as the state purchasing and material control director, who shall have charge and supervision of the division of purchasing. In this capacity he shall ensure that overall state purchasing and material control policy is implemented by state agencies, including educational institutions, within established time limits.

With the approval of the director of general administration, he may appoint and employ such assistants and personnel as may be necessary to carry on the work of the division. [1975-'76 2nd ex.s. c 21 § 1; 1965 c 8 § 43.19.180. Prior: 1955 c 285 § 10; 1935 c 176 § 16; RRS § 10786-15; prior: 1921 c 7 § 31; RRS § 10789.]

**Severability—1975-'76 2nd ex.s. c 21:** "If any provision of this 1976 amendatory 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." [1975-'76 2nd ex.s. c 21 § 14.]

**43.19.190 State purchasing and material control director—Powers and duties.** The director of general administration, through the state purchasing and material control director, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies, services and equipment needed for the support, maintenance, and use of all state institutions, colleges, community colleges and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state: *Provided*, That the provisions of \*this act shall not apply in any manner to the operation of the state legislature except as requested by said legislature: *Provided*, That primary authority for the purchase of specialized equipment, instructional and research material for their own use

shall rest with the colleges, community colleges and universities: *Provided further*, That primary authority for the purchase of materials, supplies and equipment for resale to other than public agencies shall rest with the state agency concerned: *Provided further*, That authority to purchase services as included herein does not apply to personal services authorized for direct acquisition from vendors by state organizations and filed under the provisions of RCW 39.29.010 through 39.29.030, unless such organization specifically requests assistance from the division of purchasing in obtaining personal services and resources are available within the division to provide such assistance;

(3) Provide the required staff assistance for the state supply management advisory board through the division of purchasing;

(4) Have authority to delegate to state agencies authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment, services and supplies: *Provided*, That acceptance of the purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939, as now or hereafter amended, or from policies established by the director after consultation with the state supply management advisory board: *Provided further*, That delegation of such authorization to a state agency, including an educational institution, to purchase or sell material, equipment, services, and supplies shall not be granted, or otherwise continued under a previous authorization, if such agency is not in substantial compliance with overall state purchasing and material control policies as established herein;

(5) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

(6) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

(7) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

(8) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

(9) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications after receiving the recommendation of the supply management advisory board;

(10) Provide for the maintenance of inventory records of supplies, materials, equipment, and other property;

(11) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors;

(12) Publish procedures and guidelines for compliance by all state agencies, including educational institutions, which implement overall state purchasing and material control policies;

(13) Conduct periodic visits to state agencies, including educational institutions, to determine if statutory provisions and supporting purchasing and material control policies are being fully implemented, and based

upon such visits, take corrective action to achieve compliance with established purchasing and material control policies under existing statutes when required. [1975-'76 2nd ex.s. c 21 § 2; 1971 c 81 § 110; 1969 c 32 § 3. Prior: 1967 ex.s. c 104 § 2; 1967 ex.s. c 8 § 51; 1965 c 8 § 43.19.190; prior: 1959 c 178 § 1; 1957 c 187 § 1; 1955 c 285 § 12; prior: (i) 1935 c 176 § 21; RRS § 10786-20. (ii) 1921 c 7 § 42; RRS § 10800. (iii) 1955 c 285 § 12; 1921 c 7 § 37, part; RRS § 10795, part.]

**\*Reviser's note:** "this act" [1975-'76 2nd ex.s. c 21] consists of amendments to RCW 43.19.180, 43.19.190, 43.19.1902, 43.19.1904, 43.19.1906, 43.19.1917, 43.19.1918, 43.19.1919, 43.19.1923, 43.19.1937 and to RCW 43.19.1905-43.19.19054.

**Severability—1975-'76 2nd ex.s. c 21:** See note following RCW 43.19.180.

*Federal surplus property: Chapter 39.32 RCW.*

*Institution made goods, supervisor to give preference to: RCW 72.60.190.*

*Purchase of blind made products and services: Chapter 19.06 RCW.*

**43.19.1901 "Purchase" includes leasing or renting—Electronic data processing equipment excepted.** The term "purchase" as used in RCW 43.19.190 through 43.19.210, and as they may hereafter be amended, shall include leasing or renting: *Provided*, That the purchasing, leasing or renting of electronic data processing equipment shall not be included in the term "purchasing" if and when such transactions are otherwise expressly provided for by law. [1967 ex.s. c 104 § 1.]

**Reviser's note:** RCW 43.19.210 was repealed by 1967 ex.s. c 104 § 7.

*Data processing system, utilization of services of department of general administration: RCW 43.105.050.*

**43.19.1902 State supply management advisory board—Created—Membership—Expenses—Meetings.** There is hereby created a state supply management advisory board which shall consist of twelve members as follows: The director of general administration as chairman, and a representative from each of the following eight state agencies, who shall be appointed by the governor based upon recommendations of the head of the agency from which the selection is made; the department of highways, the department of social and health services, the department of natural resources, the University of Washington, Washington State University, the state board for community college education, the superintendent of public instruction, and the office of program planning and fiscal management. In addition, three members shall be appointed by the governor to the board from the private sector: *Provided*, That special care shall be exercised to select private sector representatives without a conflict of interest involving sale, lease or rental of property, material, supplies, equipment, commodities, or services to the state of Washington. Members of the board shall serve without additional compensation and at the pleasure of the governor, but shall be reimbursed for subsistence, lodging, and travel expenses as provided in chapter 43.03 RCW, as now or hereafter amended. Board members from the private sector shall be reimbursed from appropriated funds allocated to the division of purchasing. All other board

members shall be reimbursed from funds appropriated for their respective agencies. Seven members of the board shall constitute a quorum. The board shall meet upon call of the chairman and shall adopt rules and regulations for the conduct of its business. The chairman may appoint special committees for the study of specific subjects, which special committees may include representatives of such other state agencies as may be deemed appropriate. [1975-'76 2nd ex.s. c 21 § 3; 1967 ex.s. c 104 § 3; 1965 c 8 § 43.19.1902. Prior: 1959 c 178 § 2.]

**Severability—1975-'76 2nd ex.s. c 21:** See note following RCW 43.19.180.

**43.19.1904 State supply management advisory board—Powers and duties.** The state supply management advisory board shall advise and give assistance to the director of general administration in planning and carrying out an efficient and economical purchasing and material control program.

The state supply management advisory board shall review and make recommendations to the director with respect to:

(1) Standards and specifications for all items of material, supplies, and equipment of common usage in state agencies;

(2) Specifications for specific items of material, supplies, and equipment referred to it by the division of purchasing;

(3) Standards for the purchase, replacement, and repair of automotive equipment consistent with the needs and location of state agencies;

(4) A uniform system of inventory control for material, supplies, and equipment;

(5) All other matters referred to it by the director of general administration or by a member of the advisory board.

The state supply management advisory board shall act as an appeals board to hear appeals on matters involving a state agency and the division of purchasing, and shall render its decision relating thereto within thirty days after filing of the appeal. The findings and actions of the board shall be binding upon the respective state agencies including all offices, institutions, and departments.

Public funds shall not be expended by any agency for substitutions for material, supplies, and equipment for which standards have been established by the division of purchasing after consulting with and receiving the recommendations of the board unless prior written approval is obtained from the state purchasing and material control director. [1975-'76 2nd ex.s. c 21 § 4; 1967 ex.s. c 104 § 4; 1965 c 8 § 43.19.1904. Prior: 1959 c 178 § 3.]

**Severability—1975-'76 2nd ex.s. c 21:** See note following RCW 43.19.180.

**43.19.1905 State-wide policy for purchasing and material control—Establishment—Functions covered.** The director of general administration, after consultation with the supply management advisory board shall establish overall state policy for compliance by all state agencies, including educational institutions, regarding the following purchasing and material control functions:

(a) Development of a state commodity coding system, including common stock numbers for items maintained in stores for reissue;

(b) Determination where consolidations, closures, or additions of stores operated by state agencies and educational institutions should be initiated;

(c) Institution of standard criteria for determination of when and where an item in the state supply system should be stocked;

(d) Establishment of stock levels to be maintained in state stores, and formulation of standards for replenishment of stock;

(e) Formulation of an overall distribution and redistribution system for stock items which establishes sources of supply support for all agencies, including interagency supply support;

(f) Determination of what function data processing equipment, including remote terminals, shall perform in state-wide purchasing and material control for improvement of service and promotion of economy, and the coordination of needs with the Washington state data processing authority;

(g) Standardization of records and forms used state-wide for supply system activities involving purchasing, receiving, inspecting, storing, requisitioning, and issuing functions under the provisions of RCW 43.19.510;

(h) Screening of supplies, material, and equipment excess to the requirements of one agency for overall state need before sale as surplus;

(i) Establishment of warehouse operation and storage standards to achieve uniform, effective, and economical stores operations;

(j) Establishment of time limit standards for the issuing of material in store and for processing requisitions requiring purchase;

(k) Formulation of criteria for determining when centralized rather than decentralized purchasing shall be used to obtain maximum benefit of volume buying of identical or similar items, including procurement from federal supply sources;

(l) Development of criteria for use of leased, rather than state owned, warehouse space based on relative cost and accessibility;

(m) Institution of standard criteria for purchase and placement of state furnished materials, carpeting, furniture, fixtures, and nonfixed equipment, in newly constructed or renovated state buildings;

(n) Determination of how transportation costs incurred by the state for materials, supplies, services, and equipment can be reduced by improved freight and traffic coordination and control;

(o) Establishment of a formal certification program for state employees who are authorized to perform purchasing functions as agents for the state under the provisions of chapter 43.19 RCW;

(p) Development of performance measures for the reduction of total overall expense for material, supplies, equipment, and services used each biennium by the state;

(q) Establishment of a standard system for all state organizations to record and report dollar savings and

cost avoidance which are attributable to the establishment and implementation of improved purchasing and material control procedures;

(r) Development of procedures for mutual and voluntary cooperation between state agencies, including educational institutions, and political subdivisions for exchange of purchasing and material control services;

(s) Resolution of all other purchasing and material matters referred to him by a member of the advisory board which require the establishment of overall state-wide policy for effective and economical supply management. [1975-'76 2nd ex.s. c 21 § 5.]

**Severability**—1975-'76 2nd ex.s. c 21: See note following RCW 43.19.180.

**43.19.19052 Initial purchasing and material control policy—Reports—Legislative intent—Agency cooperation.** Initial policy determinations for the functions described in RCW 43.19.1905 shall be developed and published within the 1975-77 biennium by the director, after consultation with the supply management advisory board for guidance and compliance by all state agencies, including educational institutions, involved in purchasing and material control. Modifications to these initial supply management policies established during the 1975-77 biennium shall be instituted by the director, after consultation with the advisory board, in future biennia as required to maintain an efficient and up-to-date state supply management system. The director shall transmit to the governor and the legislature in June 1976 and June 1977 a progress report which indicates the degree of accomplishment of each of these assigned duties, and which summarizes specific achievements obtained in increased effectiveness and dollar savings or cost avoidance within the overall state purchasing and material control system. The second progress report in June 1977 shall include a comprehensive supply management plan which includes the recommended organization of a state-wide purchasing and material control system and development of an orderly schedule for implementing such recommendation. In the interim between these annual progress reports, the director shall furnish periodic reports to the office of program planning and fiscal management and the legislative budget committee for review of progress being accomplished in achieving increased efficiencies and dollar savings or cost avoidance.

It is the intention of the legislature that measurable improvements in the effectiveness and economy of supply management in state government shall be achieved during the 1975-77 biennium, and each biennium thereafter. All agencies, departments, offices, divisions, boards, and commissions and educational, correctional, and other types of institutions are required to cooperate with and support the development and implementation of improved efficiency and economy in purchasing and material control. To effectuate this legislative intention, the director, in consultation with the supply management advisory board, and through the state purchasing and material control director, shall have the authority to direct and require the submittal of data from all state

organizations concerning purchasing and material control matters. [1975-'76 2nd ex.s. c 21 § 6.]

**Severability—1975-'76 2nd ex.s. c 21:** See note following RCW 43.19.180.

**43.19.19054 Exemptions from state-wide policy for purchasing and material control.** The provisions of RCW 43.19.1905 shall not apply to materials, supplies, and equipment purchased for resale to other than public agencies by state agencies, including educational institutions. In addition, RCW 43.19.1905 shall not apply to liquor purchased by the state for resale under the provisions of Title 66 RCW. [1975-'76 2nd ex.s. c 21 § 7.]

**Severability—1975-'76 2nd ex.s. c 21:** See note following RCW 43.19.180.

**43.19.1906 Competitive bids—Sealed bids, exceptions.** Insofar as practicable, all purchases and sales shall be based on competitive bids and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939, as now or hereafter amended. This requirement shall also apply to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190. However, formal sealed bidding shall not be necessary for:

(1) Emergency purchases if such sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Purchases not exceeding twenty-five hundred dollars: *Provided*, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the twenty-five hundred dollar bid limitation: *Provided further*, That the state purchasing and material control director is authorized to reduce this formal sealed bid limit of twenty-five hundred dollars to a lower dollar amount for purchases by individual state agencies, including purchases of specialized equipment, instructional, and research materials by colleges and universities, if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from two hundred dollars to twenty-five hundred dollars shall be secured from enough vendors to assure establishment of a competitive price. A record of competition for all such purchases from two hundred dollars to twenty-five hundred dollars shall be documented for audit purposes on a standard state form approved by the forms management center under the provisions of RCW 43.19.510. Purchases up to two hundred dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost: *Provided*, That this two hundred dollar direct buy limit without competitive bids may be increased incrementally as required to a maximum of four hundred dollars by unanimous vote by all members

of the state supply management advisory board, if warranted by increases in purchasing costs due to inflationary trends; and

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation. [1975-'76 2nd ex.s. c 21 § 8; 1965 c 8 § 43.19.1906. Prior: 1959 c 178 § 4.]

**Severability—1975-'76 2nd ex.s. c 21:** See note following RCW 43.19.180.

**43.19.1908 Bids—Solicitation, notices—Qualified bidders—Writing.** Competitive bidding required by RCW 43.19.190 through 43.19.1939 shall be solicited by public notice, and through the sending of notices by mail to bidders on the appropriate list of bidders who shall have qualified by application to the division of purchasing. Bids may be solicited by the purchasing division from any source thought to be of advantage to the state. All bids shall be in writing and conform to rules of the division of purchasing. [1965 c 8 § 43.19.1908. Prior: 1959 c 178 § 5.]

**43.19.1911 Letting contract—Lowest responsible bidder, determination—Public inspection of bids.** When purchases are made through competitive bidding, the contract shall be let to the lowest responsible bidder, subject to any preferences provided by law to Washington products and vendors, taking into consideration the quality of the articles proposed to be supplied, their conformity with specifications, the purposes for which required, and the times of delivery: *Provided*, That whenever there is reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the division of purchasing may call for new bids or enter into direct negotiations to achieve the best possible price. Each bid with the name of the bidder shall be entered of record and each record, with the successful bid indicated, shall, after letting of the contract, be open to public inspection. In determining "lowest responsible bidder", in addition to price, the following elements shall be given consideration:

(1) The ability, capacity and skill of the bidder to perform the contract or provide the service required;

(2) The character, integrity, reputation, judgment, experience and efficiency of the bidder;

(3) Whether the bidder can perform the contract within the time specified;

(4) The quality of performance of previous contracts or services;

(5) The previous and existing compliance by the bidder with laws relating to the contract or services;

(6) Such other information as may be secured having a bearing on the decision to award the contract. [1965 c 8 § 43.19.1911. Prior: 1959 c 178 § 6.]

**43.19.1913 Rejection of bid for previous unsatisfactory performance.** The division of purchasing may reject the bid of any bidder who has failed to perform satisfactorily a previous contract with the state. [1965 c 8 § 43.19.1913. Prior: 1959 c 178 § 7.]



**43.19.1915 Bidder's bond—Annual bid bond.** When any bid has been accepted, the division of purchasing may require of the successful bidder a bond payable to the state in such amount with such surety or sureties as determined by the division of purchasing, conditioned that he will fully, faithfully and accurately execute the terms of the contract into which he has entered. The bond shall be filed in the office of the division of purchasing. Bidders who regularly do business with the state shall be permitted to file with the division of purchasing an annual bid bond in an amount established by the division and such annual bid bond shall be acceptable as surety in lieu of furnishing surety with individual bids. [1965 c 8 § 43.19.1915. Prior: 1959 c 178 § 8.]

**43.19.1917 Records of equipment owned by state—Inspection—"State equipment" defined.** All state agencies, including educational institutions, shall maintain a perpetual record of ownership of state owned equipment, which shall be available for the inspection and check of those officers who are charged by law with the responsibility for auditing the records and accounts of the state organizations owning the equipment, or to such other special investigators and others as the governor may direct. In addition, these records shall be made available to members of the legislature, the legislative committees, and legislative staff on request.

All state agencies, including educational institutions, shall account to the division of purchasing upon request for state equipment owned by, assigned to, or otherwise possessed by them and maintain such records as the division of purchasing deems necessary to proper accountability therefor. The division of purchasing shall publish a procedural directive for compliance by all state agencies, including educational institutions, which establishes a standard method of maintaining records for state owned equipment, including the use of standard state forms approved by the forms management center under the provisions of RCW 43.19.510. This published directive also shall include instructions for reporting to the division of purchasing all state equipment which is excess to the needs of state organizations owning such equipment. The term "state equipment" means all items of machines, tools, furniture, or furnishings other than expendable supplies and materials as defined by the division of purchasing. [1975-'76 2nd ex.s. c 21 § 9; 1969 ex.s. c 53 § 2; 1965 c 8 § 43.19.1917. Prior: 1959 c 178 § 9.]

**Severability—1975-'76 2nd ex.s. c 21:** See note following RCW 43.19.180.

**43.19.1918 Inventory records to be maintained in coordination with the director of program planning and fiscal management.** All of the powers and duties relating to the maintenance of inventory records of supplies, materials, equipment, and other property including state equipment as provided in RCW 43.19.1917 shall be performed in coordination with the director of program planning and fiscal management to assure establishment

of standard state-wide accounting policies and regulations for such records. [1975-'76 2nd ex.s. c 21 § 10; 1967 ex.s. c 104 § 6.]

**Severability—1975-'76 2nd ex.s. c 21:** See note following RCW 43.19.180.

**43.19.1919 Sale, exchange, of unneeded personal property—Authority—Procedure—Restrictions.** The division of purchasing shall sell or exchange personal property belonging to the state for which the agency, office, department, or educational institution having custody thereof has no further use, at public or private sale, and cause the moneys realized from the sale of any such property to be paid into the fund from which such property was purchased or, if such fund no longer exists, into the state general fund: *Provided*, Sales of capital assets may be made by the division of purchasing and a credit established in central stores for future purchases of capital items as provided for in RCW 43.19.190 through 43.19.1939, as now or hereafter amended: *Provided further*, That personal property, excess to a state agency, including educational institutions, shall not be sold or disposed of prior to reasonable efforts by the division of purchasing to determine if other state agencies have a requirement for such personal property. Such determination shall follow sufficient notice to all state agencies to allow adequate time for them to make their needs known: *Provided, further*, That this section shall not apply to personal property acquired by a state organization under federal grants and contracts if in conflict with special title provisions contained in such grants or contracts. [1975-'76 2nd ex.s. c 21 § 11; 1965 c 8 § 43.19.1919. Prior: 1959 c 178 § 10.]

**Severability—1975-'76 2nd ex.s. c 21:** See note following RCW 43.19.180.

**43.19.1921 Central stores warehouse facilities—Central maintenance, repair, etc.—Sales, exchanges, between state agencies.** The director of general administration, through the division of purchasing, shall:

(1) Establish and maintain warehouses hereinafter referred to as "central stores" for the centralized storage and distribution of such supplies, equipment, and other items of common use in order to effect economies in the purchase of supplies and equipment for state agencies. To provide central stores warehouse facilities the division of purchasing may, by arrangement with the state agencies, utilize any surplus available state owned space, and may acquire other needed warehouse facilities by lease or purchase of the necessary premises;

(2) Provide for the central salvage, maintenance, repair, and servicing of equipment, furniture, or furnishings used by state agencies, and also by means of such a service provide an equipment pool for effecting sales and exchanges of surplus and unused property by and between state agencies. Funds derived from the sale and exchange of property shall be placed to the account of the appropriate state agency on the central stores accounts but such funds may not be expended through central stores without prior approval of the central budget agency. [1965 c 8 § 43.19.1921. Prior: 1959 c 178 § 11.]

**43.19.1923 Central stores revolving fund—Transfer of moneys from prior fund.** There is created within the department of general administration a revolving fund to be known as the "central stores revolving fund", which shall be used for the purchase of supplies and equipment handled or rented through central stores, and the payment of salaries, wages, and other costs incidental to the acquisition, operation, and maintenance of the central stores, and other activities connected therewith, which shall include telecommunications and utilities services. The fund shall be credited with all receipts from the rental, sale or distribution of supplies, equipment, and services rendered to the various state agencies. The moneys held in the present central stores revolving fund created by section 4, chapter 160, Laws of 1943 are hereby transferred to the central stores revolving fund created by this section: *Provided*, That central stores, telecommunications, utilities services, and other activities within the central stores revolving fund shall be treated as separate operating entities for financial and accounting control: *Provided further*, That financial records involving the central stores revolving fund shall be designed to provide data for achieving maximum effectiveness and economy of each individual activity within the fund. [1975-'76 2nd ex.s. c 21 § 12; 1967 ex.s. c 104 § 5; 1965 c 8 § 43.19.1923. Prior: 1959 c 178 § 12.]

**Severability—1975-'76 2nd ex.s. c 21:** See note following RCW 43.19.180.

**43.19.1925 Combined purchases of commonly used items—Advance payments by state agencies—Costs of operating central stores.** To supply such funds as may be necessary for making combined purchases of items or services of common use by central stores, state agencies shall, upon request of the division of purchasing, from time to time, make advance payments into the central stores revolving fund from funds regularly appropriated to them for the procurement of supplies, equipment, and services: *Provided*, That advance payment for services shall be on a quarterly basis: *Provided further*, That any person, firm or corporation other than central stores rendering services for which advance payments are made shall deposit cash or furnish surety bond coverage to the state in an amount as shall be fixed by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. Funds so advanced to central stores shall be used only for the combined procurement, storage, and delivery of such stocks of supplies, equipment, and services as are requisitioned by the agency and shall be offset and repaid to the respective state agencies by an equivalent value in merchandise supplied and charged out from time to time from central stores. Costs of operation of central stores may be recovered by charging as part of the value of materials, supplies, or services an amount sufficient to cover the costs of operating central stores. [1975 c 40 § 8; 1973 c 104 § 2; 1965 c 8 § 43.19.1925. Prior: 1959 c 178 § 13.]

*Powers and duties of director of general administration as to official bonds: RCW 43.19.540.*

**43.19.1927 Deposit of central stores revolving fund.** The central stores revolving fund shall be deposited in such banks and financial institutions as may be selected by the state treasurer, which shall furnish to him surety bonds or collateral eligible as security for the deposit of state funds, in at least the full amount of deposit in each such bank or financial institution. [1965 c 8 § 43.19.1927. Prior: 1959 c 178 § 14.]

**43.19.1935 Insurance, public official bonds, procurement.** As a means of providing for the procurement of insurance and public official bonds on a volume rate basis, the director of general administration through the division of purchasing shall purchase or contract for the needs of state agencies in relation to all such insurance and public official bonds: *Provided*, That the individual public official bonds of elected state officials, insurance requirements of colleges and universities, insurance requirements of toll project agencies, and insurance covering proprietary activities of state agencies, other than motor vehicle coverage, may be procured directly and independently by them. Insurance in force shall be reported periodically under rules established by the director.

The amounts of insurance or surety bond coverage shall be as fixed by law, or if not fixed by law, such amounts shall be as fixed by the director of the department of general administration.

The premium cost for insurance acquired and surety bonds furnished shall be paid from appropriations made to the state agency or agencies for which procurement is made, and all vouchers drawn in payment therefor shall bear the written approval of the division of purchasing prior to the issuance of the state warrant in payment therefor. [1975 c 40 § 9; 1965 c 8 § 43.19.1935. Prior: 1959 c 178 § 18.]

*Powers and duties of director of general administration as to official bonds: RCW 43.19.540.*

**43.19.1937 Acceptance of benefits, gifts, etc., prohibited—Penalties.** No member of the state supply management advisory board or state employee whose duties performed for the state include:

- (1) Advising on or drawing specifications for supplies, equipment, commodities, or services;
- (2) Suggesting or determining vendors to be placed upon a bid list;
- (3) Drawing requisitions for supplies, equipment, commodities, or services;
- (4) Evaluating specifications or bids and suggesting or determining awards; or
- (5) Accepting the receipt of supplies, equipment, and commodities or approving the performance of services or contracts; shall accept or receive, directly or indirectly, a personal financial benefit, or accept any gift, token, membership, or service, as a result of a purchase entered into by the state, from any person, firm, or corporation

engaged in the sale, lease, or rental of property, material, supplies, equipment, commodities, or services to the state of Washington.

Violation of this section shall be considered a malfeasance and may cause loss of position, and the violator shall be liable to the state upon his official bond for all damages sustained by the state. Contracts involved may be canceled at the option of the state. Penalties provided in this section are not exclusive, and shall not bar action under any other statute penalizing the same act or omission. [1975-'76 2nd ex.s. c 21 § 13; 1965 c 8 § 43.19.1937. Prior: 1959 c 178 § 19.]

**Severability**—1975-'76 2nd ex.s. c 21: See note following RCW 43.19.180.

*Public officers, code of ethics: Chapters 42.22 and 42.23 RCW.*

*Public officers, misconduct: Chapter 42.20 RCW.*

**43.19.1939 Unlawful to offer, give, accept, benefits as inducement for or to refrain from bidding—Penalty.** When any competitive bid or bids are to be or have been solicited, requested, or advertised for by the state under the provisions of RCW 43.19.190 through 43.19.1939, it shall be unlawful for any person acting for himself, or as agent of another, to offer, give, or promise to give, any money, check, draft, property, or other thing of value, to another for the purpose of inducing such other person to refrain from submitting any bids upon such purchase or to enter into any agreement, understanding or arrangement whereby full and unrestricted competition for the securing of such public work will be suppressed, prevented, or eliminated; and it shall be unlawful for any person to solicit, accept or receive any money, check, draft, property, or other thing of value upon a promise or understanding, express or implied, that he individually or as an agent or officer of another will refrain from bidding upon such contract, or that he will on behalf of himself or such others submit or permit another to submit for him any bid upon such purchase in such sum as to eliminate full and unrestricted competition thereon. Any person violating any provision of this section shall be guilty of a misdemeanor. [1965 c 8 § 43.19.1939. Prior: 1959 c 178 § 20.]

*Competitive bidding on public works, suppression or collusion, penalty: RCW 9.18.120-9.18.150.*

**43.19.200 Duty of others in relation to purchases—Emergency purchases.** The governing authorities of the state's educational institutions, the elective state officers, the supreme court, the court of appeals, the administrative and other departments of the state government, and all appointive officers of the state, shall prepare estimates of the supplies required for the proper conduct and maintenance of their respective institutions, offices, and departments, covering periods to be fixed by the director, and forward them to the director in accordance with his directions. No such authorities, officers, or departments, or any officer or employee thereof, may purchase any article for the use of their institutions, offices, or departments, except in case of extreme and immediate necessity. All persons making emergency purchases, shall immediately report the same, with the reasons therefor, to the director.

Purchases made for the state's educational institutions, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of the state government, and the offices of all appointive officers of the state, shall be paid for out of the moneys appropriated for supplies, material, and service of the respective institutions, offices, and departments. [1971 c 81 § 111; 1965 c 8 § 43.19.200. Prior: 1955 c 285 § 13; prior: 1921 c 7 § 37, part; RRS § 10795, part.]

**43.19.450 Supervisor of engineering and architecture—Qualifications—Appointment—Powers and duties.** The director of general administration shall appoint and deputize an assistant director to be known as the supervisor of engineering and architecture who shall have charge and supervision of the division of engineering and architecture. With the approval of the director he may appoint and employ such assistants and personnel as may be necessary to carry out the work of the division.

No person shall be eligible for appointment as supervisor of engineering and architecture unless he is, and for the last five years prior to his appointment has been, licensed to practice the profession of engineering or the profession of architecture in the state of Washington.

The director of general administration, through the division of engineering and architecture shall:

(1) Establish a systematic building program for the grouping of buildings at the state capital, at institutions under the control of the department of institutions, and for state agencies which have no architectural staff, and prepare preliminary layouts, site studies, programs and topographical plans to accompany the estimates for the biennial budgets.

(2) Contract for professional architectural, engineering and related services for the design of buildings and major alterations to existing buildings at the state capital, at institutions under the control of the department of institutions, and for all state-owned buildings for agencies which have no architectural staff.

(3) Prepare estimates for the biennial budget and prepare plans and specifications for all necessary maintenance, repairs, and minor alterations to the state capitol buildings, all buildings required at the institutions under the control of the department of institutions, and for all other state-owned buildings for agencies which have no architectural staff.

(4) Supervise the erection, repairing and betterment of all capitol buildings, all buildings required for the institutions under the control of the department of institutions, and all other state-owned buildings for agencies which have no architectural staff.

(5) Negotiate and/or call for bids and execute all contracts on behalf of the state for the preceding. [1965 c 8 § 43.19.450. Prior: 1959 c 301 § 4.]

**43.19.455 Purchase of works of art—Procedure.** The Washington state arts commission shall determine the amount to be made available for the purchase of art for each project under supervision of the director of general administration, and payments therefor shall be

made in accordance with law. The selection of, commissioning of artist for, reviewing of design, execution and placement of, and the acceptance of works of art for such project shall be the responsibility of the Washington state arts commission. [1974 ex.s. c 176 § 3.]

*Acquisition of works of art for use in public buildings: RCW 43.46.090.*

*Agencies to expend moneys for acquisition of works of art—Conditions: RCW 43.17.200.*

**43.19.500 Department of general administration facilities and services revolving fund.** There is hereby created a fund within the state treasury designated as the "department of general administration facilities and services revolving fund". Such revolving fund shall be used by the department of general administration for the payment of certain costs, expenses, and charges, as hereinafter specified, incurred by it in the operation and administration of the department in the rendering of services, the furnishing or supplying of equipment, supplies and materials, and for providing or allocating facilities, including the operation, maintenance, rehabilitation, or furnishings thereof to other agencies, offices, departments, activities, and other entities enumerated in RCW 43.01.090.

The schedule of services, facilities, equipment, supplies, materials, maintenance, rehabilitation, furnishings, operations, and administration to be so financed and recovered shall be determined jointly by the director of general administration and the director of the office of program planning and fiscal management, in amounts which, together with any other income or appropriation, will provide the department of general administration with funds to meet its anticipated expenditures during any allotment period.

The director of general administration may promulgate rules and regulations governing the provisions of RCW 43.01.090 and this section and the relationships and procedures between the department of general administration and such other entities. [1971 ex.s. c 159 § 2.]

**43.19.510 Forms management center—Established—Powers and duties.** The director of the department of general administration shall establish and staff an activity within the department to be known as the "forms management center" for the coordination, orderly design, implementation and maintenance of a state-wide forms management program.

The director of general administration, through the forms management center, shall:

- (1) Coordinate a forms management program for all state agencies, and educational institutions and provide assistance in establishing internal forms management capabilities;
- (2) Study, develop, coordinate and initiate forms of interagency and common administrative usage, and establish basic state design and specification criteria to effect the standardization of state forms;
- (3) Provide assistance to state agencies and educational institutions for economical forms design and forms

art work composition and establish and supervise control procedures to prevent the undue creation and reproduction of state forms;

(4) Provide assistance, training and instruction in forms management techniques to state agencies and educational institutions forms management representatives and departmental forms coordinators, and provide direct administrative and forms management assistance to new state organizations or institutions as they are created;

(5) Maintain a central cross index of state forms to facilitate the standardization of such forms, to eliminate redundant forms, and to provide a central source of forms usage and availability information;

(6) Utilize appropriate procurement techniques to take advantage of competitive bidding, consolidated orders and contract procurement of forms, and work directly with the public printer toward more efficient, economical and timely procurement, receipt, storage and distribution of state forms;

(7) Coordinate the forms management program with the existing state archives and records management program to insure timely disposition of outdated forms and related records;

(8) Conduct periodic evaluation of the effectiveness of the overall forms management program and the forms management practices of the individual state educational institutions and state agencies, and maintain records which indicate net dollar savings which have been realized through centralized forms management;

(9) Enter into agreements which delegate implementing action to state agencies or educational institutions where such mutually developed arrangements will result in the most timely and economical method of accomplishing the responsibilities set forth in this section; and

(10) Develop and promulgate rules and standards to implement the overall purposes of this section.

All educational institutions and agencies of the state shall cooperate with and support the development and implementation of the state-wide forms management program. To assist in the coordination and implementation of the forms management program, each state educational institution and agency shall appoint a forms management representative. [1973 c 13 § 1.]

**43.19.520 Purchase of products and services from sheltered workshops and programs—Intent.** It is the intent of the legislature to encourage state agencies and departments to purchase products and/or services manufactured or provided by sheltered workshops and programs of the department of social and health services which operate facilities serving the handicapped and disadvantaged. [1974 ex.s. c 40 § 1.]

**43.19.525 Purchase of products and services from sheltered workshops and programs—Definitions.** As used in RCW 43.19.520 and 43.19.530 the term "sheltered workshops" shall have the meaning ascribed to it by RCW 82.04.385 and "programs of the department of social and health services" shall mean the group training homes and day training centers defined in RCW 72.33-.800. [1974 ex.s. c 40 § 2.]

**43.19.530 Purchase of products and services from sheltered workshops and programs—Authorized—Fair market price.** The state agencies and departments are hereby authorized to purchase products and/or services manufactured or provided by sheltered workshops and programs of the department of social and health services. Such purchases shall be at the fair market price of such products and services as determined by the division of purchasing of the department of general administration. To determine the fair market price the division shall use the last comparable bid on the products and/or services or in the alternative the last price paid for the products and/or services. Upon the establishment of the fair market price as provided for in this section the division is hereby empowered to negotiate directly with sheltered workshops or officials in charge of the programs of the department of social and health services for the purchase of the products or services. [1974 ex.s. c 40 § 3.]

**43.19.540 Bonds of state officers and employees—Fixing amount—Additional bonds—Exemptions—Duties of director.** In addition to other powers and duties prescribed by this chapter, the director shall:

(1) Fix the amount of bond to be given by each appointive state officer and each employee of the state in all cases where it is not fixed by law;

(2) Require the giving of an additional bond, or a bond in a greater amount than provided by law, in all cases where in his judgment the statutory bond is not sufficient in amount to cover the liabilities of the officer or employee;

(3) Exempt subordinate employees from giving bond when in his judgment their powers and duties are such as not to require a bond. [1975 c 40 § 13.]

**43.19.560 Motor vehicle transportation service—Definitions.** As used in RCW 43.19.565 through 43.19.635, 43.41.130 and 43.41.140, the following definitions shall apply:

(1) "Passenger motor vehicle" means any sedan, station wagon, bus, or light truck which is designed for carrying ten passengers or less and is used primarily for the transportation of persons;

(2) "State agency" shall include any state office, agency, commission, department, or institution financed in whole or in part from funds appropriated by the legislature. It shall also include the state printer, but it shall not include (a) the state supreme court or any agency of the judicial branch or (b) the legislature or any of its statutory, standing, special, or interim committees, other than at the option of the judicial or legislative agency or committee concerned;

(3) "Employee commuting" shall mean travel by a state officer or employee to or from his or her official residence or other domicile to or from his or her official duty station or other place of work;

(4) "Motor vehicle transportation services" shall include but not be limited to the furnishing of motor vehicles for the transportation of persons or property, with or without drivers, and may also include furnishing of maintenance, storage, and other support services to

state agencies for the conduct of official state business. [1975 1st ex.s. c 167 § 2.]

**Severability—1975 1st ex.s. c 167:** See note following RCW 43.19.010.

*Power to appoint or employ personnel does not include power to provide state owned or leased vehicle: RCW 43.01.150.*

**43.19.565 Motor vehicle transportation service—Powers and duties.** The department of general administration shall establish a motor vehicle transportation service which is hereby empowered to (1) provide suitable motor vehicle transportation services to any state agency on either a temporary or permanent basis upon requisition from a state agency and upon such demonstration of need as the department may require; (2) provide motor pools for the use of state agencies located in the Olympia and Seattle areas and such additional motor pools at other locations in the state as may be necessary to provide economic, efficient, and effective motor vehicle transportation services to state agencies. Such additional motor pools may be under either the direct control of the department or under the supervision of another state agency by agreement with the department; (3) establish an equitable schedule of rental and mileage charges to agencies for motor vehicle transportation services furnished which shall be designed to provide funds to cover replacement of vehicles and to recover the actual total costs of motor pool operations including but not limited to vehicle operation expense, depreciation expense, overhead, and nonrecoverable collision or other damage to vehicles. Additions to capital such as the purchase of additional vehicles shall be budgeted and purchased from funds appropriated for such purposes under such procedures as may be provided by law. [1975 1st ex.s. c 167 § 3.]

**Severability—1975 1st ex.s. c 167:** See note following RCW 43.19.010.

**43.19.570 Motor vehicle transportation service—Responsibilities—Agreements with other agencies—Facilities.** (1) The department shall direct and be responsible for the acquisition, operation, maintenance, storage, repair, and replacement of state motor vehicles under its control. The department shall utilize state facilities available for the maintenance, repair, and storage of such motor vehicles, and may provide directly or by contract for the maintenance, repair, and servicing of all motor vehicles, and other property related thereto and under its control;

(2) The department may arrange, by agreement with agencies, for the utilization by one of the storage, repair, or maintenance facilities of another, with such provision for charges and credits as may be agreed upon. Any such agreement shall be subject to the approval of the automotive policy board established pursuant to RCW 43.19.580. The department may acquire and maintain storage, repair, and maintenance facilities for the motor vehicles under its control from such funds as may be appropriated by the legislature. [1975 1st ex.s. c 167 § 4.]

**Severability—1975 1st ex.s. c 167:** See note following RCW 43.19.010.

**43.19.575 Passenger motor vehicles owned or operated by state agencies—Duty of OPPFM to establish policies as to acquisition, operation, authorized use, etc. See RCW 43.41.130.**

**43.19.580 Motor vehicle transportation service—Automotive policy board—Members—Officers—Powers and duties.** There is hereby established an automotive policy board consisting of the governor, the commissioner of public lands, the state attorney general, the secretary of the department of social and health services, the director of the department of motor vehicles, and a representative of four-year institutions of higher education to be designated by a majority vote of the presidents of such institutions. The governor, the commissioner of public lands and the attorney general are each authorized to designate a member of their agency's staffs to serve on the board as their alternates when they are unable to attend. The board shall be empowered to select its own chairman, vice chairman, and any other necessary officers by majority vote and to make rules and regulations for the orderly conduct of business. The board shall approve all state-wide policies relating to passenger motor vehicle acquisition, utilization, and disposition and shall perform such additional functions as may be directed by law. The board shall also arbitrate and decide by majority vote the issue in any case of a dispute over the economic justification and benefits to be gained by the transfer to a state motor pool of passenger motor vehicles owned or operated by a state agency pursuant to RCW 43.19.600(3). Any necessary staff support and administrative services required by the board shall be furnished by the department of general administration. [1975 1st ex.s. c 167 § 6.]

**Severability—1975 1st ex.s. c 167:** See note following RCW 43.19.010.

**43.19.585 Motor vehicle transportation service—Supervisor of motor transport—Powers and duties.** The director of general administration shall appoint a supervisor of motor transport, who shall have general charge and supervision of state motor pools and motor vehicle transportation services under departmental administration and control. The appointment of all personnel, except the supervisor, shall be made pursuant to chapter 41.06 RCW, the state civil service law, as now or hereafter amended.

With the approval of the director, the supervisor shall (1) appoint and employ such assistants and personnel as may be necessary, (2) acquire by purchase or otherwise a sufficient number of motor vehicles to fulfill state agency needs for motor vehicle transportation service, (3) provide for necessary storage, upkeep, and repair, and (4) provide for servicing motor pool vehicles with fuel, lubricants, and other operating requirements. [1975 1st ex.s. c 167 § 7.]

**Severability—1975 1st ex.s. c 167:** See note following RCW 43.19.010.

**43.19.590 Motor vehicle transportation service—Transfer of employees—Retention of employment rights.** All employees of any state agency who are

employed exclusively or principally in performing the powers, duties, and functions transferred pursuant to RCW 43.19.595 through 43.19.610 to the department of general administration shall, upon such transfer to employment with the department of general administration, continue to be governed by the provisions of chapter 41.06 RCW, the state civil service law, as now or hereafter amended, and shall automatically retain their permanent or probationary status together with all rights, privileges, and immunities attaching thereto. [1975 1st ex.s. c 167 § 8.]

**Severability—1975 1st ex.s. c 167:** See note following RCW 43.19.010.

**43.19.595 Motor vehicle transportation service—Transfer of motor vehicles, property, etc., from motor pool to department.** All passenger motor vehicles, property, facilities, equipment, credits, funds, and all other assets and obligations of the automobile pool and pertaining to passenger motor vehicles currently operated by the department of highways and funded by that portion of the highway equipment fund known as "District No. 8 (Motor Pool)" shall be transferred to the department of general administration on July 1, 1975. The director of general administration may accept such property prior thereto if he deems it expedient to accomplish an orderly transition. [1975 1st ex.s. c 167 § 9.]

**Severability—1975 1st ex.s. c 167:** See note following RCW 43.19.010.

**43.19.600 Motor vehicle transportation service—Transfer of passenger motor vehicles to department from other agencies—Studies.** (1) On or after July 1, 1975, any passenger motor vehicles currently owned or hereafter acquired by any state agency, except vehicles acquired from federal granted funds and over which the federal government retains jurisdiction and control, may be purchased by or transferred to the department of general administration with the consent of the state agency concerned. The director of general administration may accept vehicles subject to the provisions of RCW 43.19.560 through 43.19.630, 43.41.130 and 43.41.140 prior to July 1, 1975, if he deems it expedient to accomplish an orderly transition.

(2) The department, in cooperation with the office of program planning and fiscal management, shall study and ascertain current and prospective needs of state agencies for passenger motor vehicles and shall recommend transfer to a state motor pool or other appropriate disposition of any vehicle found not to be required by a state agency.

(3) The automotive policy board shall direct the transfer of passenger motor vehicles from a state agency to a state motor pool or other disposition as appropriate, based on a study under subsection (2) of this section, or after a public hearing if a finding is made based on testimony and data therein submitted that the economy, efficiency, or effectiveness of state government would be improved by such a transfer or other disposition of passenger motor vehicles. Any dispute over the accuracy of testimony and data submitted as to the benefits in state

governmental economy, efficiency, and effectiveness to be gained by such transfer shall be resolved by a majority vote of the automotive policy board established by RCW 43.19.580. [1975 1st ex.s. c 167 § 10.]

**Severability**—1975 1st ex.s. c 167: See note following RCW 43.19.010.

**43.19.605 Motor vehicle transportation service—Reimbursement for property transferred—Credits—Accounting—Disputes.** No cash reimbursement shall be made to agencies for property transferred under RCW 43.19.600 to the extent that such property was originally acquired without cost or was purchased from general fund appropriations. The value of such property shall be entered upon the accounts of the motor transport account as an amount due the agency from which the vehicle was transferred. For such property purchased from dedicated, revolving, or trust funds, the value at the time of transfer shall also be entered upon the accounts of the motor transport account as an amount due the agency and fund from which the vehicle transferred was purchased and maintained. If surplus funds are available in the motor transport account, the agency may be paid all or part of the amount due to the dedicated, revolving, or trust fund concerned. Otherwise, the credit for the amount due shall be applied proportionately over the remaining undepreciated life of such property. The prorated credits shall be applied monthly by the director of general administration against any monthly or other charges for motor vehicle transportation services rendered the agency.

To the extent surplus funds are available in the motor transport account, the automotive policy board may direct a cash reimbursement to a dedicated, revolving, or trust fund where an amount due such a fund will not be charged off to services rendered by the department of general administration within a reasonable time.

Any disagreement between the supervisor of motor transport and an agency as to the amount of reimbursement to which it may be entitled shall be resolved by the director of general administration with the advice and consent of the automotive policy board. [1975 1st ex.s. c 167 § 11.]

**Severability**—1975 1st ex.s. c 167: See note following RCW 43.19.010.

**43.19.610 Motor vehicle transportation service—Motor transport account—Created—Sources—Disbursements.** There is hereby established in the general fund of the state treasury an account to be known as the motor transport account into which shall be paid all moneys, funds, proceeds, and receipts as provided in RCW 43.19.615 and as may otherwise be provided by law. Disbursements therefrom shall be made in accordance with the provisions of RCW 43.19.560 through 43.19.630, 43.41.130 and 43.41.140 as authorized by the director or his duly authorized representative and as may be provided by law. [1975 1st ex.s. c 167 § 12.]

**Severability**—1975 1st ex.s. c 167: See note following RCW 43.19.010.

**43.19.615 Motor vehicle transportation service—Deposits—Disbursements.** The director of general administration shall deposit in the motor transport account all receipts, including the initial transfer of automobile pool capital from the highway equipment fund and any other funds transferred, rentals or other fees and charges for transportation services furnished, proceeds from the sale of surplus or replaced property under the control of the supervisor of motor transport and other income, and from which shall be paid operating costs, including salaries and wages, administrative expense, overhead, the cost of replacement vehicles, additional passenger vehicles authorized pursuant to RCW 43.19.565, and any other expenses. If it is necessary at any time for the department to request any appropriation from the general fund or various dedicated, revolving, or trust funds to purchase additional vehicles, any appropriation therefor may provide that such advance shall be repaid together with reasonable interest from surpluses of the motor transport account. [1975 1st ex.s. c 167 § 13.]

**Severability**—1975 1st ex.s. c 167: See note following RCW 43.19.010.

**43.19.620 Motor vehicle transportation service—Rules and regulations.** The director of general administration, through the supervisor of motor transport, shall adopt, promulgate, and enforce such regulations as may be deemed necessary to accomplish the purpose of RCW 43.19.560 through 43.19.630, 43.41.130 and 43.41.140. Such regulations, in addition to other matters, shall provide authority for any agency director or his delegate to approve the use on official state business of personally owned or commercially owned rental passenger motor vehicles. Before such an authorization is made, it must first be reasonably determined that state owned passenger vehicles or other suitable transportation is not available at the time or location required or that the use of such other transportation would not be conducive to the economical, efficient, and effective conduct of business.

Such regulations shall be consistent with and shall carry out the objectives of the general policies and guidelines adopted by the office of program planning and fiscal management pursuant to RCW 43.41.130, after approval by the automotive policy board. [1975 1st ex.s. c 167 § 14.]

**Severability**—1975 1st ex.s. c 167: See note following RCW 43.19.010.

**43.19.625 Employee commuting in state owned or leased vehicle—Policies and regulations.** See RCW 43.41.140.

**43.19.630 Motor vehicle transportation service—Use of personal motor vehicle.** RCW 43.19.560 through 43.19.620, 43.41.130 and 43.41.140 shall not be construed to prohibit a state officer or employee from using his personal motor vehicle on state business and being reimbursed therefor, where permitted under state travel policies, rules, and regulations promulgated by the office of program planning and fiscal management after concurrence of the automotive policy board, and where such

use is in the interest of economic, efficient, and effective management and performance of official state business. [1975 1st ex.s. c 167 § 16.]

**Severability**—1975 1st ex.s. c 167: See note following RCW 43.19.010.

**43.19.635 Motor vehicle transportation service—Unauthorized use of state vehicles—Procedure—Disciplinary action.** (1) The governor, acting through the department of general administration and any other appropriate agency or agencies as he may direct, is empowered to utilize all reasonable means for detecting the unauthorized use of state owned motor vehicles, including the execution of agreements with the state patrol for compliance enforcement. Whenever such illegal use is discovered which involves a state employee, the employing agency shall proceed as provided by law to establish the amount, extent, and dollar value of any such use, including an opportunity for notice and hearing for the employee involved. When such illegal use is so established, the agency shall assess its full cost of any mileage illegally used and shall recover such amounts by deductions from salary or allowances due to be paid to the offending official or employee by other means. Recovery of costs by the state under this subsection shall not preclude disciplinary or other action by the appropriate appointing authority or employing agency under subsection (2) of this section.

(2) Any wilful and knowing violation of any provision of RCW 43.19.560 through 43.19.620, 43.41.130 and 43.41.140 shall subject the state official or employee committing such violation to disciplinary action by the appropriate appointing or employing agency. Such disciplinary action may include, but shall not be limited to, suspension without pay, or termination of employment in the case of repeated violations.

(3) Any casual or inadvertent violation of RCW 43.19.560 through 43.19.620, 43.41.130 and 43.41.140 may subject the state official or employee committing such violation to disciplinary action by the appropriate appointing authority or employing agency. Such disciplinary action may include, but need not be limited to, suspension without pay. [1975 1st ex.s. c 167 § 17.]

**Severability**—1975 1st ex.s. c 167: See note following RCW 43.19.010.

### Chapter 43.20

## DEPARTMENT OF HEALTH—STATE BOARD OF HEALTH

### Sections

- 43.20.005 Department of health abolished.
- 43.20.010 Powers and duties of director—General.
- 43.20.015 Authority to administer oaths and issue subpoenas.
- 43.20.030 State board of health—Members—Chairman, selection.
- 43.20.035 State board of health—Cooperation with environmental agencies.
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- 43.20.080 Duties of registrar.

- 43.20.090 Certified copies of birth, death, marriage certificates and decrees of divorce, annulment or separate maintenance to be furnished—Fees.
- 43.20.100 Annual report.
- 43.20.110 Federal act on maternal and infancy hygiene accepted.
- 43.20.120 Division of child hygiene created.
- 43.20.130 Services to crippled children.
- 43.20.140 Services to crippled children—Rules and regulations.
- 43.20.150 Threat to public health—Investigation, examination or sampling of articles or conditions constituting—Access—Subpoena power.
- 43.20.160 Threat to public health—Order prohibiting sale or disposition of food or other items pending investigation.
- 43.20.170 Violations—Injunctions and legal proceedings authorized.
- 43.20.180 Enforcement of health laws and state or local rules and regulations upon request of local health officer.
- 43.20.190 Reports of violations by director—Duty of attorney general, prosecuting attorney or city attorney to institute proceedings—Notice to alleged violator.
- 43.20.200 Grant-in-aid payments for local health departments.
- 43.20.210 Right of person to rely on prayer to alleviate ailments not abridged.
- 43.20.220 Cooperation with federal government—Construction of Title 70 RCW.

**Reviser's note:** Throughout chapter 43.20 RCW reference is made to the "director of health" and the "department of health". The powers, duties, and functions of the director and department of health were transferred to the secretary and department of social and health services by RCW 43.20A.120 (1970 ex.s. c 18 § 10).

### Air pollution

*limitation on other governmental units or persons:* RCW 70.94.370.

*personnel, employment of:* RCW 70.94.350.

*quarterly reports and special studies:* RCW 70.94.340.

*tests and surveys:* RCW 70.94.050.

### Alcoholism

*additional facilities:* RCW 70.96.060.

*cooperation with other agencies:* RCW 70.96.080.

*gifts and grants:* RCW 70.96.070.

*personnel, services and facilities:* RCW 70.96.050.

*powers and duties generally:* RCW 70.96.040.

*private establishments and institutions*

*conferences with management:* RCW 71.12.530.

*examinations generally:* RCW 71.12.510, 71.12.520.

*licenses for:* RCW 71.12.460–71.12.480, 71.12.500.

*regulations:* RCW 70.96.090.

*treatment program, generally:* RCW 70.96.030, chapter 70.96A RCW.

*Birth certificates:* RCW 70.58.080–70.58.140.

*Boarding home licensing:* Chapter 18.20 RCW.

*Child welfare agencies:* RCW 74.15.060.

*Children, expectant mothers, retarded adults, health protection as to agencies providing for, duties of health department:* RCW 74.15.060.

*Children's center for research and training in mental retardation, director as member of advisory committee:* RCW 28B.20.412.

*City sewerage systems, investigation:* RCW 35.88.090.

*Cold storage food workers, health certificates:* RCW 19.32.110.

*Commission merchants, damaged or unfit products, certificate as to issued by department of health:* RCW 20.01.450.

### Contagious diseases

*abatement:* RCW 70.05.070.

*report of local officers and physicians:* RCW 70.05.110.

*Control of pet animals infected with diseases communicable to humans, state board of health duties:* Chapter 16.70 RCW.

*Cooperation with other agencies:* RCW 70.58.340.

### County hospitals

*approval:* RCW 36.62.020.

*inspections:* RCW 36.62.240.

*County sewerage and water systems, approval by department of health:* RCW 36.94.100.

*Death certificates:* RCW 70.58.150–70.58.200.



*Department of social and health services created: RCW 43.17.010, 43.20A.030.*

*Food and beverage service workers' permits, prescribed by: RCW 69.06.010.*

*Furniture and bedding licensing, rules and regulations concerning: RCW 18.45.480.*

**Handicapped children**

*commitment, copy of commitment order transmitted to: RCW 26.40.060.*

*statistical data for: RCW 70.58.340.*

*Hospital and medical facilities survey and construction generally: Chapter 70.40 RCW.*

*secretary or his designee's duties: RCW 70.40.040.*

*state plan: RCW 70.40.090, 70.40.100.*

**Hospitals**

*disclosure of information: RCW 70.41.150.*

*enforcement of board rules: RCW 70.41.040.*

*inspection: RCW 70.41.120.*

*public hospital districts, inspection of: RCW 70.44.100.*

*Hospitals for mentally ill, private establishments*

*conferences with management: RCW 71.12.530.*

*examinations generally: RCW 71.12.510, 71.12.520.*

**License for**

*examination for compliance with: RCW 71.12.500.*

*examination of premises: RCW 71.12.480.*

*issuance: RCW 71.12.460.*

*Macaroni workers, health certificates, duties: RCW 69.16.115.*

*Maternity homes, supervision over: Chapter 18.46 RCW.*

*Milk inspection service units, duties: RCW 15.36.550, 15.36.560.*

*Mosquito control, duties in regard to: Chapter 70.22 RCW.*

*Narcotic addicts, duties concerning: Chapter 69.32 RCW.*

*Nuclear energy, state radiation control agency: Chapter 70.98 RCW.*

*Nursing homes licensing, duties concerning: Chapter 18.51 RCW.*

*Occupational and environmental research facility advisory committee, membership: RCW 28B.20.456.*

*Offices maintained at state capitol: RCW 43.17.050.*

*Physicians, regulation of professional services: RCW 70.41.180.*

**Powers and duties**

*generally: RCW 43.17.030, 43.20A.050.*

*transferred to: RCW 43.20A.030.*

*Residential schools, quarters capacity: RCW 72.33.070.*

*Rules and regulations of department: RCW 43.17.060.*

*Sanitation advice to local authority: RCW 70.54.040.*

**Secretary**

*appointment: RCW 43.17.020.*

*chief assistants: RCW 43.17.040.*

*membership on mental health and metal retardation advisory council: RCW 71.16.020.*

*oath: RCW 43.17.030.*

*vacancy: RCW 43.17.020, 43.17.040.*

*Sewer districts, approval of comprehensive plan: RCW 56.08.020.*

*Shellfish sanitation control: Chapter 69.30 RCW.*

**State otologist**

*appointment: RCW 70.50.010.*

*duties: RCW 70.50.020.*

*Statistical data, furnishing: RCW 70.58.340.*

**Swimming pools**

*plans for construction, approval: RCW 70.90.020.*

*rules and regulations: RCW 70.90.030.*

*Thermal power plant site evaluation council, director a member: RCW 80.50.030.*

*Venereal diseases: Chapter 70.24 RCW.*

*Vital statistics: Chapter 70.58 RCW.*

*Water districts, approval by department of health before establishing sewer system: RCW 57.08.065.*

*Water supply for milk rooms, etc.: RCW 15.36.200.*

*Wiping rags, sterilization: RCW 70.72.020.*

**43.20.005 Department of health abolished. See RCW 43.20A.500.**

**43.20.010 Powers and duties of director—General.**  
The director of health shall:

(1) Exercise all the powers and perform all the duties prescribed by law with respect to public health and vital statistics;

(2) Investigate and study factors relating to the preservation, promotion, and improvement of the health of the people, the causes of morbidity and mortality, and the effects of the environment and other conditions upon the public health, and report his findings to the state board of health for such action as the board determines is necessary;

(3) Strictly enforce all laws for the protection of the public health and the improvement of sanitary conditions in the state, and all rules, regulations, and orders of the state board of health;

(4) Investigate outbreaks and epidemics of disease that may occur and advise local health officers as to measures to be taken to prevent and control the same;

(5) Exercise general supervision over the work of all local health departments and establish uniform reporting systems by local health officers to the state department of health;

(6) Have the same authority as local health officers, except that he shall not exercise such authority unless the local health officer fails or is unable to do so, or when in an emergency the safety of the public health demands it;

(7) Cause to be made from time to time, inspections of the sanitary and health conditions existing at the state institutions, require the governing authorities thereof to take such action as will conserve the health of all persons connected therewith, and report his findings to the governor;

(8) Take such measures as he deems necessary in order to promote the public health, to establish or participate in the establishment of health educational or training activities, and to provide funds for and to authorize the attendance and participation in such activities of employees of the state or local health departments and other individuals engaged in programs related to or part of the public health programs of the local health departments or the state department of health. The director is also authorized to accept any funds from the federal government or any public or private agency made available for health education training purposes and to conform with such requirements as are necessary in order to receive such funds; and

(9) Establish and maintain laboratory facilities and services as are necessary to carry out the responsibilities of the department. [1967 ex.s. c 102 § 1; 1965 c 8 § 43.20.010. Prior: (i) 1909 c 208 § 2; RRS § 6004. (ii) 1921 c 7 § 59; RRS § 10817.]

**Severability—1967 ex.s. c 102:** "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." [1967 ex.s. c 102 § 13.] This applies to RCW 43.20.010, 43.20.015, 43.20.040 through 43.20.060, 43.20.150 through 43.20.210, and 70.01.010.

**43.20.015 Authority to administer oaths and issue subpoenas.** The director shall have full authority to administer oaths and take testimony thereunder, to issue

subpoenas requiring the attendance of witnesses before him together with all books, memoranda, papers, and other documents, articles or instruments, and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation. The provisions of RCW 34.04.105 shall apply to subpoenas issued hereunder. [1967 ex.s. c 102 § 2.]

**43.20.030 State board of health—Members—Chairman, selection.** The state board of health shall be composed of six members. These shall be the secretary or his designee and five other persons to be appointed by the governor, including four persons experienced in matters of health and sanitation and one person representing the consumers of health care. The chairman shall be selected by the governor from among the five members appointed by him. [1970 ex.s. c 18 § 11; 1965 c 8 § 43.20.030. Prior: 1921 c 7 § 56, part; RRS § 10814, part.]

**Effective date—Severability—1970 ex.s. c 18:** See notes following RCW 43.20A.010.

**43.20.035 State board of health—Cooperation with environmental agencies.** See RCW 43.20A.140.

**43.20.040 Employment of deputies, experts, physicians, etc.** The director may appoint and employ such deputies, scientific experts, physicians, nurses, sanitary engineers, and other personnel including consultants, and such clerical and other assistants as may be necessary to carry on the work of the department of health. [1967 ex.s. c 102 § 8; 1965 c 8 § 43.20.040. Prior: 1961 ex.s. c 5 § 1; 1921 c 7 § 57; RRS § 10815.]

**43.20.050 Powers and duties of state board of health.** The state board of health shall have supervision of all matters relating to the preservation of the life and health of the people of the state.

In order to protect public health, the state board of health shall:

Adopt rules and regulations for the protection of water supplies for domestic use, and such other uses as may affect the public health, and shall adopt standards and procedures governing the design, construction and operation of water supply, treatment, storage, and distribution facilities, as well as the quality of water delivered to the ultimate consumer;

Adopt rules and regulations and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes, solid and liquid, including but not limited to sewage, garbage, refuse, and other environmental contaminants; adopt standards and procedures governing the design, construction, and operation of sewage, garbage, refuse and other solid waste collection, treatment, and disposal facilities; and

Adopt rules and regulations controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, cleanliness and space in all types of public facilities including but not limited to food service establishments, schools, institutions, recreational facilities and transient accommodations and in places of work.

It shall have supreme authority in matters of quarantine, and shall provide by rule and regulation procedures for the imposition and use of isolation and quarantine.

The board shall promulgate rules and regulations for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules and regulations governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as admit of and may best be controlled by universal rule.

It may also enforce the public health laws of the state and the rules and regulations promulgated by it through the state director of health in local matters, when in its opinion an emergency exists and the local board of health has failed to act with sufficient promptness or efficiency, or is unable for reasons beyond its control to act, or when no local board has been established, and all expenses so incurred shall be paid upon demand of the state director of health by the local health department for which such services are rendered, out of moneys accruing to the credit of the municipality or the local health department in the current expense fund of the county.

All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules and regulations adopted by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

The board shall make careful inquiry as to the cause of disease, especially when contagious, infectious, epidemic, or endemic, and take prompt action to control and suppress it. [1967 ex.s. c 102 § 9; 1965 c 8 § 43.20.050. Prior: (i) 1901 c 116 § 1; 1891 c 98 § 2; RRS § 6001. (ii) 1921 c 7 § 58; RRS § 10816.]

**Rules and regulations—Visual and auditory screening of pupils:** RCW 28A.31.030.

**43.20.060 Annual conference of health officers.** In order to receive the assistance and advice of local health officers in carrying out his duties and responsibilities, the director of health shall hold annually a conference of local health officers, at such place as he deems convenient, for the discussion of questions pertaining to public health, sanitation, and other matters pertaining to the duties and functions of the local health departments, which shall continue in session for such time not exceeding three days as the director deems necessary.

The health officer of each county, district, municipality and county-city department shall attend such conference during its entire session, and receive therefor his actual and necessary traveling expenses, to be paid by his county, district, and municipality or county-city department: *Provided*, That no claim for such expenses shall be allowed or paid unless it is accompanied by a certificate from the director of health attesting the

attendance of the claimant. [1967 ex.s. c 102 § 10; 1965 c 8 § 43.20.060. Prior: 1915 c 75 § 1; RRS § 6005.]

**43.20.070 Registration of vital statistics.** The director of health shall have charge of the state system of registration of births, deaths, fetal deaths, marriages, and decrees of divorce, annulment and separate maintenance, and shall prepare the necessary rules, forms, and blanks for obtaining records, and insure the faithful registration thereof. [1967 c 26 § 1; 1965 c 8 § 43.20.070. Prior: 1907 c 83 § 1; RRS § 6018.]

**Effective date—1967 c 26:** "This act shall take effect on January 1, 1968." [1967 c 26 § 12.] This applies to RCW 26.04.090–26.04.110, 26.04.160, 26.08.215, 36.18.010, 36.18.020, 43.20.070, 43.20.080, 43.20.090 and 70.58.200.

*Vital statistics: Chapter 70.58 RCW.*

**43.20.080 Duties of registrar.** The state registrar of vital statistics shall prepare, print, and supply to all registrars all blanks and forms used in registering, recording, and preserving the returns, or in otherwise carrying out the purposes of Title 70; and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. No other blanks shall be used than those supplied by the state registrar. He shall carefully examine the certificates received monthly from the local registrars, county auditors, and clerks of the court and, if any are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record complete and satisfactory, and shall cause such further information to be incorporated in or attached to and filed with the certificate. He shall furnish, arrange, bind, and make a permanent record of the certificate in a systematic manner, and shall prepare and maintain a comprehensive index of all births, deaths, fetal deaths, marriages, and decrees of divorce, annulment and separate maintenance registered. [1967 c 26 § 2; 1965 c 8 § 43.20.080. Prior: 1961 ex.s. c 5 § 2; 1951 c 106 § 1; 1915 c 180 § 9; 1907 c 83 § 17; RRS § 6034.]

**Effective date—1967 c 26:** The effective date of the above amendment is January 1, 1968, see note following RCW 43.20.070.

*Vital statistics: Chapter 70.58 RCW.*

**43.20.090 Certified copies of birth, death, marriage certificates and decrees of divorce, annulment or separate maintenance to be furnished—Fees.** The state registrar shall, upon request, furnish an applicant with a certified copy of the record of any birth, death, fetal death, marriage or decree of divorce, annulment or separate maintenance, registered under the provision of law, or that portion of the record of any birth which shows the child's full name, sex, date of birth, and date of filing of the certificate, for the making and certification of which he shall charge a fee of three dollars to be paid by the applicant: *Provided*, That no fee shall be demanded or required for furnishing a certified copy of a birth, death, fetal death, marriage, divorce, annulment or separate maintenance record for use in connection with a claim for compensation or pension pending before the veterans administration.

For any search of the files and the records when no certified copy is made, the state registrar shall be entitled to a fee of three dollars for each hour or fractional part of an hour employed in such search, to be paid by the applicant.

The state department of health shall keep a true and correct account of all fees received and turn the same over to the state treasurer on or before the first day of January, April, July and October.

Health officers in cities of the first class may, upon request, furnish certified copies of the records of birth, death, and fetal death, and shall charge the same fee as hereinabove provided, and shall be entitled to charge for searching of records when no certified copy is made the same fee as hereinabove provided. All such fees collected shall be paid to the jurisdictional health department: *Provided*, That health officers of cities of the first class may issue certified copies only if they have an original certificate in their possession at the time of issuance of a certified copy or a copy of the original certificate transmitted to the state registrar which was produced by a photographic or other exact reproduction method. Health officers of counties or districts normally served by full time health officers may, upon request, furnish certified copies of the records of birth, death, and fetal death, and shall charge the same fee as hereinabove provided, during the period that the original certificates are in their possession prior to transmittal of the original certificates to the state registrar. All such fees collected shall be paid to the jurisdictional health department. Certified copy forms used by health officers furnishing certified copies while the original records are temporarily in their possession shall be supplied or approved by the state registrar and no other forms shall be used. [1975-'76 2nd ex.s. c 42 § 36; 1970 ex.s. c 25 § 1; 1967 c 26 § 3; 1965 c 8 § 43.20.090. Prior: 1961 ex.s. c 5 § 3; 1953 c 90 § 1; 1951 c 106 § 3; 1945 c 158 § 1; 1937 c 168 § 2; 1915 c 180 § 11; 1907 c 83 § 20; Rem. Supp. 1945 § 6037.]

**Severability—Savings—Construction—1975-'76 2nd ex.s. c 42:** See RCW 26.26.900–26.26.905.

*Birth certificates: RCW 70.58.080–70.58.140.*

*Death certificates: RCW 70.58.150–70.58.200.*

**43.20.100 Annual report.** The state board of health shall make an annual report to the governor on or before the first day of January of each year, including therein so much of the proceedings of the board and such information concerning vital statistics, such knowledge respecting diseases, and such instructions as may be thought useful by the board for dissemination among the people, with suggestions for such legislative action as it deems necessary. [1965 c 8 § 43.20.100. Prior: 1891 c 98 § 11; RRS § 6007.]

**43.20.110 Federal act on maternal and infancy hygiene accepted.** The provisions of the act of congress entitled "An Act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, are hereby accepted by the state of Washington. [1965 c 8 § 43.20.110. Prior: 1923 c 127 § 1; RRS § 10814–1.]

**43.20.120 Division of child hygiene created.** There shall be in the department of health, a division of child hygiene. The director of health, through the division of child hygiene, shall administer the provisions of said act of congress within this state. [1965 c 8 § 43.20.120. Prior: 1923 c 127 § 2; RRS § 10814-2.]

**43.20.130 Services to crippled children.** It shall be the duty of the director of health and he shall have the power to establish and administer a program of services for children who are crippled or who are suffering from physical conditions which lead to crippling, which shall provide for developing, extending, and improving services for locating such children, and for providing for medical, surgical, corrective, and other services and care, and facilities for diagnosis, hospitalization, and after care; to supervise the administration of those services, included in the program, which are not administered directly by it; to extend and improve any such services, including those in existence on April 1, 1941; to cooperate with medical, health, nursing, and welfare groups and organizations, and with any agency of the state charged with the administration of laws providing for vocational rehabilitation of physically handicapped children; to cooperate with the federal government, through its appropriate agency or instrumentality in developing, extending, and improving such services; and to receive and expend all funds made available to the department by the federal government, the state or its political subdivisions or from other sources, for such purposes. [1965 c 8 § 43.20.130. Prior: 1941 c 129 § 1; Rem. Supp. 1941 § 9992-107a; prior: 1937 c 114 § 7. Formerly RCW 74.12.210.]

*Children's center for research and training in mental retardation, director as member of advisory committee: RCW 28B.20.412.*

*Handicapped children*

*copy of commitment order transmitted to director: RCW 26.40.060.*

*statistical data: RCW 70.58.340.*

**43.20.140 Services to crippled children—Rules and regulations.** The director of the state board of health shall be empowered to promulgate such rules and regulations as shall be necessary to effectuate and carry out the purposes of RCW 43.20.130. [1965 c 8 § 43.20.140. Prior: 1941 c 129 § 2; Rem. Supp. 1941 § 9992-107b. Formerly RCW 74.12.220.]

**43.20.150 Threat to public health—Investigation, examination or sampling of articles or conditions constituting—Access—Subpoena power.** The director on his own motion or upon the complaint of any interested party, may investigate, examine, sample or inspect any article or condition constituting a threat to the public health including, but not limited to, outbreaks of communicable diseases, food poisoning, contaminated water supplies, and all other matters injurious to the public health. When not otherwise available, the department may purchase such samples or specimens as may be necessary to determine whether or not there exists a threat to the public health. In furtherance of any such investigation, examination or inspection, the director or his authorized representative may examine that portion

of the ledgers, books, accounts, memorandums, and other documents and other articles and things used in connection with the business of such person relating to the actions involved.

For purposes of such investigation, the director or his representative shall at all times have free and unimpeded access to all buildings, yards, warehouses, storage and transportation facilities or any other place. The director may also, for the purposes of such investigation, issue subpoenas to compel the attendance of witnesses, as provided for in RCW 43.20.015, and/or the production of books and documents anywhere in the state. [1967 ex.s. c 102 § 3.]

**43.20.160 Threat to public health—Order prohibiting sale or disposition of food or other items pending investigation.** Pending the results of an investigation provided for under RCW 43.20.150, the director may issue an order prohibiting the disposition or sale of any food or other item involved in the investigation: *Provided*, That the order of the director shall not be effective for more than fifteen days without the commencement of a legal action as provided for under RCW 43.20.170. [1967 ex.s. c 102 § 4.]

**43.20.170 Violations—Injunctions and legal proceedings authorized.** The director may bring an action to enjoin a violation or the threatened violation of any of the provisions of the public health laws of this state or any rules or regulation made by the state board of health or the health department pursuant to said laws, or may bring any legal proceeding authorized by law, including but not limited to the special proceedings authorized in Title 7 RCW, in the superior court in the county in which such violation occurs or is about to occur, or in the superior court of Thurston county. [1967 ex.s. c 102 § 5.]

**43.20.180 Enforcement of health laws and state or local rules and regulations upon request of local health officer.** Upon the request of a local health officer, the state director of health is hereby authorized and empowered to take legal action to enforce the public health laws and rules and regulations of the state board of health or local rules and regulations within the jurisdiction served by the local health department, and may institute any civil legal proceeding authorized by the laws of the state of Washington. [1967 ex.s. c 102 § 6.]

**43.20.190 Reports of violations by director—Duty of attorney general, prosecuting attorney or city attorney to institute proceedings—Notice to alleged violator.** (1) It shall be the duty of each assistant attorney general, prosecuting attorney, or city attorney to whom the director reports any violation of this chapter, or regulations promulgated under it, to cause appropriate proceedings to be instituted in the proper courts, without delay, and to be duly prosecuted as prescribed by law.

(2) Before any violation of this chapter is reported by the director to the prosecuting attorney for the institution of a criminal proceeding, the person against whom

such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views to the director, either orally or in writing, with regard to such contemplated proceeding. [1967 ex.s. c 102 § 7.]

**43.20.200 Grant-in-aid payments for local health departments.** The state board of health is hereby authorized to provide grant-in-aid payments with state funds to assist in the cost of general operation of local health departments in accordance with standards established by the board. [1967 ex.s. c 102 § 11.]

**43.20.210 Right of person to rely on prayer to alleviate ailments not abridged.** Nothing in RCW 43.20.010, 43.20.015, 43.20.040 through 43.20.060, 43.20.150 through 43.20.210, and 70.01.010 shall be construed to abridge the right of any person to rely exclusively on spiritual means alone through prayer to alleviate human ailments, sickness or disease, in accordance with the tenets and practice of the Church of Christ, Scientist, nor shall anything in RCW 43.20.010, 43.20.015, 43.20.040 through 43.20.060, 43.20.150 through 43.20.210, and 70.01.010 be deemed to prohibit a person so relying who is inflicted with a contagious or communicable disease from being isolated or quarantined in a private place of his own choice, provided, it is approved by the local health officer, and all laws, rules and regulations governing control, sanitation, isolation and quarantine are complied with. [1967 ex.s. c 102 § 14.]

**43.20.220 Cooperation with federal government—Construction of Title 70 RCW.** See RCW 70.01.010.

**Chapter 43.20A  
DEPARTMENT OF SOCIAL AND HEALTH  
SERVICES**

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*Agricultural pesticide advisory board, departmental representation: RCW 17.21.230.*

*Control of pet animals infected with diseases communicable to humans, secretary's duties: Chapter 16.70 RCW.*

*Criminally insane, rights, responsibilities and duties: Chapter 10.77 RCW.*

*Custom meat facilities, departmental participation: RCW 16.49.620.*

*Ecological commission, departmental representation at meetings of: RCW 43.21A.170.*

*Mental illness, department's duties relating to: Chapter 71.05 RCW.*

*Nursing home administrators, education program to be provided, duties: RCW 18.52.080.*

*Purchase of products and services provided by sheltered workshops and group training centers: RCW 43.19.520-43.19.530.*

*Residential schools and/or homes for handicapped children: RCW 28A.13.030.*

*Sale of certain lands in Spokane county authorized: Chapter 109, Laws of 1973 1st ex.s.*

*Special adult supervision programs, reimbursement to counties: Chapter 9.95A RCW.*

*Victims of crimes, reimbursement by convicted person as condition of work release or parole: RCW 7.68.120.*

*Visual and auditory screening of pupils, data transferred to secretary: RCW 28A.31.040.*

**43.20A.010 Purpose.** The purpose of this 1970 amendatory act is to create a single department which will unify the related social and health services of state government. The department is designed to integrate and coordinate all those activities involving provision of care for individuals who, as a result of their economic, social or health condition, require financial assistance, institutional care, rehabilitation or other social and health services. In order to provide for maximum efficiency of operation consistent with meeting the needs of those served or affected, the department will encompass substantially all of the powers, duties and functions presently vested by law in the department of health, the department of public assistance, the department of institutions, the veterans' rehabilitation council and the division of vocational rehabilitation of the coordinating council on occupational education. The department will concern itself with changing social needs, and will expedite the development and implementation of programs designed to achieve its goals. In furtherance of this policy, it is the legislative intent to set forth in this 1970 amendatory act only the broad outline of the structure of the department, leaving specific details of its internal organization and management to those charged by this 1970 amendatory act with its administration. [1970 ex.s. c 18 § 1.]

**Reviser's note:** "this 1970 amendatory act" refers to RCW 28.10-.010, 28.10.080, 28.85.160, 28.85.220, 28A.10.010, 28A.10.080, 28B-.50.160, 28B.50.220, 41.06.076, 43.17.010, 43.17.020, 43.20.030, 43.20A.010, 43.20A.020, 43.20A.030, 43.20A.040, 43.20A.050, 43.20A.060, 43.20A.090, 43.20A.110, 43.20A.120, 43.20A.140, 43.20A.180, 43.20A.190, 43.20A.200, 43.20A.210, 43.20A.220, 43.20A.230, 43.20A.300, 43.20A.310, 43.20A.320, 43.20A.500, 43.20A.505, 43.20A.510, 43.20A.515, 43.20A.520, 43.20A.525, 43.20A.550, 43.20A.900, 43.20A.910, 43.20A.920, 43.61.010, 43.61-.020, 43.61.030, 43.61.040, 43.61.050, 43.61.070, 70.98.050, 70.98.060, 70.98.070, 72.01.010, 72.01.042, 72.01.043, 72.02.040, 72.05.020, 72.06.010, 74.15.060, 74.32.051, 74.32.053, 74.36.010, 74.36.020, 74.36.030, 74.36.040 and 74.36.100.

**Reviser's note:** Phrase "Except as otherwise in this amendatory act provided" refers to 1970 ex.s. c 18 § 67, uncodified, which pertained to laws amended in existing education code and as the same were reenacted in the new education code, effective July 1, 1970, not otherwise pertinent hereto.

**Effective date—1970 ex.s. c 18:** "Except as otherwise in this amendatory act provided, this 1970 amendatory act shall take effect on July 1, 1970." [1970 ex.s. c 18 § 69.]

**Severability—1970 ex.s. c 18:** "If any provision of this 1970 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application to other persons or circumstances, is not affected." [1970 ex.s. c 18 § 70.] Sections 69 and 70 above apply to all sections listed in the Reviser's note above interpreting "this 1970 amendatory act"

**Savings—1970 ex.s. c 18:** See RCW 43.20A.900.

**Construction—1970 ex.s. c 18:** See RCW 43.20A.920.

**43.20A.020 Definitions.** As used in this 1970 amendatory act, unless the context indicates otherwise:

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

(2) "Secretary" means the secretary of the department of social and health services.

(3) "Deputy secretary" means the deputy secretary of the department of social and health services. [1970 ex.s. c 18 § 2.]

**Reviser's note:** "this 1970 amendatory act", see note following RCW 43.20A.010.

**43.20A.030 Department created—Powers and duties transferred to.** There is hereby created a department of state government to be known as the department of social and health services. All powers, duties and functions now or through action of this 1970 legislature vested by law in the department of health, the department of public assistance, the department of institutions, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council on occupational education are transferred to the department, except those powers, duties and functions which are expressly directed elsewhere in this or in any concurrent act of this 1970 legislature. Powers, duties and functions to be transferred shall include, but not be limited to, all those powers, duties and functions involving cooperation with other governmental units, such as cities and counties, or with the federal government, in particular those concerned with participation in federal grants-in-aid programs. [1970 ex.s. c 18 § 3.]

**Reviser's note:** "this act", see note following RCW 43.20A.010.

*Powers, duties and functions of department of health involving the control of pollution problems created by the disposal of solid waste transferred to department of ecology: RCW 43.21A.060(4).*

**43.20A.040 Secretary of social and health services—Appointment—Term—Salary—Temporary appointment if vacancy—As executive head and appointing authority.** The executive head and appointing authority of the department shall be the secretary of social and health services. He shall be appointed by the governor with the consent of the senate, and shall serve at the pleasure of the governor. He shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in his position while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office. [1970 ex.s. c 18 § 4.]

**43.20A.050 Secretary of social and health services—Powers and duties generally—Employment of assistants and personnel, limitation.** It is the intent of the legislature wherever possible to place the internal affairs of the department under the control of the secretary in order that he may institute therein the flexible, alert and intelligent management of its business that changing contemporary circumstances require. Therefore, whenever his authority is not specifically limited by law, he shall have complete charge and supervisory powers over the department. In the performance of duties and functions previously performed through the divisions of the departments affected by this 1970 amendatory act, he is authorized to create such administrative structures as he may deem appropriate, except as otherwise specified in this or any concurrent act of this 1970 legislature. The secretary shall have the power to employ such assistants and personnel as may be necessary for the general administration of the department: *Provided*, That, except as elsewhere specified in this 1970 amendatory act, such employment is in accordance with the rules of the state civil service law, chapter 41.06 RCW. [1970 ex.s. c 18 § 5.]

*Reviser's note: "this 1970 amendatory act", see note following RCW 43.20A.010.*

*Weekly payments to certain released prisoners authorized: RCW 72.02.110.*

**43.20A.060 Departmental divisions—Plan establishing and organizing—Assistant secretaries thereof as "designee".** The department of social and health services shall be subdivided into divisions, including a division of vocational rehabilitation, with an assistant secretary thereof as provided in RCW 43.20A.090, such secretary hereafter in RCW 43.20A.310 and 43.20A.320 referred to as "his designee". Except as otherwise specified in this 1970 amendatory act, or as federal requirements may differently require, these divisions shall be established and organized in accordance with plans to be prepared by the secretary and approved by the governor. In preparing such plans, the secretary shall endeavor to promote efficient public management, to improve programs, and to take full advantage of the economies, both fiscal and administrative, to be gained from the consolidation of the departments of health, public assistance, institutions, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council on occupational education. [1970 ex.s. c 18 § 6.]

*Reviser's note: "this 1970 amendatory act", see notes following RCW 43.20A.010.*

**43.20A.090 Deputy secretary—Department personnel director—Assistant secretaries—Appointment—Duties—Salaries.** The secretary shall appoint a deputy secretary, a department personnel director and such assistant secretaries as shall be needed to administer the department. The deputy secretary shall have charge and general supervision of the department in the absence or disability of the secretary, and in case of a vacancy in the office of secretary, shall continue in charge of the department until a successor is appointed

and qualified, or until the governor shall appoint an acting secretary. The officers appointed under this section, and exempt from the provisions of the state civil service law by the terms of RCW 41.06.076, shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law. [1970 ex.s. c 18 § 7.]

**43.20A.100 Certain personnel exempted from state civil service law—Minimum qualifications for confidential secretaries.** See RCW 41.06.076.

**43.20A.110 Secretary's delegation of powers and duties.** The secretary may delegate any power or duty vested in or transferred to him by law, or executive order, to his deputy secretary or to any other assistant or subordinate; but the secretary shall be responsible for the official acts of the officers and employees of the department. [1970 ex.s. c 18 § 9.]

**43.20A.120 Powers, duties, functions of director of health transferred to secretary or his designee.** The powers, duties and functions now or through action of this 1970 legislature assigned to the director of health as head of the department of health, as chairman and executive officer of the state board of health, and as the official in charge of registration of vital statistics are transferred to the secretary of social and health services or his designee, except those powers, duties and functions which are expressly directed elsewhere in this 1970 amendatory act, or in any concurrent act of this 1970 legislature. [1970 ex.s. c 18 § 10.]

*Reviser's note: "this 1970 amendatory act", see note following RCW 43.20A.010.*

*Powers, duties and functions of director of health involving the control of pollution problems created by the disposal of solid waste transferred to department of ecology: RCW 43.21A.060(4).*

**43.20A.130 Secretary or designee as member of state board of health.** See RCW 43.20.030.

**43.20A.140 Cooperation with environmental agencies.** Where feasible, the department and the state board of health shall consult with the water pollution control commission and the state air pollution control board, or their successors, in order that to the fullest extent possible, agencies concerned with the preservation of life and health and agencies concerned with protection of the environment may integrate their efforts and endorse policies in common. [1970 ex.s. c 18 § 12.]

*State air pollution control board powers, duties and functions transferred to department of ecology: See RCW 43.21A.060(3).*

*Water pollution control commission powers, duties and functions transferred to department of ecology: See RCW 43.21A.060(1).*

**43.20A.158 Health protection for certain children, expectant mothers and adult retarded, secretary's powers and duties.** See RCW 74.15.060.

**43.20A.160 Department as state radiation control agency.** See RCW 70.98.050.

**43.20A.163 Advisory council on nuclear energy and radiation, secretary as ex officio member.** See RCW 70.98.070.

**43.20A.167 Federal Older Americans Act of 1965—Department to participate in and administer.** See RCW 74.36.100.

**43.20A.168 Community programs and projects for the aging.** See RCW 74.36.110–74.36.130.

**43.20A.180 Programs for rehabilitation of alcoholics and narcotic addicts transferred to department.** The research, educational and treatment program for the rehabilitation of alcoholics established within the department of health by chapter 70.96 RCW and the responsibility for the treatment and rehabilitation of narcotic addicts placed within the department of health by chapter 69.32 RCW shall be transferred to the department of social and health services, and the legal powers and responsibilities vested in the department of health in connection with these programs shall inhere in the department of social and health services. [1970 ex.s. c 18 § 13.]

**43.20A.190 Powers, duties and functions of director of public assistance transferred to secretary or his designee.** The powers, duties and functions now or through action of this 1970 legislature assigned to the director of public assistance as head of the department of public assistance are transferred to the secretary of social and health services or his designee, except those powers, duties and functions which are expressly directed elsewhere in this 1970 amendatory act, or in any concurrent act of this 1970 legislature. [1970 ex.s. c 18 § 19.]

**Reviser's note:** "this 1970 amendatory act", see note following RCW 43.20A.010.

**43.20A.200 Powers, duties and functions of division of medical care transferred to department.** The powers, duties and functions of the division of medical care, established within the department of public assistance by chapter 74.09 RCW are transferred to the department of social and health services. The secretary may administer the provisions of chapter 74.09 RCW either through this division or in any other way consistent with the purposes of this 1970 amendatory act as set forth in RCW 43.20A.010. The office of assistant director of medical care is abolished, and his powers, duties and functions shall be assumed by the secretary or his designee. [1970 ex.s. c 18 § 20.]

**Reviser's note:** "this 1970 amendatory act", see RCW 43.20A.010.

**43.20A.210 Powers, duties and functions of director of institutions, institution superintendents, transferred to secretary or his designee.** The powers, duties and functions now or through action of this 1970 legislature assigned to the director of institutions, as head of the department of institutions, and those powers vested in the superintendents of institutions relating to their status as appointing authorities for the purpose of establishing bargaining units by the personnel board and the conduct

of negotiations with exclusive bargaining representatives, are transferred to the secretary of social and health services or his designee, except those powers, duties and functions which are expressly directed elsewhere in this 1970 amendatory act or in any concurrent act of this 1970 legislature. These powers shall include but not be limited to authority to manage and govern the institutions named in RCW 72.01.050. [1970 ex.s. c 18 § 28.]

**Reviser's note:** "this 1970 amendatory act", see note following RCW 43.20A.010.

**43.20A.220 Powers, duties and functions of divisions of department of institutions transferred to department.** The powers, duties and functions of all divisions of the department of institutions are transferred to the jurisdiction of the department of social and health services including but not limited to the division of adult corrections, the division of probation and parole, the division of children and youth, and the division of mental health. The secretary or his designee shall perform all functions concerned therewith formerly assigned to the director of institutions to be performed either by the director or through his various division heads. [1970 ex.s. c 18 § 29.]

**43.20A.240 Veterans' rehabilitation council under department's jurisdiction—Secretary's duties.** See chapter 43.61 RCW.

**43.20A.300 Department as state agency for receipt of federal funds for vocational rehabilitation.** The department of social and health services shall serve as the sole agency of the state for the receipt of federal funds made available by acts of congress for vocational rehabilitation within this state. [1970 ex.s. c 18 § 40.]

**43.20A.310 Vocational rehabilitation, powers and duties of secretary or designee.** In addition to his other powers and duties, the secretary or his designee, shall have the following powers and duties:

(1) To prepare, adopt and certify the state plan for vocational rehabilitation;

(2) With respect to vocational rehabilitation, to adopt necessary rules and regulations and do such other acts not forbidden by law necessary to carry out the provisions of this 1970 amendatory act and the federal acts;

(3) To carry out the aims and purposes of the acts of congress pertaining to vocational rehabilitation. [1970 ex.s. c 18 § 42.]

**Reviser's note:** "this 1970 amendatory act", see note following RCW 43.20A.310.

**43.20A.320 Consultation with coordinating council for occupational education.** The secretary or his designee shall consult with the coordinating council for occupational education in order to maintain close contact with developing programs of vocational education, particularly as such programs may affect programs undertaken in connection with vocational rehabilitation. [1970 ex.s. c 18 § 43.]



**43.20A.350 Committees and councils—Declaration of purpose.** The legislature declares that meaningful citizen involvement with and participation in the planning and programs of the department of social and health services are essential in order that the public may better understand the operations of the department, and the department staff may obtain the views and opinions of concerned and affected citizens. As a result of the creation of the department of social and health services and the resulting restructuring of programs and organization of the department's components, and as a further result of the legislative mandate to the department to organize and deliver services in a manner responsive to changing needs and conditions, it is necessary to provide for flexibility in the formation and functioning of the various committees and councils which presently advise the department, to restructure the present committees and councils, and to provide for new advisory committees and councils, so that all such committees and councils will more appropriately relate to the changing programs and services of the department. [1971 ex.s. c 189 § 1.]

**43.20A.360 Committees and councils—Appointment—Memberships—Terms—Vacancies—Travel expenses—Report.** The secretary is hereby authorized to appoint such advisory committees or councils as may be required by any federal legislation as a condition to the receipt of federal funds by the department. The secretary may appoint state-wide committees or councils in the following subject areas: (1) Health facilities; (2) radiation control; (3) veteran's affairs; (4) children and youth services; (5) blind services; (6) services to the aging; (7) medical and health care; (8) drug abuse and alcoholism; (9) social services; (10) economic services; (11) vocational services; (12) rehabilitative services; (13) public health services; and on such other subject matters as are or come within the department's responsibilities. The secretary shall appoint committees or councils advisory to the department in each service delivery region to be designated by the secretary. The state-wide and the regional councils shall have representation from both major political parties and shall have substantial consumer representation. Such committees or councils shall be constituted as required by federal law or as the secretary in his discretion may determine. The members of the committees or councils shall hold office as follows: one-third to serve one year; one-third to serve two years; and one-third to serve three years. Upon expiration of said original terms, subsequent appointments shall be for three years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms.

Members of such state advisory committees or councils may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Members of regional advisory committees may, in the discretion of the secretary, be paid the same travel expenses as set forth above.

The secretary shall report to the next ensuing session of the legislature concerning the actions taken pursuant

to \*this 1971 amendatory act and relating to advisory committees and councils generally, and the effectiveness of same, and shall make such recommendations for further legislative action as he deems appropriate. [1975-'76 2nd ex.s. c 34 § 98; 1971 ex.s. c 189 § 2.]

**\*Reviser's note:** "this 1971 amendatory act" [1971 ex.s. c 189] consists of the 1971 amendments to RCW 18.20.090, 18.45.130, 43.61-.030, 43.61.040, 43.61.060, 70.41.020, 70.41.030, 70.98.050, 72.60.270, 72.60.280, to RCW 43.20A.350-43.20A.390, and to the repeal of RCW 18.20.080, 18.45.520-18.45.540, 43.20A.230, 43.61.010, 43.61-.020, 69.30.040, 70.40.050, 70.41.050-70.41.070, 70.98.060, 72.01.250, 72.05.180, 72.05.190, 74.32.010-74.32.900, 74.36.010-74.36.040.

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.20A.370 State advisory committee to department—Created—Membership—Terms—Vacancies.** There is hereby created a state advisory committee to the department of social and health services which shall serve in an advisory capacity to the secretary of the department of social and health services. The committee shall be composed of not less than nine nor more than fifteen members, to be appointed by the governor, who shall appoint a chairman, who shall serve as such at the governor's pleasure. The members of the committee shall hold office as follows: Two members to serve two years; two members to serve three years; and three members to serve four years. Upon expiration of said original terms, subsequent appointments shall be for four years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms. [1971 ex.s. c 189 § 13.]

**43.20A.375 State advisory committee to department—Powers and duties.** The state advisory committee shall have the following powers and duties:

(1) To serve in an advisory capacity to the secretary on all matters pertaining to the department of social and health services.

(2) To acquaint themselves fully with the operations of the department and periodically recommend such changes to the secretary as they deem advisable.

(3) No person shall be eligible to hold the office of member of the state advisory committee who holds any public office, whether appointive or elective, with the exception of nonsalaried positions. [1971 ex.s. c 189 § 14.]

**43.20A.380 State advisory committee to department—Travel expenses.** Members of the state advisory committee shall be reimbursed for travel expenses in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [1975-'76 2nd ex.s. c 34 § 99; 1971 ex.s. c 189 § 15.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.20A.390 Per diem or mileage—Limitation.** Notwithstanding any other provision of \*this act, no person shall receive as compensation or reimbursement

for per diem or mileage authorized in \*this act any amount that would exceed the per diem or mileage provided in RCW 43.03.050 and 43.03.060. [1971 ex.s. c 189 § 16.]

**\*Reviser's note:** "this act" [1971 ex.s. c 189] consists of the 1971 amendments to RCW 18.20.090, 18.45.130, 43.61.030, 43.61.040, 43.61.060, 70.41.020, 70.41.030, 70.98.050, 72.60.270, 72.60.280, to RCW 43.20A.350-43.20A.390, and to the repeal of RCW 18.20.080, 18.45.520-18.45.540, 43.20A.230, 43.61.010, 43.61.020, 69.30.040, 70.40.050, 70.41.050-70.41.070, 70.98.060, 72.01.250, 72.05.180, 72.05.190, 74.32.010-74.32.900, 74.36.010-74.36.040.

**43.20A.400 Purchase of services from public or non-profit agencies—Utilization of nonappropriated funds.** Notwithstanding any other provisions of law, the secretary of the department of social and health services is authorized to utilize nonappropriated funds made available to the department, in order to compliment the social and health services programs of the department by purchase of services from public or nonprofit agencies. The purpose of this authorization is to augment the services presently offered and to achieve pooling of public and nonprofit resources. [1971 ex.s. c 309 § 1.]

**43.20A.405 Purchase of services from public or non-profit agencies—Vendor rates—Establishment.** After obtaining the review and advice of the governor's advisory committee on vendor rates, the secretary shall establish rates of payment for services which are to be purchased: *Provided*, That the secretary shall afford all interested persons reasonable opportunity to submit data, views, or arguments, and shall consider fully all submissions respecting the proposed rates. Prior to the establishment of such rates, the secretary shall give at least twenty days notice of such intended action by mail to such persons or agencies as have made timely request of the secretary for advance notice of establishment of such vendor rates. Such rates shall not exceed the amounts reasonable and necessary to assure quality services and shall not exceed the costs reasonably assignable to such services pursuant to cost finding and monitoring procedures to be established by the secretary. Information to support such rates of payment shall be maintained in a form accessible to the public. [1971 ex.s. c 309 § 2.]

**43.20A.410 Purchase of services from public or non-profit agencies—Factors to be considered.** In determining whether services should be purchased from other public or nonprofit agencies, the secretary shall consider:

- (1) Whether the particular service or services is available or might be developed.
- (2) The probability that program and workload performance standards will be met, by means of the services purchased.
- (3) The availability of reasonably adequate cost finding and performance evaluation criteria.

Nothing in RCW 43.20A.400 through 43.20A.430 is to be construed to authorize reduction in state employment in service component areas presently rendering such services. [1971 ex.s. c 309 § 3.]

**43.20A.415 Purchase of services from public or non-profit agencies—Retention of basic responsibilities by secretary.** When, pursuant to RCW 43.20A.400 through 43.20A.430, the secretary elects to purchase a service or services, he shall retain continuing basic responsibility for:

- (1) Determining the eligibility of individuals for services;
- (2) The selection, quality, effectiveness, and execution of a plan or program of services suited to the need of an individual or of a group of individuals; and
- (3) Measuring the cost effectiveness of purchase of services. [1971 ex.s. c 309 § 4.]

**43.20A.420 Purchase of services from public or non-profit agencies—Secretary to provide consultative, technical and development services to suppliers—Review of services.** The secretary shall work with the suppliers of purchased services by:

- (1) Providing consultation and technical assistance;
- (2) Monitoring and periodically reviewing services in order to assure satisfactory performance including adherence to state prescribed workload and quality standards; and
- (3) Developing new and more effective and efficient approaches to and methods of delivering services. [1971 ex.s. c 309 § 5.]

**43.20A.425 Purchase of services from public or non-profit agencies—Qualifications of vendors.** The secretary shall assure that sources from which services are purchased are: (1) Licensed, or (2) meet applicable accrediting standards, or (3) in the absence of licensing or accrediting standards, meet standards or criteria established by the secretary to assure quality of service: *Provided*, That this section shall not be deemed to dispense with any licensing or accrediting requirement imposed by any other provision of law, by any county or municipal ordinance, or by rule or regulation of any public agency. [1971 ex.s. c 309 § 6.]

**43.20A.430 Purchase of services from public or non-profit agencies—Retention of sums to pay departmental costs.** The secretary shall, if not otherwise prohibited by law, pursuant to agreement between the department and the agency in each contract, retain from such non-appropriated funds sufficient sums to pay for the department's administrative costs, monitoring and evaluating delivery of services, and such other costs as may be necessary to administer the department's responsibilities under RCW 43.20A.400 through 43.20A.430. [1971 ex.s. c 309 § 7.]

**43.20A.500 Certain state agencies abolished.** On July 1, 1970, the following state agencies are abolished:

- (1) The department of health.
- (2) The department of public assistance.
- (3) The department of institutions.
- (4) The division of vocational rehabilitation of the coordinating council for occupational education. [1970 ex.s. c 18 § 49.]

**43.20A.505 Officials to continue services provided agencies whose functions are transferred to department.** All state officials required to maintain contact with or provide services to the department of health, the department of public assistance, the department of institutions, the veterans' rehabilitation council, or the division of vocational rehabilitation of the coordinating council on occupational education, shall continue to perform such services for the department of social and health services unless otherwise specified by this or any concurrent act of this 1970 legislature. [1970 ex.s. c 18 § 44.]

Reviser's note: "this act", see note following RCW 43.20A.010.

**43.20A.510 Transfer of employees and personnel of agencies whose functions are transferred to department—Rights preserved.** All employees and personnel of the department of health, the department of institutions, the department of public assistance, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council on occupational education, except those whose functions are not transferred elsewhere by this 1970 amendatory act, or by any concurrent statute enacted by this 1970 legislature shall, on the effective date of this 1970 amendatory act, be transferred to the jurisdiction of the department of social and health services. All employees classified under chapter 41.06 RCW, the state civil service law, shall be assigned to the department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state civil service law. [1970 ex.s. c 18 § 45.]

Reviser's note: "this 1970 amendatory act", see note following RCW 43.20A.010.

*Hours of labor for full time employees transferred from department of institutions—Compensatory time—Premium pay: RCW 72.01.042.*

**43.20A.515 Transfer of property and funds of agencies whose functions are transferred to department—Determination when question on property transfer.** All reports, documents, surveys, books, records, files, papers or other writings in the possession of the department of health, the department of public assistance, the department of institutions, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council on occupational education, and pertaining to the functions affected by this 1970 amendatory act, shall be delivered to the custody of the department of social and health services. All cabinets, furniture, office equipment, motor vehicles and other tangible property employed in carrying out the powers and duties transferred by this 1970 amendatory act shall be made available to the department. All funds, credits, or other assets held in connection with the functions herein transferred shall be assigned to the department.

Any appropriations made to the departments and agencies or divisions thereof affected by this 1970 amendatory act for the purpose of carrying out the powers and duties herein transferred, shall on the effective date of this 1970 amendatory act be transferred and credited

to the department of social and health services for the purpose of carrying out such transferred powers and duties.

Whenever any question arises as to the transfer of any funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred under this 1970 amendatory act, the director of program planning and fiscal management or his successor shall make a determination as to the proper allocation and certify the same to the state agencies concerned. [1970 ex.s. c 18 § 46.]

Reviser's note: "this 1970 amendatory act", see note following RCW 43.20A.010.

**43.20A.520 Rules and regulations, pending business, contracts, of agencies whose functions are transferred to department, shall be continued and acted upon by department—Savings.** All rules and regulations, and all pending business before the departments and agencies or divisions thereof affected by this 1970 amendatory act pertaining to matters transferred herein, as of July 1, 1970, shall be continued and acted upon by the department. All existing contracts and obligations pertaining to the functions herein transferred shall remain in full force and effect, and shall be performed by the department. Neither the transfer of any department or agency, or division thereof, nor any transfer of powers, duties and functions, shall affect the validity of any act performed by such department or agency or division thereof or any officer or employee thereof prior to the effective date of this 1970 amendatory act. [1970 ex.s. c 18 § 47.]

Reviser's note: "this 1970 amendatory act", see note following RCW 43.20A.010.

**43.20A.525 Certification when apportionments of budgeted funds required because of transfers.** If apportionments of budgeted funds are required because of the transfers herein authorized, the director of program planning and fiscal management shall certify such 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 such certification. [1970 ex.s. c 18 § 48.]

**43.20A.550 Federal programs—Rules and regulations—Internal reorganization to meet federal requirements—Basic 1970 act to be construed to meet federal law—Conflicting parts deemed inoperative.** In furtherance of the policy of the state to cooperate with the federal government in all of the programs included in this 1970 amendatory act, such rules and regulations as may become necessary to entitle the state to participate in federal funds may be adopted, unless the same be expressly prohibited by this 1970 amendatory act. Any internal reorganization carried out under the terms of this 1970 amendatory act shall meet federal requirements which are a necessary condition to state receipt of federal funds. Any section or provision of the 1970

amendatory act which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling this state to receive federal funds for the various programs of the department. If any part of this 1970 amendatory act is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to the state, or to any departments or agencies thereof, such conflicting part of this act is declared to be inoperative solely to the extent of the conflict. [1970 ex.s. c 18 § 66.]

**Reviser's note:** "this 1970 amendatory act", see note following RCW 43.20A.010.

**43.20A.900 Savings—1970 ex.s. c 18.** Nothing in this 1970 amendatory act shall be construed to affect any existing rights acquired under the sections amended or repealed herein except as to the governmental agencies referred to and their officials and employees, nor as affecting any actions, activities or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder; and neither the abolition of any agency or division thereof nor any transfer of powers, duties and functions as provided herein, shall affect the validity of any act performed by such agency or division thereof or any officer thereof prior to July 1, 1970. [1970 ex.s. c 18 § 63.]

**Reviser's note:** "this 1970 amendatory act", see note following RCW 43.20A.010.

**43.20A.910 Collective bargaining units or agreements not to be altered by 1970 basic act.** Nothing contained in this 1970 amendatory act shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until any such agreement has expired or until any such bargaining unit has been modified by action of the personnel board as provided by law. [1970 ex.s. c 18 § 64.]

**Reviser's note:** "this 1970 amendatory act", see note following RCW 43.20A.010.

**43.20A.920 Liberal construction—1970 ex.s. c 18.** The rule of strict construction shall have no application to this 1970 amendatory act, and it shall be liberally construed in order to carry out the objective for which it is designed, in accordance with the legislative intent to give the secretary the maximum possible freedom in carrying the provisions of this 1970 amendatory act into effect. Any ambiguities arising from its interpretation should be resolved consistently with the broad purposes set forth in RCW 43.20A.010. [1970 ex.s. c 18 § 65.]

**Reviser's note:** "this 1970 amendatory act", see note following RCW 43.20A.010.

**43.20A.930 Effective date—Severability—1970 ex.s. c 18.** See notes following RCW 43.20A.010.

[Title 43—p 64]

## Chapter 43.21 DEPARTMENT OF CONSERVATION

### Sections

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**Reviser's note:** The department of conservation was abolished by 1967 c 242 § 20 [RCW 43.27A.180] and its powers, duties, and functions were transferred to the department of natural resources and to the newly created department of water resources as follows:

(1) Mining powers, duties and functions set forth in RCW 43.21-.060, 43.21.070, 43.21.080, 43.21.090 and Title 78 RCW to the department of natural resources [1967 c 242 § 14; RCW 43.27A.120];

(2) Geology powers, duties and functions set forth in RCW 43.21-.050 and chapter 43.92 RCW to the department of natural resources [1967 c 242 § 15; RCW 43.27A.130];

(3) Divisions of reclamation, water resources, flood control, and power resources and the Columbia basin commission and the weather modification board powers, duties and functions to the department of water resources [1967 c 242 § 8; RCW 43.27A.080];

(4) All other powers, duties and functions not expressly transferred to another agency, to the department of water resources [1967 c 242 § 8; RCW 43.27A.080].

The department of water resources was abolished by 1970 ex.s. c 62 § 26 (RCW 43.21A.300) and its powers, duties, and functions were transferred to the newly created department of ecology by 1970 ex.s. c 62 § 6 (RCW 43.21A.060).

*Appropriation of water, license fees: RCW 90.16.050, 90.16.060, 90.16.090.*

**Diking districts**

*adjustment of indebtedness generally: Chapter 87.64 RCW.  
powers and duties: RCW 89.16.050.*

**Director**

*Columbia Basin commission: RCW 43.27A.080(5), (6).  
diking and drainage improvement districts  
contract with, favorable report, effect: RCW 85.08.100.  
investigation and report: RCW 85.08.060.  
petition or resolution to: RCW 85.08.070.  
resolution for hearing: RCW 85.08.070.*

**flood control districts**

*furnishing information to: RCW 86.09.034.  
hearing: RCW 86.09.079–86.09.091.  
investigation of feasibility: RCW 86.09.031.  
report: RCW 86.09.037–86.09.046.*

*Drainage districts, adjustment of indebtedness, generally: Chapter 87.64 RCW.*

*Flood control: Title 86 RCW.*

*Geological survey of the state: Chapter 43.92 RCW.*

*Improvement districts, investigation and reports: RCW 85.08.060.*

*Irrigation: Title 87 RCW.*

**Irrigation districts**

*adjustment of indebtedness, generally: Chapter 87.64 RCW.  
exclusion of nonirrigable land, when: RCW 87.03.750.  
organization: RCW 87.03.020(6).*

*Oil and gas conservation committee, membership: RCW 78.52.020.*

*Operating agencies, duties as to formation: RCW 43.52.360.*

*Powers, duties, functions of department of water resources transferred to department of ecology, see chapter 43.21A RCW.*

*Reclamation districts, commission members: RCW 89.30.055.*

*Reclamation projects of state, powers and duties of director: RCW 89.16.050.*

*State soil and water conservation committee, membership: RCW 89.08.030.*

*State tidelands and shorelands, citizen committee member to investigate and determine needs for city or metropolitan park district purposes: RCW 79.08.080.*

*Subdivision regulations: Chapter 58.17 RCW.*

*Water flow and levels, minimums: Chapter 90.22 RCW.*

*Water power development, license fees: RCW 90.16.050, 90.16.060, 90.16.090.*

**43.21.010 Divisions of department.** The department of conservation shall be organized into six divisions, to be known as, (1) the division of geology, (2) the division of mines, (3) the division of reclamation, (4) the division of water resources, (5) the division of flood control, and (6) the division of power resources.

The director of conservation may appoint such clerical and other assistants as may be necessary for the general administration of the department. [1965 c 8 § 43.21.010. Prior: 1957 c 284 § 1; 1957 c 215 § 21; prior: (i) 1951 c 57 § 1; 1921 c 7 § 61; 1917 c 117 §§ 5–8; RRS § 10819. (ii) 1951 c 57 § 1; 1945 c 255 § 1; 1945 c 173 § 1; 1937 c 134 §§ 1–3; 1933 ex.s. c 54 § 1; Rem. Supp. 1945 § 10964–8a.]

**43.21.040 Supervisor of geology—Appointment—Personnel.** The director of conservation shall appoint and deputize an assistant director, to be known as the supervisor of geology, who shall have charge and supervision of the division of geology.

With the approval of the director, he may appoint and employ such field experts, surveyors, clerks, and other assistants as may be necessary to carry on the work of the division. [1965 c 8 § 43.21.040. Prior: 1921 c 7 § 63; RRS § 10821.]

**43.21.050 Powers and duties.** The director of conservation, through the division of geology, shall assume full charge and supervision of the state geological survey and perform such other duties as may be prescribed by law. [1965 c 8 § 43.21.050. Prior: 1921 c 7 § 69; RRS § 10827.]

*Coal mining maps: RCW 78.40.250.*

*Mining survey reports, forwarding to: RCW 78.06.030.*

*Provisions relating to geological survey: Chapter 43.92 RCW, RCW 43.30.350.*

**43.21.060 Supervisor of mines—Appointment—Qualifications.** The director of conservation shall appoint and deputize an assistant director, to be known as the supervisor of mines, who shall have charge and supervision of the division of mines. With the approval of the director, he may appoint such assistants, experts and other personnel as may be necessary to carry on the work of the division.

The supervisor shall be a competent mining engineer having practical knowledge of the mineral resources and potential possibilities for development of the mining industry in the state. [1965 c 8 § 43.21.060. Prior: 1935 c 142 § 1; RRS § 8614–1.]

**43.21.070 Powers and duties.** The director of conservation, through the division of mines, shall:

(1) Collect, compile, publish, and disseminate statistics and information relating to mining, milling, and metallurgy;

(2) Make special studies of the mineral resources and industries of the state;

(3) Collect and assemble an exhibit of mineral specimens, both metallic and nonmetallic, especially those of economic and commercial importance; such collection to constitute the museum of mining and mineral development;

(4) Collect and assemble a library pertaining to mining, milling, and metallurgy of books, reports, drawings, tracings, and maps and other information relating to the mineral industry and the arts and sciences of mining and metallurgy;

(5) Make a collection of models, drawings, and descriptions of the mechanical appliances used in mining and metallurgical processes;

(6) Issue bulletins and reports with illustrations and maps with detailed description of the natural mineral resources of the state;

(7) Preserve and maintain such collections and library open to the public for reference and examination and maintain a bureau of general information concerning the

mineral and mining industry of the state, and issue from time to time at cost of publication and distribution such bulletins as may be deemed advisable relating to the statistics and technology of minerals and the mining industry;

(8) Make determinative examinations of ores and minerals, and consider other scientific and economical problems relating to mining and metallurgy;

(9) Cooperate with all departments of the state government, state educational institutions, the United States geological survey and the United States bureau of mines. All departments of the state government and educational institutions shall render full cooperation to the director in compiling useful and scientific information relating to the mineral industry within and without the state, without cost to the department of conservation. [1965 c 8 § 43.21.070. Prior: 1935 c 142 § 2; RRS § 8614-2.]

*Coal mining maps: RCW 78.40.250.*

*Mining survey reports forwarded to: RCW 78.06.030.*

**43.21.080 Gifts and bequests.** The director may receive on behalf of the state, for the benefit of mining and mineral development, gifts, bequests, devises, and legacies of real or personal property and use them in accordance with the wishes of the donors and manage, use, and dispose of them for the best interests of mining and mineral development. [1965 c 8 § 43.21.080. Prior: 1935 c 142 § 3; RRS § 8614-3.]

**43.21.090 Collection of minerals for exhibition.** The director may, from time to time, prepare special collections of ores and minerals representative of the mineral industry of the state to be displayed or used at any world fair, exposition, mining congress, or state exhibition, in order to promote information relating to the mineral wealth of the state. [1965 c 8 § 43.21.090. Prior: 1935 c 142 § 4; RRS § 8614-4.]

**43.21.100 Supervisor of reclamation—Appointment—Personnel.** The director of conservation shall appoint and deputize an assistant director, to be known as the supervisor of reclamation, who shall have charge and supervision of the division of reclamation.

With the approval of the director, he may appoint and employ such engineers, experts, accountants, clerks, and other assistants as may be necessary to carry on the work of the division. [1965 c 8 § 43.21.100. Prior: 1921 c 7 § 64; RRS § 10822.]

**43.21.110 Powers and duties.** The director of conservation, through the division of reclamation, shall exercise all the powers and perform all the duties prescribed by law with respect to the reclamation and development of arid, swamp, overflow, and logged-off lands in the state and such other duties as may be prescribed by law. [1965 c 8 § 43.21.110. Prior: 1921 c 7 § 70; RRS § 10828.]

*Diking and drainage: Title 85 RCW.*

*Irrigation: Title 87 RCW.*

*Reclamation: Title 89 RCW.*

*Reclamation projects of state, powers and duties: RCW 89.16.050.*

**43.21.120 Supervisor of water resources—Appointment—Personnel.** The director of conservation shall appoint and deputize an assistant director, to be known as the supervisor of water resources, who shall have charge and supervision of the division of water resources.

With the approval of the director, he may appoint and employ such engineers and clerical and other assistants as may be necessary to carry on the work of the division. [1965 c 8 § 43.21.120. Prior: 1951 c 57 § 2; 1921 c 7 § 66; RRS § 10824.]

**43.21.130 Division of water resources—Powers and duties.** The director of conservation, through the division of water resources, shall have the following powers and duties:

(1) The supervision of public waters within the state and their appropriation, diversion, and use, and of the various officers connected therewith;

(2) Insofar as may be necessary to assure safety to life or property, he shall inspect the construction of all dams, canals, ditches, irrigation systems, hydraulic power plants, and all other works, systems, and plants pertaining to the use of water, and he may require such necessary changes in the construction or maintenance of said works, to be made from time to time, as will reasonably secure safety to life and property;

(3) He shall regulate and control the diversion of water in accordance with the rights thereto;

(4) He shall determine the discharge of streams and springs and other sources of water supply, and the capacities of lakes and of reservoirs whose waters are being or may be utilized for beneficial purposes;

(5) He shall keep such records as may be necessary in the administration of the division and for the recording of the financial transactions and statistical data thereof, and shall procure all necessary documents, forms, and blanks. He shall keep a seal of the office, and all certificates by him covering any of his acts or the acts of his office, or the records and files of his office, under such seal, shall be taken as evidence thereof in all courts;

(6) He shall render to the governor, on or before the last day of November immediately preceding the regular session of the legislature, and at other times when required by the governor, a full written report of the work of his office, including a detailed statement of the expenditure thereof, with such recommendations for legislation as he may deem advisable for the better control and development of the water resources of the state;

(7) He, the supervisor, and duly authorized deputies may administer oaths;

(8) He shall establish and promulgate rules governing the administration of chapter 90.03 RCW;

(9) He shall perform such other duties as may be prescribed by law. [1965 c 8 § 43.21.130. Prior: 1961 c 19 § 1; prior: (i) 1951 c 57 § 3; 1921 c 7 § 72; RRS § 10830. (ii) 1951 c 57 § 3; 1917 c 117 § 8; RRS § 7358.]

*Diversion of water, food fish and game fish, provision for: RCW 75.20.050.*

*Water power development, license fees: RCW 90.16.050, 90.16.060, 90.16.090.*

*Water rights: Title 90 RCW.*

**43.21.140 "Basic data fund" created.** The director of conservation, through the division of water resources, may create within his department a fund to be known as the "basic data fund."

Into such fund shall be deposited all moneys contributed by persons for stream flow, ground water and water quality data or other hydrographic information furnished by the department in cooperation with the United States geological survey, and the fund shall be expended on a matching basis with the United States geological survey for the purpose of obtaining additional basic information needed for an intelligent inventory of water resources in the state.

Disbursements from the basic data fund shall be on vouchers approved by the supervisor of water resources and the district engineer of the United States geological survey. [1967 c 53 § 1; 1965 c 8 § 43.21.140. Prior: 1951 c 57 § 4; 1943 c 30 § 1; Rem. Supp. 1943 § 5505-1.]

**Reviser's note:** Department of conservation abolished, see note at beginning of this chapter.

**43.21.141 "Stream gauging fund" abolished—Moneys transferred to "basic data fund".** On and after the effective date of this act the stream gauging fund shall be abolished, and all moneys in the state treasury to the credit of the stream gauging fund shall be transferred to the basic data fund on the effective date of this act, and all moneys thereafter paid into the state treasury for or to the credit of the stream gauging fund shall be transferred to the basic data fund. [1967 c 53 § 2.]

**Effective date—**1967 c 53: The effective date of this section and the 1967 amendment to RCW 43.21.140, is June 8, 1967, see preface to 1967 session laws.

**43.21.150 Supervisor of flood control—Appointment—Personnel.** The director of conservation shall appoint an assistant director, to be known as the supervisor of flood control, who shall have charge and supervision of the division of flood control.

With the approval of the director, he may appoint and employ such engineers and clerical and other assistants as may be necessary to carry on the work of the division. [1965 c 8 § 43.21.150. Prior: 1941 c 204 § 2, part; Rem. Supp. 1941 § 9663F-2, part.]

**43.21.160 Powers and duties.** The director of conservation, through the division of flood control, shall exercise all the powers and perform all the duties prescribed by law with respect to flood control. [1965 c 8 § 43.21.160. Prior: 1941 c 204 § 2, part; Rem. Supp. 1941 § 9663F-2, part.]

*Flood control: Title 86 RCW.*

**43.21.190 Master plan of development.** The director shall prepare and perfect from time to time a state master plan for flood control, state public reservations, financed in whole or in part from moneys collected by the state, sites for state public buildings and for the orderly development of the natural and agricultural

resources of the state. The plan shall be a guide in making recommendations to the officers, boards, commissions, and departments of the state.

Whenever an improvement is proposed to be established by the state, the state agency having charge of the establishment thereof shall request of the director a report thereon, which shall be furnished within a reasonable time thereafter. In case an improvement is not established in conformity with the report, the state agency having charge of the establishment thereof shall file in its office and with the director a statement setting forth its reasons for rejecting or varying from such report which shall be open to public inspection.

The director shall insofar as possible secure the cooperation of adjacent states, and of counties and municipalities within the state in the coordination of their proposed improvements with such master plan. [1965 c 8 § 43.21.190. Prior: 1957 c 215 § 22; 1933 ex.s. c 54 § 3; RRS § 10930-3.]

**43.21.200 Master plan of development—Public hearings.** The director may hold public hearings, in connection with any duty prescribed in RCW 43.21.190 and may compel the attendance of witnesses and the production of evidence. [1965 c 8 § 43.21.200. Prior: 1957 c 215 § 23; 1933 ex.s. c 54 § 4; RRS § 10930-4.]

**43.21.210 Joint hearings—Appeals.** The director of conservation, the supervisor of water resources, and the supervisor of reclamation shall jointly hear and decide, by a majority vote, all matters arising in the division of reclamation, which the director or the supervisor of reclamation deems to be of sufficient importance to require their joint action; and hear and decide, by a majority vote, any matter concerning which any person affected by the decision of the supervisor of reclamation shall, by request in writing, ask for a joint decision.

Nothing herein contained shall be construed as depriving any person feeling himself aggrieved by any decision of either the director, the supervisor of reclamation, or by any joint decision, of the right of appeal therefrom to a court of competent jurisdiction in the manner provided by law. [1965 c 8 § 43.21.210. Prior: 1921 c 7 § 73; RRS § 10831.]

**43.21.220 Division of power resources—Powers and duties—Transfer of records, etc., from power commission to division.** The department of conservation, through the division of power resources, shall make studies and surveys, collect, compile and disseminate information and statistics to facilitate development of the electric power resources of the state by public utility districts, municipalities, electric cooperatives, joint operating agencies and public utility companies. The director of conservation may cause studies to be made relating to the construction of steam generating plants using any available fuel and their integration with hydro-electric facilities. He may cause designs for any such plant to be prepared. He shall employ such engineers and other experts and assistants as may be necessary to carry on the work of the division of power resources. All reports,

surveys, books, records and papers heretofore in possession or control of the Washington state power commission shall hereafter be in the custody of the division of power resources. All studies, surveys, information and statistics assembled by the division, including those formerly in possession or control of the Washington state power commission, shall be available to the public for reference. [1965 c 8 § 43.21.220. Prior: 1957 c 284 § 2.]

*Joint operating agencies: Chapter 43.52 RCW.*

**43.21.230 Development of resources—Cooperation with governmental units.** The director of conservation may represent the state and aid and assist the public utilities therein to the end that its resources shall be properly developed in the public interest insofar as they affect electric power and to this end he shall cooperate and may negotiate with Canada, the United States, the states thereof and their agencies to develop and integrate the resources of the region. [1965 c 8 § 43.21.230. Prior: 1957 c 284 § 3.]

**43.21.240 Power advisory committee.** There shall be a power advisory committee consisting of five members appointed by the governor to serve at his pleasure. Such members shall be representative of the power industry from different geographical areas of the state. They shall consult with and advise the director of conservation on matters pertaining to the division of power resources. They shall receive the same compensation for services and expenses as provided for members of the Columbia Basin commission. [1965 c 8 § 43.21.240. Prior: 1957 c 284 § 4.]

**Reviser's note:** The power advisory committee was abolished by 1967 c 242 § 20 [RCW 43.27A.180].

**43.21.250 Steam electric generating plant—Study—Construction—Duty of advisory committee.** The director of conservation shall continue the study of the state power commission made in 1956 relating to the construction of a steam power electric generating plant, and if the construction of a steam electric generating plant is found to be feasible by the director of conservation, the director of conservation may construct such plant at a site determined by him to be feasible and operate it as a state owned facility. The advisory committee provided for in RCW 43.21.240 shall advise the director of conservation in connection with the steam electric generating plant provided for herein. [1965 c 8 § 43.21.250. Prior: 1957 c 275 § 3.]

**43.21.260 Steam electric generating plant—Statement of intention—Construction by public utility, operating agency, or the department, procedure—Powers of director of commerce and economic development.** Before the director of conservation shall construct said steam generating facility within the state, or make application for any permit, license or other right necessary thereto, he shall give notice thereof by publishing once a week for four consecutive weeks in a newspaper of general circulation in the county or counties in which such project is located a statement of intention setting forth the general nature, extent and location of the

project. If any public utility in the state or any operating agency desires to construct such facility, such utility or operating agency shall notify the director of conservation thereof within ten days after the last date of publication of such notice. If the director of conservation determines that it is in the best public interest that the director of conservation proceed with such construction rather than the public utility or operating agency, he shall so notify the director of commerce and economic development, who shall set a date for hearing thereon. If after considering the evidence introduced the director of commerce and economic development finds that the public utility or operating agency making the request intends to immediately proceed with such construction and is financially capable of carrying out such construction and further finds that the plan of such utility or operating agency is equally well adapted to serve the public interest, he shall enter an order so finding and such order shall divest the director of conservation of authority to proceed further with such construction or acquisition until such time as the other public utility or agency voluntarily causes an assignment of its right or interest in the project to the director of conservation or fails to procure any further required governmental permit, license or authority or having procured such, has the same revoked or withdrawn, in accordance with the laws and regulations of such governmental entity, in which event the director of conservation shall have the same authority to proceed as though the director had originally entered an order so authorizing the director of conservation to proceed. If, after considering the evidence introduced, the director of commerce and economic development finds that the public utility or agency making the request does not intend to immediately proceed with such construction or acquisition or is not financially capable of carrying out such construction or acquisition, or finds that the plan of such utility or operating agency is not equally well adapted to serve the public interest, he shall then enter an order so finding and authorizing the director of conservation to proceed with the construction or acquisition of the facility. [1965 c 8 § 43.21.260. Prior: 1957 c 275 § 4.]

**43.21.270 Steam electric generating plant—Powers of director in constructing, operating and maintaining.** In order to construct, operate and maintain the single steam power electric generating plant provided for in RCW 43.21.250 the director of conservation shall have authority:

(1) To generate, produce, transmit, deliver, exchange, purchase or sell electric energy and to enter into contracts for any or all such purposes.

(2) To construct, condemn, purchase, lease, acquire, add to, extend, maintain, improve, operate, develop and regulate such steam electric power plant, work and facilities for the generation and/or transmission of electric energy and to take, condemn, purchase, lease and acquire any real or personal, public or private property, franchise and property rights, including but not limited to state, county and school lands and properties, for any of the purposes herein set forth and for any facilities or



works necessary or convenient for use in the construction, maintenance or operation of such work, plant and facilities; providing that the director of conservation shall not be authorized to acquire by condemnation any plant, work and facility owned and operated by any city or district, or by a privately owned public utility.

(3) To apply to the appropriate agencies of the state of Washington, the United States or any state thereof, or to any other proper agency for such permits, licenses or approvals as may be necessary, and to construct, maintain and operate facilities in accordance with such licenses or permits, and to obtain, hold and use such licenses and permits in the same manner as any other person or operating unit.

(4) To establish rates for electric energy sold or transmitted by the director of conservation. When any revenue bonds or warrants are outstanding the director of conservation shall have the power and shall be required to establish and maintain and collect rates or charges for electric energy furnished or supplied by the director of conservation which shall be fair and nondiscriminatory and adequate to provide revenues sufficient for the payment of the principal and interest on such bonds or warrants and all payments which the director of conservation is obligated to set aside in any special fund or funds created for such purposes, and for the proper operation and maintenance of the public utility owned by the director of conservation and all necessary repairs, replacements and renewals thereof.

(5) To employ legal, engineering and other professional services and fix the compensation of a managing director and such other employees as the director of conservation may deem necessary to carry on its business, and to delegate to such manager or other employees such authority as the director shall determine. Such manager and employees shall be appointed for an indefinite time and be removable at the will of the director. [1965 c 8 § 43.21.270. Prior: 1957 c 275 § 5.]

**43.21.280 Steam electric generating plant—Eminent domain.** For the purpose of carrying out any or all of the powers herein granted the director of conservation shall have the power of eminent domain for the acquisition of either real or personal property used or useful in connection with the construction of facilities authorized hereunder. Actions in eminent domain pursuant to RCW 43.21.250 through 43.21.410 shall be brought in the name of the state in any court of competent jurisdiction under the procedure set out in chapter 8.04 RCW. The director of conservation may institute condemnation proceedings in the superior court of any county in which any of the property sought to be condemned is located or in which the owner thereof does business, and the court in any such action shall have jurisdiction to condemn property wherever located within the state. It shall not be necessary to allege or prove any offer to purchase or inability to agree with the owners thereof for the purchase of any such property in said proceedings. Upon the filing of a petition for condemnation, as provided in this section, the court may issue an order restraining the removal from the jurisdiction of the state of any personal property sought to be acquired by the proceedings

during the pendency thereof. The court shall further have the power to issue such orders or process as shall be necessary to place the director of conservation into possession of any property condemned. [1965 c 8 § 43.21.280. Prior: 1957 c 275 § 6.]

**43.21.290 Steam electric generating plant—State not financially obligated—Separation and expenditure of funds.** The director of conservation shall have no right or power to impose any debt nor to suffer or create any financial obligation upon the state of Washington or its subdivisions in the execution of RCW 43.21.250 through 43.21.410.

No revenues received by the director of conservation for the sale of electricity or otherwise, shall be expended except for the payment of lawful obligations of the director of conservation and all such revenues and receipts shall be kept and maintained in a separate fund. [1965 c 8 § 43.21.290. Prior: 1957 c 275 § 7.]

**43.21.300 Steam electric generating plant—Revenue bonds and warrants.** For the purposes provided for in RCW 43.21.250 through 43.21.410, the state finance committee shall, upon being notified to do so by the director of conservation, issue revenue bonds or warrants payable from the revenues from the steam electric plant provided for in RCW 43.21.250. When the director of conservation deems it advisable that he acquire or construct said steam electric plant or make additions or betterments thereto, he shall so notify the state finance committee and he shall also notify the state finance committee as to the plan proposed, together with the estimated cost thereof. The state finance committee, upon receiving such notice, shall provide for the construction thereof and the issuance of revenue bonds or warrants therefor by a resolution which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof, as nearly as may be, including as part of the cost, funds necessary for working capital for the operation of such utility and the payment of the expenses incurred in the acquisition or construction thereof. Such resolution shall specify that utility revenue bonds are to be issued to defray the cost thereof and the amount of such bonds to be issued. Bonds issued under the provisions of RCW 43.21.250 through 43.21.410 shall distinctly state that they are not a general obligation of the state. [1965 c 8 § 43.21.300. Prior: 1957 c 275 § 8.]

**43.21.310 Steam electric generating plant—Special funds—Payment of bonds, interest.** When the state finance committee issues revenue bonds as provided in RCW 43.21.300, it shall, as a part of the plan and system, request the state treasurer to establish a special fund or funds to defray the cost of the steam electric utility, or additions or betterments thereto or extensions thereof. The state finance committee may obligate and bind the director of conservation to set aside and pay to the state treasurer for deposit into such fund or funds a fixed proportion of the gross revenue of the steam electric utility and all additions or betterments thereto or extensions thereof, or any fixed amount out of, and not

exceeding the fixed proportion of such revenue, or a fixed amount without regard to any fixed proportion, or an amount of the revenue equal to a fixed percentage of the aggregate principal amount of revenue bonds at any time issued against the special fund or funds. It may issue and sell utility bonds payable as to both principal and interest only out of such fund or funds.

The revenue bonds shall be payable at such places and times, both as to principal and interest, and bear interest at such rates payable semiannually as the state finance committee shall determine. [1965 c 8 § 43.21.310. Prior: 1957 c 275 § 9.]

**43.21.320 Steam electric generating plant—Considerations in issuance of bonds, limitations.** In the issuance of any bonds hereunder the state finance committee shall have due regard to the cost of operation and maintenance of the steam electric utility as acquired, constructed or added to, and to any proportion or amount of the revenue previously pledged as a fund for the payment of revenue bonds. It shall not require to be set aside into the fund a greater amount or proportion of the revenue than in its judgment and as agreed to by the director of conservation will be available over and above the cost of maintenance and operation and any amount or proportion of the revenue so previously pledged. Revenue bonds and interest thereon issued against such fund shall be a valid claim of the holder thereof only as against the fund and the proportion or amount of the revenue pledged thereto, but shall constitute a prior charge over all other charges or claims whatsoever against the fund and the proportion or amount of the revenues pledged thereto. Each revenue bond shall state on its face that it is payable from a special fund, naming the fund and the resolution creating it. [1965 c 8 § 43.21.320. Prior: 1957 c 275 § 10.]

**43.21.330 Steam electric generating plant—Resolution authorizing issuance of bonds, contents, covenants.** The resolution of the state finance committee authorizing the issuance of revenue bonds shall specify the title of the bonds as determined by the state finance committee, and may contain covenants by the committee to protect and safeguard the security and the rights of the holders thereof, including covenants as to, among other things:

(1) The purpose or purposes to which the proceeds of the sale of the revenue bonds may be applied and the use and disposition thereof;

(2) The use and disposition of the gross revenue of the steam electric utility and any additions or betterments thereto or extensions thereof, the cost of which is to be defrayed with such proceeds, including the creation and maintenance of funds for working capital to be used in the operation of the steam electric utility and for renewals and replacements thereof;

(3) The amount, if any, of additional revenue bonds payable from such fund which may be issued and the terms and conditions on which such additional revenue bonds or warrants may be issued;

(4) The establishment and maintenance of adequate rates and charges for electric power and energy and

other services, facilities, and commodities, sold, furnished or supplied by the steam electric utility;

(5) The operation, maintenance, management, accounting and auditing of the electric utility;

(6) The terms upon which the revenue bonds, or any of them, may be redeemed at the election of the agency;

(7) Limitations upon the right to dispose of the steam electric utility or any part thereof without providing for the payment of the outstanding revenue bonds; and

(8) The appointment of trustees, depositaries, and paying agents to receive, hold, disburse, invest, and reinvest all or any part of the income, revenue, receipts and profits derived by the director of conservation from the operation, ownership, and management of its steam electric utility. [1965 c 8 § 43.21.330. Prior: 1957 c 275 § 11.]

**43.21.340 Steam electric generating plant—Sale of bonds.** All bonds issued under or by authority of RCW 43.21.250 through 43.21.410 shall be sold to the highest and best bidder after such advertising for bids as the state finance committee may deem proper. The state finance committee may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as the state finance committee may deem most advantageous to its own interests. [1970 ex.s. c 56 § 61; 1969 ex.s. c 232 § 32; 1965 c 8 § 43.21.340. Prior: 1957 c 275 § 12.]

**Effective date—Purpose—1970 ex.s. c 56:** See notes following RCW 39.44.030.

**Validation—Saving—Severability—1969 ex.s. c 232:** See notes following RCW 39.44.030.

**43.21.350 Steam electric generating plant—Examination, registration of bonds by state auditor—Defects, irregularities.** Prior to the issuance and delivery of any revenue bonds, such bonds and a certified copy of the resolution authorizing them shall be delivered to the state auditor together with any additional information that he may require. When the bonds have been examined they shall be registered by the auditor in books to be kept by him for that purpose, and a certificate of registration shall be endorsed upon each bond and signed by the auditor or a deputy appointed by him for the purpose. The bonds shall then be prima facie valid and binding obligations of the state finance committee in accordance with their terms, notwithstanding any defects or irregularities in the authorization and issuance of the bonds, or in the sale, execution or delivery thereof. [1965 c 8 § 43.21.350. Prior: 1957 c 275 § 13.]

**43.21.360 Steam electric generating plant—Rates or charges.** When revenue bonds are outstanding the director of conservation shall establish, maintain, and collect rates or charges for electric power and energy, and other services, facilities and commodities sold and supplied by the director of conservation which shall be fair and nondiscriminatory and adequate to provide revenue sufficient to pay the principal of and interest on revenue bonds outstanding, and all payments which the director of conservation is obligated to make to the state treasurer for deposit in any special fund or funds created

for such purpose, and for the proper operation and maintenance of the utility and all necessary repairs, replacements and renewals thereof. [1965 c 8 § 43.21-.360. Prior: 1957 c 275 § 14.]

**43.21.370 Steam electric generating plant—Refunding revenue bonds.** When the state finance committee has outstanding revenue bonds, the state finance committee, with the concurrence of the director of conservation, may by resolution provide for the issuance of refunding revenue bonds with which to refund the outstanding revenue bonds, or any part thereof at maturity, or before maturity if they are by their terms or by other agreement, subject to call for prior redemption, with the right in the state finance committee to combine various series and issues of the outstanding revenue bonds by a single issue of refunding revenue bonds. The refunding bonds shall be payable only out of a special fund created out of the gross revenue of the steam electric utility, and shall only be a valid claim as against such special fund and the amount or proportion of the revenue of the utility pledged to said fund. The rate of interest on refunding revenue bonds shall not exceed the rate of interest on revenue bonds refunded thereby. The state finance committee may exchange the refunding revenue bonds for the revenue bonds which are being refunded, or it may sell them in such manner as it deems for its best interest. Except as specifically provided in this section, the refunding revenue bonds shall be issued in accordance with the provisions contained in RCW 43.21.250 through 43.21.410 with respect to revenue bonds. [1965 c 8 § 43.21.370. Prior: 1957 c 275 § 15.]

**43.21.380 Steam electric generating plant—Signatures on bonds.** All revenue bonds, including refunding revenue bonds, shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons may have printed or lithographic facsimile of the signatures of such officers. [1965 c 8 § 43.21.380. Prior: 1957 c 275 § 16.]

**43.21.390 Steam electric generating plant—Provisions of law, resolution, a contract with bondholder—Enforcement.** The provisions of RCW 43.21.250 through 43.21.410 and any resolution providing for the issuance of revenue bonds shall constitute a contract with the holder or holders from time to time of the revenue bonds of the state finance committee. Such provisions of RCW 43.21.250 through 43.21.410 and of any such resolution shall be enforceable by any such bondholders by appropriate action in any court of competent jurisdiction. [1965 c 8 § 43.21.390. Prior: 1957 c 275 § 17.]

**43.21.400 Steam electric generating plant—Bonds are legal security, investment, negotiable.** All revenue bonds issued hereunder shall be legal securities, which may be used by a bank or trust company for deposit with the state treasurer, or by a county or city or town treasurer, as security for deposits in lieu of a surety bond under any law relating to deposits of public moneys.

They shall constitute legal investments for trustees and other fiduciaries other than corporations doing a trust business in this state, and for savings and loan associations, banks and insurance companies doing business in this state. All revenue bonds and all coupons appertaining thereto shall be negotiable instruments within the meaning and for all purposes of the negotiable instruments law. [1965 c 8 § 43.21.400. Prior: 1957 c 275 § 18.]

**43.21.410 Steam electric generating plant—Director not authorized to acquire other facilities or engage in retail distribution.** Nothing in RCW 43.21.250 through 43.21.410 shall authorize or empower the director of conservation to purchase or acquire any transmission or distribution system or facilities or to engage in the retail distribution of electric energy, or to purchase or acquire any operating hydroelectric generating plant owned by any city or district, or by a privately owned public utility, or which hereafter may be acquired by any city or district by condemnation. [1965 c 8 § 43.21.410. Prior: 1957 c 275 § 19.]

## Chapter 43.21A DEPARTMENT OF ECOLOGY

### Sections

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*Agricultural pesticide advisory board, departmental representation: RCW 17.21.230.*

*Domestic waste treatment plants—Certification and regulation of operators: Chapter 70.95B RCW.*

**43.21A.010 Legislative declaration of state policy on environment and utilization of natural resources.** The legislature recognizes and declares it to be the policy of this state, that it is a fundamental and inalienable right of the people of the state of Washington to live in a healthful and pleasant environment and to benefit from the proper development and use of its natural resources. The legislature further recognizes that as the population of our state grows, the need to provide for our increasing industrial, agricultural, residential, social, recreational, economic and other needs will place an increasing responsibility on all segments of our society to plan, coordinate, restore and regulate the utilization of our natural resources in a manner that will protect and conserve our clean air, our pure and abundant waters, and the natural beauty of the state. [1970 ex.s. c 62 § 1.]

**Savings—Other powers and rights not affected—Permits, standards, not affected—1970 ex.s. c 62.** "The provisions of this act shall not impair or supersede the powers or rights of any person, committee, association, public, municipal or private corporations, state or local governmental agency, federal agency, or political subdivision of the state of Washington under any other law except as specifically provided herein. Pollution control permits, water quality standards, air pollution permits, air quality standards, and permits for disposal of solid waste materials of this state are not changed hereby and the laws governing the same are to be protected and preserved." [1970 ex.s. c 62 § 61.]

**Effective date—1970 ex.s. c 62:** "This 1970 amendatory act shall take effect on July 1, 1970." [1970 ex.s. c 62 § 64.]

**Severability—1970 ex.s. c 62:** "If any provision of this 1970 amendatory 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, shall not be affected." [1970 ex.s. c 62 § 65.] Sections 61, 64 and 65 above are from 1970 ex.s. c 62 codified as chapters 43.21A and 43.21B RCW, RCW 43.06.073, 43.17.010 and 43.17.020.

**43.21A.020 Purpose.** In recognition of the responsibility of state government to carry out the policies set forth in RCW 43.21A.010, it is the purpose of this chapter to establish a single state agency with the authority to manage and develop our air and water resources in an orderly, efficient, and effective manner and to carry out a coordinated program of pollution control involving these and related land resources. To this end a department of ecology is created by this chapter to undertake, in an integrated manner, the various water regulation, management, planning and development programs now authorized to be performed by the department of water resources and the water pollution control commission, the air regulation and management program now performed by the state air pollution control board, the solid waste regulation and management program authorized to be performed by state government as provided by chapter 70.95 RCW, and such other environmental, management protection and development programs as may be authorized by the legislature. [1970 ex.s. c 62 § 2.]

**43.21A.030 Definitions.** As used in this chapter, unless the context indicates otherwise:

- (1) "Department" means the department of ecology.
- (2) "Director" means the director of the department of ecology.
- (3) "Commission" means the ecological commission. [1970 ex.s. c 62 § 3.]

**43.21A.040 Department of ecology—Created.** There is created a department of state government to be known as the department of ecology. [1970 ex.s. c 62 § 4.]

**43.21A.050 Department of ecology—Director—Appointment—Powers and duties—Salary—Temporary appointment when vacancy.** The executive and administrative head of the department shall be the director. The director shall be appointed by the governor with the consent of the senate. He shall have complete charge of and supervisory powers over the department. He shall be paid a salary fixed by the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in the position of director while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate at which time he shall present to that body his nomination for the position. [1970 ex.s. c 62 § 5.]

*Duties relating to ecological commission: RCW 43.21A.190 and 43.21A.200.*

**43.21A.060 Department of ecology—Powers, duties and functions transferred to department.** The following powers, duties and functions are hereby transferred to the department of ecology created in RCW 43.21A.040:

- (1) All powers, duties and functions authorized to be performed by the water pollution control commission, or the director thereof, by the terms of chapter 90.48 RCW or otherwise, including those assigned by action of this 1970 legislature;

(2) All powers, duties and functions authorized to be performed by the department of water resources, or the director thereof, by the terms of chapter 43.27A RCW or otherwise, including those assigned by action of this 1970 legislature;

(3) All powers, duties and functions authorized to be performed with reference to air pollution by the department of health, or the director thereof, and by the state air pollution control board or its executive director, by terms of chapter 70.94 RCW, the Washington Clean Air Act, or otherwise, including those assigned by this 1970 legislature; and

(4) All powers, duties and functions authorized to be performed by the department of health, or the director of health, involving the control of pollution problems created by the disposal of solid waste, including those assigned by action of this 1970 legislature, and all powers, duties and functions to be exercised and performed by a department of ecology by the terms of chapter 70.95 RCW, including those assigned by this 1970 legislature. [1970 ex.s. c 62 § 6.]

*Reviser's note:* Departmental powers, duties and functions to be exercised under chapter 70.95 RCW were by a department of environmental quality, never in fact created; see note following RCW 70.95-.030; however, section 62 of 1970 ex.s. c 62, codified in RCW 43.21A.400 provides when "department of environmental quality" is used in the code it shall mean the "department of ecology"

*Powers, duties and functions of department of health, director thereof, transferred to department of social and health services, director thereof: RCW 43.20A.030, 43.20A.120.*

*Powers, duties and functions performed by department of water resources, director thereof, not affected by RCW 43.21A.190: RCW 43.21A.190.*

**43.21A.070 Application of administrative procedure act to the review of decisions by director.** The administrative procedure act, chapter 34.04 RCW, shall apply to the review of decisions by the director to the same extent as it applied to decisions issued by the directors of the various departments whose powers, duties and functions are transferred by this 1970 amendatory act to the department of ecology. The administrative procedure act shall further apply to all other decisions of the director as in chapter 34.04 RCW provided. [1970 ex.s. c 62 § 7.]

*Reviser's note:* "this 1970 amendatory act", see notes following RCW 43.21A.010.

**43.21A.080 Rules and regulations.** The director of the department of ecology is authorized to adopt such rules and regulations as are necessary and appropriate to carry out the provisions of this chapter. [1970 ex.s. c 62 § 8.]

*Proposed rules and regulations submitted to ecological commission for approval: RCW 43.21A.190.*

**43.21A.090 Powers, duties and functions transferred to department to be performed by director—Delegation by director, limitations.** All powers, duties and functions transferred to the department by the terms of this 1970 amendatory act shall be performed by the director: *Provided*, That the director may delegate, by appropriate

rule or regulation, the performance of such of his powers, duties, and functions, other than those relating to the adoption, amendment or rescission of rules and regulations, to employees of the department whenever it appears desirable in fulfilling the policy and purposes of this chapter. [1970 ex.s. c 62 § 9.]

*Reviser's note:* "this 1970 amendatory act", see notes following RCW 43.21A.010.

**43.21A.100 Departmental administrative divisions—Deputy director, duties—Assistant directors, duties—As exempt from state civil service law—Salaries.** In order to obtain maximum efficiency and effectiveness within the department, the director may create such administrative divisions within the department as he deems necessary. The director shall appoint a deputy director as well as such assistant directors as shall be needed to administer the several divisions within the department. The deputy director shall have charge and general supervision of the department in the absence or disability of the director. In the case of a vacancy in the office of director, the deputy director shall administer the department until the governor appoints a successor to the director or an acting director. The officers appointed under this section and exempt from the provisions of the state civil service law as provided in RCW 41.06.073, shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law. [1970 ex.s. c 62 § 10.]

**43.21A.120 Director to employ personnel—Application of state civil service law.** The director shall have the power to employ such personnel as may be necessary for the general administration of this chapter: *Provided*, That except as specified in RCW 41.06.073, such employment shall be in accordance with the rules of the state civil service law, chapter 41.06 RCW. [1970 ex.s. c 62 § 12.]

**43.21A.130 Studies by director—Limitations.** In addition to any other powers granted the director, he may undertake studies dealing with all aspects of environmental problems involving land, water, or air: *Provided*, That in the absence of specific legislative authority, such studies shall be limited to investigations of particular problems, and shall not be implemented by positive action: *Provided further*, That the results of all such studies shall be submitted to the legislature prior to thirty days before the beginning of each regular session. [1970 ex.s. c 62 § 13.]

**43.21A.140 Director to consult with department, state board of health.** The director in carrying out his powers and duties under this chapter shall consult with the department of health and the state board of health, or their successors, insofar as necessary to assure that those agencies concerned with the preservation of life and health may integrate their efforts to the fullest extent possible and endorse policies in common. [1970 ex.s. c 62 § 14.]

*Department of health abolished, powers and duties transferred to department of social and health services: RCW 43.20A.030, 43.20A.500.*

*State board of health: Chapter 43.20 RCW.*

**43.21A.150 Director to consult with other states, federal government and Canadian provinces—Authority to receive and disburse grants, funds and gifts.** The director, whenever it is lawful and feasible to do so, shall consult and cooperate with the federal government, as well as with other states and Canadian provinces, in the study and control of environmental problems. On behalf of the department, the director is authorized to accept, receive, disburse, and administer grants or other funds or gifts from any source, including private individuals or agencies, the federal government, and other public agencies, for the purpose of carrying out the provisions of this chapter. [1970 ex.s. c 62 § 15.]

**43.21A.160 Request for certification of records as confidential—Procedure.** Whenever any records or other information furnished under the authority of this chapter to the director, the department, or any division of the department, relate to the processes of production unique to the owner or operator thereof, or may affect adversely the competitive position of such owner or operator if released to the public or to a competitor, the owner or operator of such processes or production may so certify, and request that such information or records be made available only for the confidential use of the director, the department, or the appropriate division of the department. The director shall give consideration to the request, and if such action would not be detrimental to the public interest and is otherwise within accord with the policies and purposes of this chapter, may grant the same. [1970 ex.s. c 62 § 16.]

**43.21A.170 Ecological commission—Created—Members appointed—Qualifications—Terms—Filling vacancies—Chairman, appointment—Removal—State agency representation.** There is hereby created an ecological commission. The commission shall consist of seven members to be appointed by the governor from the electors of the state who shall have a general knowledge of and interest in environmental matters. No persons shall be eligible for appointment who hold any other state, county or municipal elective or appointive office.

(a) One public member shall be a representative of organized labor.

(b) One public member shall be a representative of the business community.

(c) One public member shall be a representative of the agricultural community.

(d) Four persons representing the public at large.

The members of the initial commission shall be appointed within thirty days after July 1, 1970. Of the members of the initial commission, two shall be appointed for terms ending June 30, 1974, two shall be appointed for terms ending on June 30, 1973, two shall be appointed for terms ending on June 30, 1972, and one shall be appointed for a term ending June 30, 1971. Thereafter, each member of the commission shall be

appointed for a term of four years. Vacancies shall be filled within ninety days for the remainder of the unexpired term by appointment of the governor in the same manner as the original appointments. Each member of the commission shall continue in office until his successor is appointed. No member shall be appointed for more than two consecutive terms. The chairman of the commission shall be appointed from the members by the governor.

The governor may remove any commission member for cause giving him a copy of the charges against him, and an opportunity of being publicly heard in person, or by counsel in his own defense. There shall be no right of review in any court whatsoever. The director or administrator, or a designated representative, of each of the following state agencies:

(1) The department of agriculture;

(2) The department of commerce and economic development;

(3) The department of fisheries;

(4) The department of game;

(5) The department of health;

(6) The department of natural resources;

(7) The state parks and recreation commission shall be given notice of and may attend all meetings of the commission and shall be given full opportunity to examine and be heard on all proposed orders, regulations or recommendations. [1970 ex.s. c 62 § 17.]

*Department of health abolished, powers and duties transferred to department of social and health services: RCW 43.20A.030, 43.20A.500.*

**43.21A.180 Ecological commission—Meetings—Travel expenses.** The commission shall meet quarterly at a date and place of its choice, and at such other times as shall be designated by the director or upon the written request of a majority of the commission. Members of the commission shall receive reimbursement for their travel expenses as provided in RCW 43.03.050 and 43.03.060, as now existing or hereafter amended. [1975-'76 2nd ex.s. c 34 § 100; 1970 ex.s. c 62 § 18.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.21A.190 Ecological commission—Powers and duties—Approval of rules and regulations—Certain functions of department of water resources exempted.** It shall be the duty of the members of the commission to provide advice and guidance to the director on each of the following:

(1) Any positions proposed to be taken by the department on behalf of the state before interstate and federal agencies or federal legislative bodies on matters relating to or affecting the quality of the environment of the state;

(2) Any comprehensive environment quality plan, program or policy proposed for adoption by the department as a state plan or policy pertaining to an environmental management activity;

(3) Any procedures for the financial assistance grants proposed to be given to municipal, regional, county or state organizations for environmental quality purposes;

(4) Any procedures for considering applications for and granting variances;

(5) Any proposal developed for submission to the legislature as a departmental request bill;

(6) Any other matter pertaining to the activities of the department submitted by the director for which advice and guidance is requested.

The director shall submit in writing to each member of the commission all rules and regulations, other than for procedural matters, proposed by him for adoption in accordance with the procedures of chapter 34.04 RCW. Unless, within thirty days of such notification, five of the members of the commission, notify the director in writing of their disapproval of such proposed rules and regulations and their reasons therefor, such rules and regulations shall be adopted by the director in accordance with the procedures of chapter 34.04 RCW.

No powers, duties and functions authorized to be performed by the department of water resources, or the director thereof, by the terms of chapter 43.27A RCW or otherwise, including those assigned by action of the 1970 legislature shall be affected by this section. [1970 ex.s. c 62 § 19.]

**43.21A.200 Ecological commission—Matters before commission for advice and guidance, procedure—Commission secretary, duties—Commission staff and facilities—Annual report of commission action.** In matters submitted to the commission for advice and guidance, as set forth in RCW 43.21A.190, it shall be the responsibility of the director to accompany such request with a statement of the background occasioning the request, together with the director's proposal for dealing with the same. Each member shall individually submit to the director in writing his views within such time as the director shall prescribe. In considering a matter submitted to it by the director, the commission shall conduct such public hearings and make such investigations as it deems necessary. The secretary of the commission shall be the director, or an employee of the department designated by the director. It shall be the duty of the secretary to act as liaison between the commission and department as well as other state agencies; to prepare the minutes of the commission; and otherwise to assist the commission. The director shall furnish to the commission such staff and facilities as may be necessary to fulfill its duties. He shall submit to the governor during July of each year, a report containing a summary of the advice and guidance rendered by the commission during the preceding twelve month period. [1970 ex.s. c 62 § 20.]

**43.21A.210 Ecological commission—Majority of commission may agree to consider any matters pertinent to act's purpose.** In addition to the duties and authorities contained in RCW 43.21A.190 and 43.21A.200, the advisory commission may agree to consider any matter pertinent to the purposes of this act by consent of a majority of the members. [1970 ex.s. c 62 § 21.]

Reviser's note: "this act", see note following RCW 43.21A.010.

**43.21A.250 Pollution control hearings board of the state as affecting department, director and commission.** See chapter 43.21B RCW.

**43.21A.300 Certain state agencies abolished July 1, 1970—Rules and regulations, pending business, contracts, of agencies whose functions are transferred to department, shall be continued and acted upon by department—Savings.** On July 1, 1970, the following state agencies, councils and committees are abolished:

- (1) The department of water resources.
- (2) The water pollution control commission.
- (3) The state air pollution control board.
- (4) The water resources advisory council.

All rules and regulations, and all pending business before the department of water resources, the department of health, the state air pollution control board or the water pollution control commission pertaining to matters affected by this chapter, as of July 1, 1970, shall be continued and acted upon by the department of ecology.

All existing contracts and obligations pertaining to the functions herein transferred shall remain in full force and effect, and shall be performed by the department. Neither the abolition of any agency nor any of the transfers authorized by this chapter shall affect the validity of any act performed by the department of water resources, the department of health, the state air pollution control board, or the water pollution control commission, or by any official or employee thereof, prior to July 1, 1970. [1970 ex.s. c 62 § 26.]

*Powers, duties and functions performed by department of water resources, director thereof, not affected by RCW 43.21A.190: RCW 43.21A.190.*

**43.21A.310 Personnel under state civil service engaged in functions transferred to department shall continue usual duties without loss of rights.** All employees and personnel classified under chapter 41.06 RCW, the state civil service law, and engaged in duties pertaining to the functions transferred by this chapter shall be assigned to the department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state merit system. [1970 ex.s. c 62 § 22.]

**43.21A.320 Transfer of property and funds of agencies whose functions are transferred to department—Determination when question on property transfer.** All reports, documents, surveys, books, records, files, papers or other writings in the possession of the department of health or state board of health pertaining to air pollution, in the possession of the department of health pertaining to air or solid waste pollution, or in the possession of the department of water resources or in the possession of the water pollution control commission shall be delivered to the custody of the department of ecology.

All cabinets, furniture, office equipment, motor vehicles and other tangible property employed in carrying out the powers, duties, and functions transferred by this chapter shall be made available to the department of ecology.

All funds, credits or other assets held in connection with the functions herein transferred shall be assigned to the department of ecology.

Any appropriations made to the department of health, the state air pollution control board, the department of water resources, or the water pollution control commission for the purpose of carrying out the powers, duties, and functions herein transferred, shall on July 1, 1970 be transferred and credited to the department of ecology for the purpose of carrying out such transferred powers, duties and functions.

Whenever any question arises as to the transfer of any funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred under this chapter, the director of program planning and fiscal management shall make a determination thereon and certify the same to the state agencies concerned. [1970 ex.s. c 62 § 23.]

*Powers, duties and functions of department of health, director thereof, transferred to department of social and health services, director thereof: RCW 43.20A.030, 43.20A.120.*

**43.21A.330 Officials to continue services provided agencies whose functions are transferred to department.** All state officials required to maintain contact with or provide services to the department of water resources, to the water pollution control commission, to the department of health or state air pollution control board in connection with air pollution, or to the department of health in connection with solid waste pollution, shall continue to perform such services for the department of ecology unless otherwise directed by this chapter. [1970 ex.s. c 62 § 24.]

*Powers, duties and functions of department of health transferred to department of social and health services: RCW 43.20A.030.*

**43.21A.340 Other powers and rights not affected—Permits, standards not affected.** Except as specifically provided in this 1970 amendatory act, the provisions hereof shall not impair or supersede the powers or rights granted under any other law to any person, committee, or association, any public, municipal, or private corporation, any state or local governmental agency, any federal agency, or any political subdivision of the state of Washington. Pollution control permits, water quality standards, air pollution permits, air quality standards, and permits for disposal of solid waste material are not affected by this 1970 amendatory act, and the laws governing the same shall be protected and preserved. [1970 ex.s. c 62 § 25.]

**Reviser's note:** "this 1970 amendatory act", see note following RCW 43.21A.010.

**Savings—Other powers and rights not affected—1970 ex.s. c 62:** See note following RCW 43.21A.010.

**43.21A.400 Department of environmental quality means department of ecology.** Wherever in the statutes of this state, including any enactment at this 1970 extraordinary session, the department of environmental quality is referred to such reference shall mean the state department of ecology created herein. [1970 ex.s. c 62 § 62.]

**43.21A.405 Marine pollution—Baseline study program—Legislative finding and declaration.** The legislature recognizes that there exists a great risk of potential damage from oil pollution of the waters of the state of Washington and further declares that immediate steps must be undertaken to reduce this risk. The legislature also is aware that such danger is expected to increase in future years in proportion to the increase in the size and cargo capacity of ships, barges, and other waterborne carriers, the construction and operational characteristics of these carriers, the density of waterborne traffic, and the need for a greater supply of petroleum products.

A program of systematic baseline studies to be conducted by the department of ecology has been recognized as a vital part of the efforts to reduce the risk of oil pollution of marine waters, and the legislature recognizes that many factors combine to make this effort one of considerable magnitude and difficulty. The marine shoreline of the state is about two thousand seven hundred miles long, a greater length than the combined coastlines of Oregon and California. There are some three million acres of submerged land and more than three hundred islands in these marine waters. The average depth of Puget Sound is two hundred twenty feet. There is a great diversity of animal life in the waters of the state. These waters have a multitude of uses by both humans and nonhumans, and the interaction between man's activities and natural processes in these waters varies greatly with locale. [1973 2nd ex.s. c 30 § 1.]

*Oil pollution: RCW 90.48.315–90.48.360.*

*Shoreline management act: Chapter 90.58 RCW.*

**43.21A.410 Marine pollution—Baseline study program established—Utilization of related programs—Coordination—Contracts.** As part of the state effort to prevent and control oil pollution, a continuing, comprehensive program of systematic baseline studies for the waters of the state shall be established by the department of ecology. Full utilization of related historical data shall be made in planning these studies. Data from these and other scientific investigations made pursuant to RCW 43.21A.405 through 43.21A.420 should, whenever possible, have multiple use, including use as supporting evidence of environmental damage resulting from oil pollution, as indicators of the potential or existing risks and impacts of oil pollution, as aids to developing a methodology for implementing the reduction of risks, and as aids to maintaining water quality standards.

A baseline study program shall take full advantage of the data and information produced by related programs, such as the marine ecosystems analysis (MESA) program of the national oceanic and atmospheric administration, studies and inventories made pursuant to the



state shorelines management act of 1971, and others. All phases of the program, including planning, operations, data analysis, interpretation, storage, retrieval, and dissemination phases, shall be coordinated to the greatest possible extent with appropriate governmental, academic, and industrial organizations. Whenever possible, the department shall contract with existing state agencies, boards, commissions, and institutions of higher education for the scientific investigation programs to be conducted. [1973 2nd ex.s. c 30 § 2.]

**43.21A.415 Marine pollution—Baseline study program—Scope of data base produced.** The data base produced by such studies should include chemical, physical, and biological parameters of the waters, complete information on marine pollution accidents, and an economic evaluation of the marine resources and shoreline properties that may be damaged or impaired by oil pollution. Where oceanographic and water quality instrumentation is used to gather data, such instruments shall be standardized and intercalibrated. [1973 2nd ex.s. c 30 § 3.]

**43.21A.420 Marine pollution—Baseline study program—Priority factors.** In planning the state baseline studies program, priority shall be given to those waters (1) in which the greatest risk of damage from oil spills exists; (2) which contain marine and fresh water life that is particularly sensitive to toxins contained in crude oil, oil products, and oil wastes; and (3) which are used or may be used for the harvesting, gathering, or production of food or food products. [1973 2nd ex.s. c 30 § 4.]

**43.21A.900 Chapter to be liberally construed.** The rule of strict construction shall have no application to this chapter and it shall be liberally construed in order to carry out the broad purposes set forth in RCW 43.21A.020. [1970 ex.s. c 62 § 27.]

**43.21A.910 Savings—Permits, standards not affected—Severability—Effective date—1970 basic act.** See notes following RCW 43.21A.010.

### Chapter 43.21B POLLUTION CONTROL HEARINGS BOARD OF THE STATE

#### Sections

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- 43.21B.260 Regulations and amendments of activated air pollution control authorities—Filing with hearings board authorized—Evidence.
- 43.21B.900 Savings—Other powers and duties not affected—Permits, standards not affected—Severability—Effective date—1970 basic act.

**43.21B.010 Board created—Purpose.** There is hereby created a pollution control hearings board of the state of Washington as an agency of state government.

The purpose of the hearings board is to provide for a more expeditious and efficient disposition of appeals with respect to the decisions and orders of the department and director and with respect to all decisions of air pollution control boards or authorities established pursuant to chapter 70.94 RCW. [1970 ex.s. c 62 § 31.]

**43.21B.020 Members—Qualifications—Appointment.** The hearings board shall consist of three members qualified by experience or training in pertinent matters pertaining to the environment, and at least one member of the hearings board shall have been admitted to practice law in this state and engaged in the legal profession at the time of his appointment. The hearings board shall be appointed by the governor with the advice and consent of the senate, and no more than two of whom at the time of appointment or during their term shall be members of the same political party. [1970 ex.s. c 62 § 32.]

**43.21B.030 Members—Terms—Filling vacancies, term.** Members of the hearings board shall be appointed for a term of six years and until their successors are appointed and have qualified. In case of a

vacancy, it shall be filled by appointment by the governor for the unexpired portion of the term in which said vacancy occurs: *Provided*, That the terms of the first three members of the hearings board shall be staggered so that one member shall be appointed to serve until July 1, 1972, one member until July 1, 1974, and one member until July 1, 1976. [1970 ex.s. c 62 § 33.]

**43.21B.040 Removal of member, procedure—As disqualification for reappointment.** Any member of the hearings board may be removed for inefficiency, malfeasance and misfeasance in office, under specific written charges filed by the governor, who shall transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time of the hearing which shall be public, and the procedure for the hearing, and the decision of such tribunal shall be final and not subject to review by the supreme court. Removal of any member of the hearings board by the tribunal shall disqualify such member for reappointment. [1970 ex.s. c 62 § 34.]

**43.21B.050 Governor to determine basis for operation—Compensation if part time basis, limitation—Reimbursement of travel expenses.** The hearings board shall operate on either a part time or a full time basis, as determined by the governor. If it is determined that the hearings board shall operate on a full time basis, each member of the hearings board shall receive an annual salary to be determined by the governor pursuant to RCW 43.03.040. If it is determined the hearings board shall operate on a part time basis, each member of the hearings board shall receive compensation on the basis of seventy-five dollars for each day spent in performance of his duties but such compensation shall not exceed ten thousand dollars in a fiscal year. Each hearings board member shall receive reimbursement for travel expenses incurred in the discharge of his duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [1975-'76 2nd ex.s. c 34 § 101; 1970 ex.s. c 62 § 35.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.21B.060 Restrictions upon conduct while member and upon termination of membership.** Each member of the hearings board: (1) Shall not be a candidate for nor hold any other public office or trust, and shall not engage in any occupation or business interfering with or inconsistent with his duty as a member of the hearings board, nor shall he serve on or under any committee of any political party; and (2) shall not for a period of one year after the termination of his membership on the hearings board, act in a representative capacity before the hearings board on any matter. [1970 ex.s. c 62 § 36.]

**43.21B.070 Staff personnel, hiring of, or contracting for required services.** The hearings board may appoint,

discharge and fix the compensation of an executive secretary, a clerk, and such other clerical, professional and technical assistants as may be necessary, or may contract for required services. [1970 ex.s. c 62 § 37.]

**43.21B.080 Chairman, biennial election of.** The hearings board shall as soon as practicable after the initial appointment of the members thereof, meet and elect from among its members a chairman, and shall at least biennially thereafter meet and elect such a chairman. [1970 ex.s. c 62 § 38.]

**43.21B.090 Principal office—Quorum—Hearings by one or more members—Hearing examiners—Board powers and duties.** The principal office of the hearings board shall be at the state capitol, but it may sit or hold hearings at any other place in the state. A majority of the hearings board shall constitute a quorum for making orders or decisions, promulgating rules and regulations necessary for the conduct of its powers and duties, or transacting other official business, and may act though one position of the hearings board be vacant. One or more members may hold hearings and take testimony to be reported for action by the hearings board when authorized by rule or order of the hearings board. The board may also appoint as its authorized agents one or more hearing examiners to assist the board in the performance of its hearing function pursuant to the authority contained in the administrative procedure act, chapter 34.04 RCW as now or hereafter amended: *Provided*, That the findings of the hearing examiner shall not become final until they have been formally approved by the board. The hearings board shall perform all the powers and duties specified in this chapter or as otherwise provided by law. [1974 ex.s. c 69 § 1; 1970 ex.s. c 62 § 39.]

**43.21B.100 Board to make findings of fact and written decisions on each case considered—Effective upon signing and filing—Public information.** The hearings board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decisions shall be effective upon being signed by two or more members of the hearings board and upon being filed at the hearings board's principal office, and shall be open for public inspection at all reasonable times. [1970 ex.s. c 62 § 40.]

**43.21B.110 Board jurisdiction—Issuance, modification, termination of permits, licenses, as order—Application of administrative procedure act.** The hearings board shall only have jurisdiction to hear and decide appeals from the decisions of the department and the director and the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW when such decisions concern matters within the jurisdiction of the hearings board as provided in this act or as provided in any future act or law granting the hearings board additional jurisdiction. The hearings board shall also have jurisdiction to hear and decide appeals from any person aggrieved by an order issued by the department or by air pollution control boards or authorities as

established pursuant to chapter 70.94 RCW with respect to a violation or violations of this act or of any rule or regulation adopted by the department or of any other law within the jurisdiction of the department. The issuance, modification, or termination of any permit or license by the department in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, or the modification of the conditions or the terms of a waste disposal permit, shall be deemed to be an order for purposes of this act: *Provided*, That review of rules and regulations adopted by the board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.04 RCW. [1970 ex.s. c 62 § 41.]

*Reviser's note:* "this act", see note following RCW 43.21A.010.

**43.21B.120 Board hearing authority exclusive—**  
**Exception—Others' orders final unless appeal to board.** Notwithstanding any other provisions of law to the contrary, the department and all air pollution control boards or authorities established pursuant to chapter 70.94 RCW are hereby prohibited from conducting hearings on violations of any rule or regulation made by the department or the director, on violations of this act, or on violations of any rule or regulation adopted by any air pollution control board or authority established pursuant to chapter 70.94 RCW, or on the issuance, modification, or termination of any permit or license, within the jurisdiction of the department. All petitions for hearings with respect to such violations shall be heard by this hearing board created in this 1970 act: *Provided*, That violations of any rule or regulation made by any air pollution control board or authority established pursuant to chapter 70.94 RCW, may be heard by a hearings board of three members created by such board or authority pursuant to regulations promulgated by the hearings board created in this act.

Any order issued by the department or by any air pollution control board or authority established pursuant to chapter 70.94 RCW shall become final unless, no later than thirty days after the date that the notice and order are served, the person aggrieved by the order appeals to the hearings board as provided for in this act. [1970 ex.s. c 62 § 42.]

*Reviser's note:* "this 1970 act", see note following RCW 43.21A.010.

**43.21B.130 Administrative procedure act to apply to appeal of board rules and regulations—**  
**Scope of board action on decisions and orders of others.** The administrative procedure act, chapter 34.04 RCW, shall apply to the appeal of rules and regulations adopted by the board to the same extent as it applied to the review of rules and regulations adopted by the directors and/or boards or commissions of the various departments whose powers, duties and functions are transferred by this 1970 act to the department. All other decisions and orders of the director and all decisions of air pollution control boards or authorities established pursuant to chapter 70.94 RCW shall be subject to review by the hearings

board as provided in this 1970 act. [1970 ex.s. c 62 § 43.]

*Reviser's note:* "this 1970 act", see note following RCW 43.21A.010.

**43.21B.140 Formal or informal hearing, election of party taking appeal—**  
**Exception.** In all appeals over which the hearings board has jurisdiction under RCW 43.21B.110 and 43.21B.120, a party taking an appeal may elect either a formal or an informal hearing, such election to be made according to rules of practice and procedure to be promulgated by the hearings board: *Provided*, That nothing herein shall be construed to modify the provisions of RCW 43.21B.190 and 43.21B.200. In the event that appeals are taken from the same decision, order, or determination, as the case may be, by different parties and only one of such parties elects a formal hearing, a formal hearing shall be granted. [1970 ex.s. c 62 § 44.]

**43.21B.150 Informal hearings, board or hearing examiners' powers—**  
**Staff assistance, limitation.** In all appeals involving an informal hearing, the hearings board or its hearing examiners shall have all powers relating to the administration of oaths, issuance of subpoenas, and taking of depositions as are granted to agencies by chapter 34.04 RCW. In the case of appeals within the scope of \*this 1970 act the hearings board or any member thereof may obtain such assistance, including the making of field investigations, from the staff of the director as the hearings board or any member thereof may deem necessary or appropriate: *Provided*, That any communication, oral or written, from the staff of the director to the hearings board or its hearing examiners shall be presented only in an open hearing. [1974 ex.s. c 69 § 2; 1970 ex.s. c 62 § 45.]

*\*Reviser's note:* "this 1970 act", see notes following RCW 43.21A.010.

**43.21B.160 Formal hearings, board or hearing examiners' powers—**  
**Staff assistance, limitation.** In all appeals involving a formal hearing, the hearings board or its hearing examiners shall have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions as are granted to agencies in chapter 34.04 RCW; and the hearings board, and each member thereof, or its hearing examiners, shall be subject to all duties imposed upon, and shall have all powers granted to, an agency by those provisions of chapter 34.04 RCW relating to contested cases. In the case of appeals within the scope of \*this 1970 act, the hearings board, or any member thereof, may obtain such assistance, including the making of field investigations, from the staff of the director as the hearings board, or any member thereof, may deem necessary or appropriate: *Provided*, That any communication, oral or written, from the staff of the director to the hearings board or its hearing examiners, shall be presented only in an open hearing. [1974 ex.s. c 69 § 3; 1970 ex.s. c 62 § 46.]

*\*Reviser's note:* "this 1970 act", see notes following RCW 43.21A.010.

**43.21B.170 Proceedings conducted in accordance with published board rules and regulations.** All proceedings, including both formal and informal hearings, before the hearings board or any of its members shall be conducted in accordance with such rules of practice and procedure as the hearings board may prescribe. The hearings board shall publish such rules and arrange for the reasonable distribution thereof. [1970 ex.s. c 62 § 47.]

**43.21B.180 Judicial review—Director's right of review of decisions pursuant to RCW 43.21B.110.** Judicial review of a decision of the hearings board shall be de novo except when the decision has been rendered pursuant to a formal hearing elected under the provisions of this 1970 act, in which event judicial review may be obtained only pursuant to RCW 34.04.130 and 34.04.140. The director shall have the same right of review from a decision made pursuant to RCW 43.21B.110 as does any person. [1970 ex.s. c 62 § 48.]

**Reviser's note:** "this 1970 act", see note following RCW 43.21A.010.

**43.21B.190 Judicial review—Appeal from board's order—Procedure—When bonds required.** Within thirty days after the final decision and order of the hearings board upon such an appeal has been communicated to the interested parties, or within thirty days after an appeal has been denied after an informal hearing, such interested party aggrieved by the decision and order of the hearings board may appeal to the superior court. In all appeals involving a decision or an order of the hearings board after an informal hearing, the petition shall be filed in the superior court for the county of the petitioner's residence or principal place of business, or in the absence of a residence or principal place of business, for Thurston county. Such appeal may be perfected by filing with the clerk of the superior court a notice of appeal, and by serving a copy thereof by mail, or personally on the director, the air pollution control boards or authorities, established pursuant to chapter 70.94 RCW or on the board as the case may be. The hearings board shall serve upon the appealing party, the director, the air pollution control board or authorities established pursuant to chapter 70.94 RCW, or the board, as the case may be, and on any other party appearing at the hearings board's proceeding, and file with the clerk of the court before trial, a certified copy of the hearings board's decision and order. Every appeal from a decision of the superior court shall go directly to the supreme court, notwithstanding RCW 2.06.030. No bond shall be required on appeals to the superior court or on appeals to the supreme court unless specifically required by the judge of the superior court. [1970 ex.s. c 62 § 49.]

**43.21B.200 Judicial review—Appeals to court of appeals pursuant to RCW 34.04.130(6)—Procedure—When bonds required.** Within thirty days after the final decision and order of the hearings board upon such an appeal has been communicated to the interested parties, or within thirty days after an appeal has been denied after a formal hearing, such interested party

aggrieved by the decision and order of the hearings board may appeal to the court of appeals pursuant to the provisions of RCW 34.04.130(6). Such appeal may be perfected by filing with the clerk of the court of appeals a notice of appeal, and by serving a copy thereof by mail, or personally on the director of the department, and on the board. The hearings board shall serve upon the appealing party, the director, and any other party appearing at the hearings board's proceeding, and file with the clerk of the court before trial, a certified copy of the hearings board's official record which shall include the notice of appeal and other pleadings, testimony and exhibits, and the hearings board's decision and order which shall become the record in such case. No bond shall be required on appeals to the court of appeals or on appeals to the supreme court unless specifically required by the judge of the court of appeals. [1970 ex.s. c 62 § 50.]

**43.21B.220 Staying of orders or decisions pending final determinations, existing law prevails.** No provision of this chapter shall be construed to change existing law relating to the staying of orders or decisions pending final determination of any hearing or appeal taken in accordance with the provisions herein. [1970 ex.s. c 62 § 52.]

**43.21B.230 Appeal from notices of denial or determination or order, procedure—Formal or informal hearing, when.** Any person having received notice of a denial of a petition, a notice of determination, notice of or an order made by the department under the provisions of this 1970 amendatory act may appeal, within thirty days from the date of the notice of such denial, order, or determination to the hearings board. The appeal shall be perfected by serving a copy of the notice of appeal upon the department or air pollution authority established pursuant to chapter 70.94 RCW, as the case may be, within the time specified herein and by filing the original thereof with proof of service with the clerk of the hearings board. If the person intends that the hearing before the hearings board be a formal one, the notice of appeal shall so state. In the event that the notice of appeal does not so state, the hearing shall be an informal one: *Provided, however,* That nothing shall prevent the department or the air pollution authority, as the case may be, within ten days from the date of its receipt of the notice of appeal, from filing with the clerk of the hearings board notice of its intention that the hearing be a formal one. [1970 ex.s. c 62 § 53.]

**Reviser's note:** "this 1970 amendatory act", see note following RCW 43.21A.010.

**43.21B.240 Public hearings of department under administrative procedure act limited.** Notwithstanding any other powers, duties and functions transferred by the provisions of this act, the department shall only have authority to hold public hearings, pursuant to the administrative procedure act, chapter 34.04 RCW, with respect to those matters enumerated in sections of this 1970 amendatory act. [1970 ex.s. c 62 § 54.]

**Reviser's note:** "this 1970 amendatory act", see note following RCW 43.21A.010.

**43.21B.250 Challenges to consistency of rules adopted pursuant to RCW 43.21C.110 and 43.21C.120—Procedure—Finality.** (1) All challenges in regard to the consistency of the rules adopted pursuant to RCW 43.21C.120 and with the rules and guidelines adopted pursuant to RCW 43.21C.110 shall be initiated by filing a petition for review with the pollution control hearings board in accordance with rules of practice and procedures promulgated by the hearings board.

(2) All challenges to the hearings board provided under this section shall be decided on the basis of conformance of rules, with the applicable rules and guidelines adopted pursuant to RCW 43.21C.110. The board may in its discretion require briefs, testimony, and oral arguments.

(3) The decisions of the hearings board authorized under this section shall be final. [1974 ex.s. c 179 § 9.]

**Purpose—1974 ex.s. c 179:** See note following RCW 43.21C.080.  
**Severability—1974 ex.s. c 179:** RCW 43.21C.910.

**43.21B.260 Regulations and amendments of activated air pollution control authorities—Filing with hearings board authorized—Evidence.** Activated air pollution control authorities, established under chapter 70.94 RCW, may file certified copies of their regulations and amendments thereto with the pollution control hearings board of the state of Washington, and the hearings board shall take judicial note of the copies so filed and the said regulations and amendments shall be received and admitted, by reference, in all hearings before the board, as prima facie evidence that such regulations and amendments on file are in full force and effect. [1974 ex.s. c 69 § 5.]

**43.21B.900 Savings—Other powers and duties not affected—Permits, standards not affected—Severability—Effective date—1970 basic act.** See notes following RCW 43.21A.010.

### Chapter 43.21C STATE ENVIRONMENTAL POLICY

#### Sections

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- 43.21C.165 Challenges to consistency of rules adopted pursuant to RCW 43.21C.110 and 43.21C.160—Procedure—Finality.
- 43.21C.900 Short title.
- 43.21C.910 Severability—1974 ex.s. c 179.

**43.21C.010 Purposes.** The purposes of this chapter are: (1) To declare a state policy which will encourage productive and enjoyable harmony between man and his environment; (2) to promote efforts which will prevent or eliminate damage to the environment and biosphere; (3) and stimulate the health and welfare of man; and (4) to enrich the understanding of the ecological systems and natural resources important to the state and nation. [1971 ex.s. c 109 § 1.]

**43.21C.020 Legislative recognitions—Declaration—Responsibility.** (1) The legislature, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource utilization and exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the state of Washington, in cooperation with federal and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to: (a) Foster and promote the general welfare; (b) to create and maintain conditions under which man and nature can exist in productive harmony; and (c) fulfill the social, economic, and other requirements of present and future generations of Washington citizens.

(2) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the state of

Washington and all agencies of the state to use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

- (a) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
  - (b) Assure for all people of Washington safe, healthful, productive, and esthetically and culturally pleasing surroundings;
  - (c) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
  - (d) Preserve important historic, cultural, and natural aspects of our national heritage;
  - (e) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
  - (f) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
  - (g) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
- (3) The legislature recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment. [1971 ex.s. c 109 § 2.]

**43.21C.030 Guidelines for state agencies, local governments—Statements—Reports—Advice—Information.** The legislature authorizes and directs that, to the fullest extent possible: (1) The policies, regulations, and laws of the state of Washington shall be interpreted and administered in accordance with the policies set forth in this chapter, and (2) all branches of government of this state, including state agencies, municipal and public corporations, and counties shall:

- (a) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment;
- (b) Identify and develop methods and procedures, in consultation with the department of ecology and the ecological commission, which will insure that presently unquantified environmental amenities and values will be given appropriate consideration in decision making along with economic and technical considerations;
- (c) Include in every recommendation or report on proposals for legislation and other major actions significantly affecting the quality of the environment, a detailed statement by the responsible official on:
  - (i) the environmental impact of the proposed action;
  - (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;
  - (iii) alternatives to the proposed action;
  - (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented;

(d) Prior to making any detailed statement, the responsible official shall consult with and obtain the comments of any public agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, province, state, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the governor, the department of ecology, the ecological commission, and the public, and shall accompany the proposal through the existing agency review processes;

(e) Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(f) Recognize the world-wide and long-range character of environmental problems and, where consistent with state policy, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(g) Make available to the federal government, other states, provinces of Canada, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(h) Initiate and utilize ecological information in the planning and development of natural resource-oriented projects. [1971 ex.s. c 109 § 3.]

**43.21C.035 Certain irrigation projects decisions exempt from RCW 43.21C.030(2)(c).** Decisions pertaining to applications for appropriation of fifty cubic feet of water per second or less for irrigation projects promulgated by any person, private firm, private corporation or private association without resort to subsidy by either state or federal government pursuant to RCW 90.03.250 through 90.03.340, as now or hereafter amended, to be used for agricultural irrigation shall not be subject to the requirements of RCW 43.21C.030(2)(c), as now or hereafter amended. [1974 ex.s. c 150 § 1.]

**43.21C.040 Examination of laws, regulations, policies by state agencies and local authorities—Report of deficiencies and corrective measures.** All branches of government of this state, including state agencies, municipal and public corporations, and counties shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this chapter and shall propose to the governor not later than January 1, 1972, such measures as may be necessary to bring their authority and policies in conformity with the intent, purposes, and procedures set forth in this chapter. [1971 ex.s. c 109 § 4.]

**43.21C.050 Specific statutory obligations not affected.** Nothing in RCW 43.21C.030 or 43.21C.040 shall in any way affect the specific statutory obligations of any agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other public agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other public agency. [1971 ex.s. c 109 § 5.]

**43.21C.060 Chapter supplementary.** The policies and goals set forth in this chapter are supplementary to those set forth in existing authorizations of all branches of government of this state, including state agencies, municipal and public corporations, and counties. [1971 ex.s. c 109 § 6.]

**43.21C.070 Establishment of classifications and categories of building permits and acts of governmental agencies concerning family residences—Exemption from "detailed statement" requirement.** The department of ecology shall, within forty-five days from July 1, 1973, after notice and hearing, promulgate rules and regulations pursuant to chapter 34.04 RCW to establish classifications and categories of building permits and acts of governmental agencies concerning an individual single family residence, which classification and category shall be exempt from the "detailed statement" required by RCW 43.21C.030. Building permits and acts not so classified shall not be presumed to either require or not require a "detailed statement". [1973 1st ex.s. c 179 § 1.]

**Effective date—1973 1st ex.s. c 179:** "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 on July 1, 1973: *Provided, however,* That prior thereto, the department of ecology may take such actions, including the issuing of notices and the conduct of public hearing, as are necessary to insure the implementation of section 1 of this act." [1973 1st ex.s. c 179 § 4.] This applies to RCW 43.21C.070-43.21C.090.

**43.21C.080 Notice of action by governmental agency—How publicized—Form—Time limitation for commencing challenge to action.** (1) Notice of any action taken by a governmental agency may be publicized by the acting governmental agency, the applicant for, or the proponent of such action, in substantially the form as set forth in subsection (3) of this section and in the following manner:

(a) By publishing notice on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the area where the property which is the subject of the action is located;

(b) By filing notice of such action with the department of ecology at its main office in Olympia; and

(c) Where no detailed statement is filed and where the property which is the subject matter of the action is under ten acres, such action shall be publicized by sending a notice of such action through the United States mail, first class, postage prepaid, to all owners of property abutting the property which is the subject matter of such action, as such property owners appear on the property tax rolls of the county treasurer. An affidavit of mailing of such notice may be filed with the department

of ecology at the same time as the filing of the notice of the governmental action.

(2) Any action to set aside, enjoin, review, or otherwise challenge any such governmental action for which notice is given as provided in subsection (1) of this section on grounds of noncompliance with the provisions of this chapter shall be commenced within sixty days from the date of filing of the notice with the department of ecology, the date of final newspaper publication, or date of mailing, if applicable, whichever is later, or be barred: *Provided, however,* That (1) The time period within which an action shall be commenced shall be ninety days for projects to be performed by a governmental agency or to be performed under government contract, or (2) for thermal power plant projects: *Provided further,* That any subsequent action of the acting governmental agency for which the regulations of the acting governmental agency permit the same detailed statement to be utilized and as long as there is no substantial change in the project between the time of the action and any such subsequent action, shall not be set aside, enjoined, reviewed, or thereafter challenged on grounds of non-compliance with RCW 43.21C.030(2)(c).

(3) The form for such notice of action shall be issued by the department of ecology and shall be made available by the governmental agency taking an action subject to being publicized pursuant to this section, by the county auditor, and/or the city clerk to the project applicant or proposer. The form of such notice shall be substantially as follows:

NOTICE OF ACTION BY

-----  
(Government agency or entity)

Pursuant to the provisions of chapter 43.21C RCW, notice is hereby given that:

The ----- (Government agency or entity) did on ----- (date), take action which may or may not be held or deemed to be "a major action significantly affecting the quality of the environment".

Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of noncompliance with the provisions of chapter 43.21C RCW (State Environmental Policy Act) shall be commenced within ----- days or be barred.

The action taken by ----- (Government agency or entity), notice of which is hereby given, was as follows:

(1) ----- (Here insert description of action taken such as: Adoption Ordinance No. -----; Issued Building Permit; Approved preliminary (or final) plat, etc.)

(2) ----- (Here insert description of the project.)

(3) Said action pertained to property commonly known as:

-----  
-----  
-----  
-----

(Sufficient description to locate property, but complete legal description not required)

(4) Pertinent documents may be examined during regular business hours at the office of: ----- located at:

-----  
(Location, including room number)

-----  
(Name of government agency, proponent, or applicant giving notice)

Filed by -----  
(Signature of individual and capacity in which such individual is signing)

[1974 ex.s. c 179 § 2; 1973 1st ex.s. c 179 § 2.]

**Purpose**—1974 ex.s. c 179: "The purpose of this 1974 amendatory act is to establish methods and means of providing for full implementation of chapter 43.21C RCW (the state environmental policy act of 1971) in a manner which reduces duplicative and wasteful practices, establishes effective and uniform procedures, encourages public involvement, and promotes certainty with respect to the requirements of the act." [1974 ex.s. c 179 § 1.] This applies to RCW 43.21B.250 and 43.21C.080-43.21C.087, 43.21C.100-43.21C.160, and 43.21C.910.

**43.21C.085 Limitations on challenges to actions taken**—Application to challenge or appeal on adoption of rules. The limitations on challenges to action taken by a governmental entity under RCW 43.21C.080 shall not constitute the time limits for a challenge or appeal on the adoption of rules by state agencies, political subdivisions, public or municipal corporations or counties, but the limitations under RCW 43.21C.080 shall apply to a challenge or appeal of such rule adoption on grounds of noncompliance with RCW 43.21C.030(2)(c). [1974 ex.s. c 179 § 3.]

**43.21C.087 List of filings required by RCW 43.21C.080.** The department of ecology shall prepare a list of all filings required by RCW 43.21C.080 each week and shall make such list available to any interested party. The list of filings shall include a brief description of the governmental action and the project involved in such action, along with the location of where information on the project or action may be obtained. Failure of the department to include any project or action shall not affect the running of the statute of limitations provided in RCW 43.21C.080. [1974 ex.s. c 179 § 14.]

**43.21C.090 Decision of governmental agency to be accorded substantial weight.** In any action involving an attack on a determination by a governmental agency relative to the requirement or the absence of the requirement, or the adequacy of a "detailed statement", the decision of the governmental agency shall be accorded substantial weight. [1973 1st ex.s. c 179 § 3.]

**43.21C.100 Council on environmental policy**—Established—Composition—Abolishment. There is hereby established the council on environmental policy which shall be composed of the members of the pollution control hearings board.

The council shall be abolished and shall cease to exist at midnight, June 30, 1976. The guidelines established by the council prior to midnight, June 30, 1976, shall continue to be valid and of force and effect, except as

they are thereafter amended by further guidelines promulgated by the department of ecology, in accord with chapter 34.04 RCW.

Upon the abolishment of the council on June 30, 1976, all powers, duties and functions of the council are transferred to the department of ecology. [1974 ex.s. c 179 § 4.]

**43.21C.105 Council on environmental policy**—Personnel. The council may employ such personnel as are necessary for the performances of its duties. [1974 ex.s. c 179 § 5.]

**43.21C.110 Council on environmental policy**—Powers, duties and function. It shall be the duty and function of the council:

(1) To adopt initially and amend thereafter rules of interpretation and implementation of this chapter (the state environmental policy act of 1971), subject to the requirements of chapter 34.04 RCW, for the purpose of providing guidelines to all branches of government including state agencies, political subdivisions, public and municipal corporations, and counties. The rule making powers authorized in this section shall include, but shall not be limited to, the following phases of interpretation and implementation of this chapter (the state environmental policy act of 1971):

(a) Categories of governmental actions which normally are to be considered as potential major actions significantly affecting the quality of the environment as well as categories of actions exempt from such classification, including categories pertaining to applications for water right permits pursuant to chapters 90.03 and 90.44 RCW.

(b) Criteria and procedures applicable to the determination of when an act of a branch of government is a major action significantly affecting the quality of the environment for which a detailed statement is required to be prepared pursuant to RCW 43.21C.030.

(c) Procedures applicable to the preparation of detailed statements, including but not limited to obtaining comments, data and other information, and providing for and determining areas of public participation.

(d) Scope of coverage and contents of detailed statements assuring that such statements are simple, uniform, and as short as practicable.

(e) Procedures for public notification of actions taken and documents prepared.

(f) Definition of terms relevant to the implementation of this chapter.

(g) Guidelines for determining the obligations and powers under this chapter of two or more branches of government involved in the same project significantly affecting the quality of the environment.

(h) Methods to assure adequate public awareness of the preparation and issuance of detailed statements required by RCW 43.21C.030(2)(c).

(i) To prepare guidelines for projects setting forth the time limits within which the governmental entity responsible for the action shall comply with the provisions of this chapter.



(j) Guidelines for utilization of a detailed statement for more than one action.

(k) Guidelines relating to actions which shall be exempt from the provisions of this chapter in situations of emergency.

(2) In exercising its powers, functions, and duties under this section, the council may:

(a) Consult with the state agencies and with representatives of science, industry, agriculture, labor, conservation organizations, state and local governments and other groups, as it deems advisable; and

(b) Utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies, organizations, and individuals, in order to avoid duplication of effort and expense, overlap, or conflict with similar activities authorized by law and performed by established agencies.

(3) Rules adopted pursuant to this section shall be subject to the review procedures of RCW 34.04.070 and 34.04.080. [1974 ex.s. c 179 § 6.]

**43.21C.120 Rules, ordinances, resolutions and regulations—Adoption—Effective dates.** (1) All agencies of government of this state are directed, consistent with rules and guidelines adopted under RCW 43.21C.110, to adopt rules pertaining to the integration of the policies and procedures of this chapter (the state environmental policy act of 1971), into the various programs under their jurisdiction for implementation. Adoption of the initial rules required under this section shall take place not later than one hundred twenty days after the effective date of rules and guidelines adopted pursuant to RCW 43.21C.110.

(2) Rules adopted by state agencies under subsection (1) of this section shall be adopted in accordance with the provisions of chapter 34.04 RCW and shall be subject to the review procedures of RCW 34.04.070 and 34.04.080.

(3) All public and municipal corporations, political subdivisions, and counties of this state are directed, consistent with rules and guidelines adopted under RCW 43.21C.110, to adopt rules, ordinances, or resolutions pertaining to the integration of the policies and procedures of this chapter (the state environmental policy act of 1971), into the various programs under their jurisdiction for implementation. Adoption of the initial rules required under this section shall take place not later than one hundred eighty days after the effective date of rules and guidelines adopted pursuant to RCW 43.21C.110.

(4) Ordinances or regulations adopted prior to the effective date of rules and guidelines adopted pursuant to RCW 43.21C.110 shall continue to be effective until the adoptions of any new ordinances or regulations. [1974 ex.s. c 179 § 8.]

**43.21C.130 Model ordinances.** The department of ecology, in consultation with concerned state agencies, shall with the assistance of the associations of county prosecutors and city attorneys, the association of county elected officials, the Washington state association of

counties, and the association of cities, draft model ordinances for use by counties, cities and towns in drafting their ordinances under this chapter. [1974 ex.s. c 179 § 10.]

**43.21C.135 Authority of local governmental units to adopt rules, guidelines and model ordinances by reference.** (1) All public and municipal corporations, political subdivisions, and counties of the state are authorized to adopt rules, ordinances, and resolutions which incorporate any of the following by reference to the appropriate sections of the Washington Administrative Code:

(a) Rules and guidelines adopted under RCW 43.21C.110(1) in accordance with the administrative procedure act, chapter 34.04 RCW;

(b) Model ordinances adopted by the department of ecology under RCW 43.21C.130 in accordance with the administrative procedure act, chapter 34.04 RCW.

(2) If any rule, ordinance, or resolution is adopted by reference pursuant to subsection (1) of this section, any publication of such rule, ordinance, or resolution shall be accompanied by a summary of the contents of the sections of the Washington Administrative Code referred to. Such summaries shall be provided to the adopting units of local government by the department of ecology: *Provided*, That any proposal for a rule, ordinance or resolution which would adopt by reference rules and guidelines or model ordinances pursuant to this section shall be accompanied by the full text of the material to be adopted which need not be published but shall be maintained on file for public use and examination.

(3) Whenever any rule, ordinance, or resolution is adopted by reference pursuant to subsection (1) of this section, the corporation, political subdivision, or county of the state adopting the rule, ordinance, or resolution shall maintain on file for public use and examination not less than three copies of the sections of the Washington Administrative Code referred to. [1975-'76 2nd ex.s. c 99 § 1.]

**43.21C.140 Review of actions taken to implement chapter—Report to legislature.** Each state agency, political subdivision, municipal and public corporation, and county shall review all actions taken to implement this chapter (the state environmental policy act) and may submit a report of such actions to the office of program planning and fiscal management, which shall compile and analyze such data and prepare a report which shall be submitted to the forty-fifth regular session of the legislature. In addition information on the cost of implementation and administration of the act shall be included in such report including the cost of preparation of all detailed statements since May 5, 1974. [1974 ex.s. c 179 § 11.]

**43.21C.150 RCW 43.21C.030(2)(c) inapplicable when statement previously prepared pursuant to national environmental policy act.** The requirements of RCW 43.21C.030(2)(c) pertaining to the preparation of a detailed statement by branches of government shall not apply when an adequate detailed statement has been

previously prepared pursuant to the national environmental policy act of 1969, in which event said prepared statement may be utilized in lieu of a separately prepared statement under RCW 43.21C.030(2)(c). [1975 1st ex.s. c 206 § 1; 1974 ex.s. c 179 § 12.]

**43.21C.160 Utilization of statement prepared under RCW 43.21C.030 to implement chapter 90.62 RCW—Utilization of chapter 90.62 RCW procedures to satisfy RCW 43.21C.030(2)(c).** In the implementation of chapter 90.62 RCW (the Environmental Coordination Procedures Act of 1973), the department of ecology, consistent with guidelines adopted by the council shall adopt rules which insure that one detailed statement prepared under RCW 43.21C.030 may be utilized by all branches of government participating in the processing of a master application. Whenever the procedures established pursuant to chapter 90.62 RCW are used, those procedures shall be utilized wherever possible to satisfy the procedural requirements of RCW 43.21C.030(2)(c). The time limits for challenges provided for in RCW 43.21C.080(2) shall be applicable when such procedures are so utilized. [1974 ex.s. c 179 § 13.]

**43.21C.165 Challenges to consistency of rules adopted pursuant to RCW 43.21C.110 and 43.21C.160—Procedure—Finality.** See RCW 43.21B.250.

**43.21C.900 Short title.** This chapter shall be known and may be cited as the "State Environmental Policy Act of 1971". [1971 ex.s. c 109 § 7.]

**43.21C.910 Severability—1974 ex.s. c 179.** If any provision of this 1974 amendatory 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. [1974 ex.s. c 179 § 16.]

### Chapter 43.21E GRASS BURNING RESEARCH ADVISORY COMMITTEE

#### Sections

- 43.21E.010 Committee created—Members.
- 43.21E.020 Duties of committee.
- 43.21E.030 Travel expenses.
- 43.21E.900 Termination and dissolution of committee.
- 43.21E.910 Severability—1975 1st ex.s. c 44.

*Grass burning permits, etc.: RCW 70.94.650–70.94.656.*

**43.21E.010 Committee created—Members.** Within thirty days of May 15, 1975 the director of the Washington state department of ecology shall appoint a grass burning research advisory committee consisting of five voting members.

Two members shall be grass growers selected from the area of the state east of the Cascade mountain range, one representing irrigated and one representing dryland growing areas. One member shall be a grass grower selected from the area of the state west of the Cascade mountain range. One member shall be a representative of the Washington state department of agriculture, and

one member shall represent the public, and may be selected at large. The committee shall select its own chairman. The state department of ecology shall provide an ex officio, nonvoting member to the committee to act as secretary. [1975 1st ex.s. c 44 § 1.]

**43.21E.020 Duties of committee.** The grass burning research advisory committee as provided for in RCW 43.21E.010 shall solicit and review research proposals for reducing or to develop alternates to open burning of grass fields. The committee shall advise and make recommendations to the director of the Washington state department of ecology regarding research priorities and the expenditure of mandatory research permit fees and such other grass burning research funds that may be provided by the legislature or from any other sources. [1975 1st ex.s. c 44 § 2.]

**43.21E.030 Travel expenses.** Travel expenses shall be paid to the grass burning research advisory committee members not otherwise employed by the state for meetings called by the director of the department of ecology in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended upon vouchers approved by said director and paid from funds budgeted for operation purposes of the state department of ecology. [1975-'76 2nd ex.s. c 34 § 102; 1975 1st ex.s. c 44 § 3.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.21E.900 Termination and dissolution of committee.** It is the intent and purpose of this chapter that as soon as an alternative means of grass burning is developed for the state, or by January 1, 1980, whichever is sooner the grass burning research advisory committee shall be dissolved and its actions terminated, and the director of the state department of ecology shall see that such purpose is so carried out. [1975 1st ex.s. c 44 § 4.]

**43.21E.910 Severability—1975 1st ex.s. c 44.** If any provision of this 1975 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. [1975 1st ex.s. c 44 § 6.]

### Chapter 43.21F STATE ENERGY OFFICE

#### Sections

- 43.21F.010 Legislative finding and declaration.
- 43.21F.020 State policy.
- 43.21F.030 Definitions.
- 43.21F.040 State energy office—Created—Director—Appointment—Salary—Termination date.
- 43.21F.050 Duties of energy office.
- 43.21F.060 Additional duties and authority of energy office—Obtaining information—Confidentiality, penalty—Receiving and expending funds.
- 43.21F.070 Duties of director.

*Energy supply emergencies, alerts: Chapter 43.21G RCW.*

**43.21F.010 Legislative finding and declaration.** The legislature finds and declares that it is the continuing purpose of state government, consistent with other essential considerations of state policy, to foster wise and efficient energy use and to promote energy self-sufficiency through the use of indigenous and renewable energy sources, consistent with the promotion of reliable energy sources, the general welfare, and the protection of environmental quality. [1975-'76 2nd ex.s. c 108 § 1.]

**Severability—1975-'76 2nd ex.s. c 108:** "If any provision of this 1976 amendatory 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." [1975-'76 2nd ex.s. c 108 § 45.]

**Effective date—1975-'76 2nd ex.s. c 108:** "This 1976 amendatory 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 March 15, 1976." [1975-'76 2nd ex.s. c 108 § 46.]

**43.21F.020 State policy.** It is the policy of the state of Washington that:

(1) The development and use of a diverse array of energy resources with emphasis on renewable energy resources shall be encouraged;

(2) The development and use of energy resources shall be consistent with the statutory environmental policies of the state;

(3) Energy conservation and elimination of wasteful and uneconomic uses of energy and materials be encouraged. This conservation should include, but not be limited to, resource recovery and materials recycling;

(4) In energy emergency shortage situations, energy requirements to maintain the public health, safety, and welfare shall be given priority in the allocation of energy resources, and citizens and industry shall be assisted in adjusting to the limited availability of energy in order to minimize adverse impacts on their physical, social, and economic well being; and

(5) State government shall provide a source of impartial and objective information in order that this energy policy may be enhanced. [1975-'76 2nd ex.s. c 108 § 2.]

**43.21F.030 Definitions.** As used in this chapter:

(1) "Energy" means: Petroleum or other liquid fuels; natural or synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear material; electricity; solar radiation; geothermal resources; organic waste products; wind; tidal activity; or any other substance or process used to produce heat, light, or motion;

(2) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, joint operating agency, or any other entity, public or private, however organized;

(3) "Director" means the director of the state energy office;

(4) "Council" shall mean the energy advisory council created in \*section 8 of this 1976 amendatory act;

(5) "Distributor" means any person, private corporation, partnership, individual proprietorship, utility, including investor-owned utilities, municipal utility,

public utility district, joint operating agency, or cooperative, which engages in or is authorized to engage in the activity of generating, transmitting, or distributing energy in this state; and

(6) "Energy facility" means an energy facility as defined in RCW 80.50.020 as now or hereafter amended. [1975-'76 2nd ex.s. c 108 § 3.]

\*Reviser's note: "section 8" of chapter 108, Laws of 1975-'76 2nd ex.s. was vetoed.

**43.21F.040 State energy office—Created—Director—Appointment—Salary—Termination date.** The "state energy office" is hereby created as an agency of state government, responsible to the governor and the legislature for carrying out the purposes of this chapter. The director shall be appointed by the governor with the consent of the senate, and shall serve at the pleasure of the governor. The salary of the director shall be determined pursuant to the provisions of RCW 43.03.040. The director shall employ such personnel as are necessary to carry out the provisions of this chapter. The employment of such personnel shall be in accordance with the provisions of chapter 41.06 RCW, except as provided in RCW 41.06.078: *Provided*, That the state energy office and its powers, duties and functions shall be dissolved and this act as it relates thereto shall have no further force and effect after April 1, 1981: *Provided further*, That the legislature may extend this time period through legislative enactment. [1975-'76 2nd ex.s. c 108 § 4.]

**43.21F.050 Duties of energy office.** The energy office shall have the following duties:

(1) To establish and maintain a central repository in state government for collection of data on energy resources, including but not limited to:

(a) Data on energy supply, demand, costs, projections, and forecasts;

(b) Inventory data on energy research projects in the state conducted under public and/or private auspices, and the results thereof;

(2) To prepare analyses of such data as well as analyses of projections and/or forecasts of energy supply and demand in the state and region as are necessary for development of recommendations with respect to the timing of construction of additional facilities and other energy programs and the development of other information as is necessary to support the performance of its duties;

(3) To carry out energy related administrative and program functions and activities established by federal law, regulations, or guidelines which are and which have previously been or may be determined to be suitable for implementation by the state of Washington;

(4) To develop and disseminate guidelines for the development of conservation plans for use by government, industry, and individual citizens;

(5) To prepare in conjunction with the energy advisory council, contingency plans for implementation by state government in the case of a clear and foreseeable danger of energy shortages or actual energy emergencies. Such plans shall include procedures for determining

when such shortages or emergencies exist, the state officers and agencies to participate in such determination, and actions to be taken by various agencies and officers of state government in order to reduce hardship and maintain the general welfare during such emergencies. The components of such plans that require legislation for their implementation shall be presented to the legislature in the form of proposed legislation at the earliest practicable date;

(6) To advise and support agencies of state government whose plans and programs involve the production, conversion, transmission, or end-use of significant amounts of energy, or which require knowledge of the present and projected supply and demand of energy, so that such agencies may evaluate the consequences of such actions with respect to state energy goals;

(7) To advise and support the regulatory functions of state agencies through information, reports, and studies;

(8) To present state interests and concerns on energy matters to local governments, other states, regional interstate energy organizations, federal agencies, and private interests: *Provided*, That nothing in this subsection shall be construed to abrogate or diminish the functions, powers, or duties of other state agencies established by law;

(9) To present the state's interests in the field of nuclear energy to federal, regional, and local authorities and to private interests as an identifiable activity within its overall program;

(10) To make periodic reports and policy and program recommendations to the governor and the legislature and to submit proposed legislation to the legislature;

(11) To serve as the official state agency responsible for coordination of energy-related activities;

(12) To adopt rules, pursuant to chapter 34.04 RCW, necessary to carry out the powers and duties enumerated in RCW 43.21F.050 and 43.21F.060. [1975-'76 2nd ex.s. c 108 § 5.]

**43.21F.060 Additional duties and authority of energy office—Obtaining information—Confidentiality, penalty—Receiving and expending funds.** In addition to the duties prescribed in RCW 43.21F.050, the energy office shall have the authority to:

(1) Obtain all necessary information from energy producers, suppliers, and consumers, doing business within the state of Washington, from political subdivisions in this state, or any person as may be necessary to carry out the provisions of this chapter. Such information may include but not be limited to:

- (a) Sales volume;
- (b) Forecasts of energy requirements; and
- (c) Inventory of energy.

Notwithstanding any other provision of law to the contrary, information furnished under this subsection shall be confidential and maintained as such, if so requested by the person providing the information, if the information is proprietary.

It shall be unlawful to disclose such information except as hereinafter provided. A violation shall be punishable, upon conviction, by a fine of not more than one

thousand dollars for each offense. In addition, any person who wilfully or with criminal negligence, as defined in RCW 9A.08.010, discloses confidential information in violation of this subsection may be subject to removal from office or immediate dismissal from public employment notwithstanding any other provision of law to the contrary.

Nothing in this subsection prohibits the use of confidential information to prepare statistics or other general data for publication when it is so presented as to prevent identification of particular persons or sources of confidential information.

(2) Receive and expend funds obtained from the federal government or other sources by means of contracts, grants, awards, payments for services, and other devices in support of energy-related scientific and technical programs, studies, operations, and other activities beneficial to the state of Washington: *Provided*, That expenditures of such funds shall be subject to prior approval by the legislative budget committee. [1975-'76 2nd ex.s. c 108 § 6.]

**43.21F.070 Duties of director.** In addition to the duties and functions assigned by RCW 43.21F.050 and 43.21F.060, the director of the state energy office shall:

- (1) Supervise the day-to-day functions of the office;
- (2) Assign, reassign, and coordinate personnel of the office and prescribe their duties subject to the provisions of chapter 41.06 RCW;
- (3) Provide staff support to the energy advisory council;
- (4) Advise the governor and the legislature on energy matters and of existing and imminent energy shortages. [1975-'76 2nd ex.s. c 108 § 7.]

### Chapter 43.21G ENERGY SUPPLY EMERGENCIES, ALERTS

#### Sections

- 43.21G.010 Legislative finding—Intent.  
 43.21G.020 Definitions.  
 43.21G.030 Intent in developing energy allocation, conservation and consumption programs.  
 43.21G.040 Governor's energy emergency powers—Energy supply alert—Construction of chapter.  
 43.21G.050 Duty of executive heads and state agencies to carry out supply alert or emergency measures.  
 43.21G.060 Consideration of actions, orders, etc., of federal authorities.  
 43.21G.070 Compliance by affected persons.  
 43.21G.080 Compliance by distributors.  
 43.21G.090 Petition for exception or modification—Appeals.  
 43.21G.100 Penalty.  
 43.21G.900 Severability—Effective date—1975-'76 2nd ex.s. c 108.

*Energy facilities site locations: Chapter 80.50 RCW.*

*Governor's powers to declare energy emergency, etc.: RCW 43.06.200, 43.06.210.*

*State energy office: Chapter 43.21F RCW.*

**43.21G.010 Legislative finding—Intent.** The legislature finds that energy in various forms is increasingly subject to possible shortages and supply disruptions, to

the point that there may be foreseen an emergency situation, and that without the ability to institute appropriate emergency measures to reduce and/or allocate the usage of energy through a program of mandatory usage curtailment and/or allocation, a severe impact on the health, safety, and general welfare of our state's citizens may occur. The prevention or mitigation of the effects of such energy shortages or disruptions is necessary for preservation of the public health and welfare of the citizens of this state.

It is the intent of this chapter to:

(1) Establish necessary energy emergency powers for the governor and define the conditions under which such powers are to be exercised;

(2) Provide penalties for violations of this chapter. [1975-'76 2nd ex.s. c 108 § 15.]

**43.21G.020 Definitions.** As used in this chapter:

(1) "Energy facility" means a facility which produces, extracts, converts, transports, or stores energy.

(2) "Energy" means petroleum or other liquid fuels; natural or synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear material, or electricity.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, joint operating agency or any other entity, public or private, however organized.

(4) "Council" means the energy advisory council created by \*section 8 of this 1976 amendatory act.

(5) "Distributor" means any person, private corporation, partnership, individual proprietorship, utility, including investor-owned utilities, joint operating agencies, municipal utility, public utility district, or cooperative, which engage in or are authorized to engage in the activity of generating, transmitting or distributing energy in this state. [1975-'76 2nd ex.s. c 108 § 16.]

\*Reviser's note: "section 8" of 1975-'76 2nd ex.s. c 108 was vetoed.

**43.21G.030 Intent in developing energy allocation, conservation and consumption programs.** It is the intent of the legislature that the governor and the council, in developing provisions for the allocation, conservation, and consumption of energy give due consideration to supplying vital public services such as essential governmental operations, health and safety functions, emergency services, public mass transportation systems, food production and processing facilities, and energy supply facilities during conditions of an energy supply alert or energy emergency. In developing any energy allocation programs, provisions should be made for the equitable distribution of energy among the geographic areas of the state. [1975-'76 2nd ex.s. c 108 § 17.]

**43.21G.040 Governor's energy emergency powers—Energy supply alert—Construction of chapter.** In addition to his existing powers and duties, the governor shall have the following duties and special energy emergency powers subject to the definitions and limitations in this chapter.

(1) The governor may, upon finding that a situation exists which threatens to seriously disrupt or diminish energy supplies to the extent that life, health, or property may be jeopardized, declare a condition or state of "energy supply alert", at which time all of the general and specific emergency powers further enumerated in this section shall become effective. Concurrent with such declaration the governor shall convene the council which shall then meet within five days of the declaration of the alert, if it is not already in session.

(2) The condition of "energy supply alert" shall terminate after sixty consecutive days unless a continuing condition of "energy supply alert" exists, which shall be defined as the occurrence of either of the following: (a) Extension by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply, or (b) declaration of the legislature by concurrent resolution of a continuing condition of "energy supply alert".

(3) The conditions of an energy supply alert shall alternatively cease to exist upon a declaration to that effect by either of the following: (a) The governor; or (b) the legislature, by concurrent resolution, if in regular or extraordinary session.

(4) In a declared state of energy supply alert, the governor may, upon recommendation or approval of the energy advisory council, (a) implement such programs, controls, standards, priorities, and quotas for the production, allocation, conservation, and consumption of energy; (b) suspend and modify existing pollution control standards and requirements or any other standards or requirements affecting or affected by the use of energy, including those relating to air or water quality control; and (c) establish and implement regional programs and agreements for the purposes of coordinating the energy programs and actions of the state with those of the federal government and of other states and localities.

Nothing in this chapter shall be construed to mean that any program, control, standard, priority quota, or other policy created under the authority of the emergency powers authorized by this chapter shall have any continuing legal effect after the cessation of a declared state of energy supply alert.

If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, this chapter shall govern and control, and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.

Because of the emergency nature of this chapter, all actions authorized or required hereunder, or taken pursuant to any order issued by the governor, shall be exempted from any and all requirements and provisions of the state environmental policy act of 1971, chapter 43.21C RCW, including, but not limited to, the requirement for environmental impact statements.

Except as provided in this section nothing in this chapter shall exempt a person from compliance with the provisions of any other law, rule, or directive unless specifically ordered by the governor. [1975-'76 2nd ex.s. c 108 § 18.]

**43.21G.050 Duty of executive heads and state agencies to carry out supply alert or emergency measures.** To protect the public welfare during conditions of energy alerts or emergencies, the chief executive of each political subdivision of the state and each state agency is hereby authorized and directed to carry out in his jurisdiction such energy supply alert or energy emergency measures as may be ordered by the governor. [1975-'76 2nd ex.s. c 108 § 19.]

**43.21G.060 Consideration of actions, orders, etc., of federal authorities.** In order to attain uniformity, as far as is practicable throughout the country in measures taken to aid in energy crisis management, all action taken under this chapter and all orders and rules made pursuant hereto, shall be taken or made with due consideration for and consistent when practicable with the orders, rules, regulations, actions, recommendations, and requests of federal authorities. [1975-'76 2nd ex.s. c 108 § 20.]

**43.21G.070 Compliance by affected persons.** Notwithstanding any provision of law or contract to the contrary, all persons who are affected by an order issued or action taken pursuant to this chapter shall comply therewith immediately. [1975-'76 2nd ex.s. c 108 § 21.]

**43.21G.080 Compliance by distributors.** The governor may order any distributor to take such action on his behalf as may be required to implement orders issued pursuant to this chapter, and no distributor shall be liable for actions taken in accordance with such order: *Provided*, That orders to regulated distributors shall be issued by the Washington utilities and transportation commission in conformance with orders of the governor. [1975-'76 2nd ex.s. c 108 § 22.]

**43.21G.090 Petition for exception or modification—Appeals.** (1) Any person aggrieved by an order issued pursuant to this chapter may petition the governor and request an exception from or modification of such order. The governor may grant, modify, or deny such petition as the public interest may require.

(2) An appeal from any order issued or action taken pursuant to this chapter may be taken to the state supreme court. Such an appeal shall take the form of a petition for a writ of mandamus or prohibition under Article IV, section 4 of the state Constitution, and the supreme court shall have exclusive jurisdiction to hear and act upon such an appeal. Notwithstanding the provisions of chapter 7.16 RCW, or any other applicable statute, the superior courts of this state shall have no jurisdiction to entertain an action or suit relating to any order issued for action taken pursuant to this chapter, nor to hear and determine any appeal from any such order. The provisions of Rule on Appeal I-58 shall apply to any proceedings in the supreme court brought pursuant to this chapter. [1975-'76 2nd ex.s. c 108 § 23.]

**43.21G.100 Penalty.** Any person wilfully violating any provision of an order issued by the governor pursuant to this chapter shall be guilty of a gross misdemeanor. [1975-'76 2nd ex.s. c 108 § 24.]

**43.21G.900 Severability—Effective date—1975-'76 2nd ex.s. c 108.** See notes following RCW 43.21F.010.

### Chapter 43.21H STATE ECONOMIC POLICY

#### Sections

- 43.21H.010 Purpose.  
43.21H.020 State and local authorities to insure that economic values be given appropriate consideration in rule-making process.  
43.21H.030 Statutory obligations of agencies not affected.  
43.21H.900 Severability—1975-'76 2nd ex.s. c 117.

**43.21H.010 Purpose.** The purpose of this chapter is to assert that it is the intent of the legislature that economic values are given appropriate consideration along with environmental, social, health, and safety considerations in the promulgation of rules by state and local government. [1975-'76 2nd ex.s. c 117 § 1.]

**43.21H.020 State and local authorities to insure that economic values be given appropriate consideration in rule-making process.** All state agencies and local government entities with rule-making authority under state law or local ordinance shall adopt methods and procedures which will insure that economic values will be given appropriate consideration in the rule-making process along with environmental, social, health, and safety considerations. [1975-'76 2nd ex.s. c 117 § 2.]

**43.21H.030 Statutory obligations of agencies not affected.** Nothing in this chapter shall in any way affect the specific statutory obligations of any agency:

(1) To comply with environmental, social, health, safety, or other standards prescribed by law;

(2) To coordinate or consult with any other public agency; or

(3) To act, or refrain from acting, where required by law, upon the recommendations or certification of another public agency. [1975-'76 2nd ex.s. c 117 § 3.]

**43.21H.900 Severability—1975-'76 2nd ex.s. c 117.** 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. [1975-'76 2nd ex.s. c 117 § 4.]

### Chapter 43.22 DEPARTMENT OF LABOR AND INDUSTRIES

#### Sections

- 43.22.005 Deputy director.  
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**43.22.005 Deputy director.** The director of labor and industries may appoint and deputize an assistant director to be known as the deputy director, and who, in case a vacancy occurs in the office of director, shall continue in charge of the department until a director is appointed and qualified, or the governor appoints an acting director. [1969 ex.s. c 32 § 2.]

**43.22.010 Divisions of department—Personnel.**

The department of labor and industries shall be organized into five divisions, to be known as, (1) the division of industrial insurance, (2) the division of industrial safety and health, (3) the division of industrial relations, (4) the division of apprenticeship, and (5) the division of building and construction safety inspection services, which division shall have responsibility for electrical inspection, mobile home inspection, elevator inspection, except as otherwise provided in RCW 70.87.030, boiler inspection, and registration and regulation of contractors.

The director may appoint such clerical and other assistants as may be necessary for the general administration of the department. [1974 ex.s. c 27 § 1. Prior: 1973 1st ex.s. c 153 § 8; 1973 1st ex.s. c 52 § 2; 1971 c 66 § 2; 1969 ex.s. c 32 § 1; 1965 c 8 § 43.22.010. Prior: (i) 1927 c 306 § 1, part; 1917 c 36 § 2, part; RRS § 8637, part. (ii) 1921 c 7 § 74; RRS § 10832.]

**Effective date—1973 1st ex.s. c 52:** "This 1973 amendatory 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 on July 1, 1973." [1973 1st ex.s. c 52 § 12.]

*Division of statistics:* RCW 51.04.020(7).

**43.22.020 Supervisor of industrial insurance—Appointment—Personnel.** The director of labor and industries shall appoint and deputize an assistant director, to be known as the supervisor of industrial insurance, who shall have charge and supervision of the division of industrial insurance.

With the approval of the director, he may appoint and employ such adjusters, medical and other examiners, auditors, inspectors, clerks, and other assistants as may be necessary to carry on the work of the division. [1965 c 8 § 43.22.020. Prior: 1921 c 7 § 75; RRS § 10833.]

*Industrial insurance:* Title 51 RCW.

*Review of orders:* RCW 49.16.130.

**43.22.030 Powers and duties.** The director of labor and industries, through the division of industrial insurance, shall:

(1) Exercise all the powers and perform all the duties prescribed by law with respect to the administration of workmen's compensation and medical aid in this state;

(2) Have the custody of all property acquired by the state at execution sales upon judgments obtained for delinquent industrial insurance premiums or medical aid contributions, and penalties and costs; sell and dispose of the same at private sales for the sale purchase price, and pay the proceeds into the state treasury to the credit of the accident fund, or medical aid fund, as the case may be. In case of the sale of real estate the director shall execute the deed in the name of the state. [1965 c 8 § 43.22.030. Prior: 1921 c 7 § 78, part; RRS § 10836, part.]

*Workmen's compensation:* Title 51 RCW.

**43.22.040 Supervisor of industrial safety and health—Appointment—Personnel.** The director of labor and industries shall appoint and deputize an

assistant director, to be known as the supervisor of industrial safety and health, who shall have charge and supervision of the division of industrial safety and health.

The supervisor of industrial safety and health, with the approval of the director, may appoint and employ such inspectors, clerks, and other assistants as may be necessary to carry on the work of the division. [1973 1st ex.s. c 52 § 3; 1965 c 8 § 43.22.040. Prior: 1921 c 7 § 76; RRS § 10834.]

**Effective date—1973 1st ex.s. c 52:** See note following RCW 43.22.010.

*Administrative expenses:* RCW 51.16.105.

**43.22.050 Powers and duties.** The director of labor and industries, through the division of industrial safety and health, shall:

(1) Exercise all the powers and perform all the duties prescribed by law in relation to the inspection of factories, mills, workshops, storehouses, warerooms, stores and buildings, and the machinery and apparatus therein contained, and steam vessels, and other vessels operated by machinery, and in relation to the administration and enforcement of all laws and safety standards providing for the protection of employees in mills, factories, workshops, and in employments subject to the provisions of Title 51 RCW, and in relation to the enforcement, inspection, certification, and promulgation of safe places and safety device standards in all industries: *Provided, however,* This section shall not apply to railroads;

(2) Exercise all the powers and perform all the duties prescribed by law in relation to the inspection of tracks, bridges, structures, machinery, equipment, and apparatus of street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities, with respect to the safety of employees, and the administration and enforcement of all laws providing for the protection of employees of street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities;

(3) Exercise all the powers and perform all the duties prescribed by law in relation to the enforcement, amendment, alteration, change, and making additions to, rules and regulations concerning the operation, placing, erection, maintenance, and use of electrical apparatus, and the construction thereof. [1973 1st ex.s. c 52 § 4; 1971 ex.s. c 239 § 9; 1965 c 8 § 43.22.050. Prior: 1955 c 173 § 1; 1921 c 7 § 80; RRS § 10838.]

**Effective date—1973 1st ex.s. c 52:** See note following RCW 43.22.010.

**Severability—1971 ex.s. c 239:** See RCW 70.62.900.

*Boilers and steam vessels:* Chapter 70.79 RCW.

*Electrical apparatus:* Chapters 19.28, 19.29 RCW.

*Elevators, escalators and dumbwaiters:* Chapter 70.87 RCW.

*Employers engaged in extrahazardous work, duty in regard to:* RCW 49.16.120.

*Health and safety—Mills, factories, etc.:* Chapter 49.20 RCW.

*Hearings:* RCW 49.16.080–49.16.100.

*Municipal regulations, effect:* RCW 49.16.150.

*Regulation of vessels:* Chapter 88.04 RCW.

*Review of orders:* RCW 49.16.130.

*Safeguards, duties:* RCW 49.20.010, 49.20.040.



**43.22.053 Supervisor of building and construction safety inspection services—Appointment—Personnel.** The director of labor and industries shall appoint and deputize an assistant director, to be known as the supervisor of the division of building and construction safety inspection services, who shall have charge and supervision of the division of building and construction safety inspection services.

With the approval of the director, he may appoint and employ such inspectors, clerks, and other assistants as may be necessary to carry on the work of the division subject to the provisions of chapter 41.06 RCW. [1969 ex.s. c 32 § 3.]

**43.22.160 Applications for examination—Affidavit.** Applications to the board for examination for chief mine inspector and deputy mine inspector shall be made in writing, accompanied by an affidavit showing that the applicant is a citizen of the United States and of the state, and that the applicant has attained the age of thirty years; has had at least five years' practical experience in and about the mines in the United States, and at least three years' practical experience in and about the mines in the state, and that the applicant has a certificate of competency in mine rescue and first aid work from the United States bureau of mines. The applicant shall also furnish an affidavit from two citizens of the state that the applicant is a person of good repute, temperate habits, in good physical condition, and above thirty years of age. [1973 1st ex.s. c 154 § 80; 1965 c 8 § 43.22.160. Prior: 1917 c 36 § 5; RRS § 8640.]

**Reviser's note:** The amendment of this section by 1973 1st ex.s. c 154 does not take cognizance of the section's repeal by 1973 1st ex.s. c 52 § 11.

**Severability—1973 1st ex.s. c 154:** See note following RCW 2.12.030.

**43.22.160 Applications for examination—Affidavit.** [1965 c 8 § 43.22.160. Prior: 1917 c 36 § 5; RRS § 8640.] Repealed by 1973 1st ex.s. c 52 § 11.

**Reviser's note:** This section was also amended by 1973 1st ex.s. c 154 § 80 without cognizance of the repeal thereof.

**43.22.170 Examinations at state capital—Appointment of chief and deputy inspectors.** At such times as may be appointed by the director of labor and industries, the state mining board shall conduct examinations at the state capital. Each examination shall be thoroughly advertised by sending notices to the management of each coal mine, to be posted at the mine at least thirty days before such examination.

The director of labor and industries shall appoint as chief state mine inspector a person who has been given a certificate of competency by the state mining board, or who has otherwise qualified for the position, under the provisions of this act [1917 c 36; 1927 c 306]. The chief state mine inspector shall hold his office for four years, and be at all times subject to removal from office by the director of labor and industries for neglect of duty or for malfeasance in the discharge of his duties.

The chief state mine inspector with the approval of the director of labor and industries shall appoint as deputy state mine inspectors persons who are citizens of the United States and of the state of Washington, and who have had five years' practical experience in and about the mines of the United States and three years' practical experience in and about the mines in the state of Washington, and that have mine inspector's certificates of competency given by the board of examiners, or the state mining board after an examination as provided for in this act [1917 c 36; 1927 c 306]. Each deputy state mine inspector shall hold office subject to removal by the chief state mine inspector for cause.

Nothing in this act [1917 c 36; 1927 c 306] shall be construed as preventing the reappointment of any mine inspector or of any deputy mine inspector who has qualified for these positions under the provisions of this act [1917 c 36; 1927 c 306]. [1973 1st ex.s. c 154 § 81; 1965 c 8 § 43.22.170. Prior: 1927 c 306 § 4, part; 1917 c 36 § 6, part; RRS § 8641, part. Formerly RCW 43.22.170 and 43.22.180.]

**Reviser's note:** The amendment of this section by 1973 1st ex.s. c 154 does not take cognizance of the section's repeal by 1973 1st ex.s. c 52 § 11.

**Severability—1973 1st ex.s. c 154:** See note following RCW 2.12.030.

**43.22.170 Examinations at state capital—Appointment of chief and deputy inspectors.** [1965 c 8 § 43.22.170. Prior: 1927 c 306 § 4, part; 1917 c 36 § 6, part; RRS § 8641, part. Formerly RCW 43.22.170 and 43.22.180.] Repealed by 1973 1st ex.s. c 52 § 11.

**Reviser's note:** This section was also amended by 1973 1st ex.s. c 154 § 81 without cognizance of the repeal thereof.

**43.22.200 Right of entry to inspect.** The supervisor of the division of industrial safety and health or his deputy shall enter, inspect, and examine any coal mine, and the workings and the machinery belonging thereto, at all reasonable times, either day or night, but not so as to impede the working of the mine. They shall make inquiry into the condition of the mine, workings, machinery, ventilation, drainage, method of lighting or using lights, and into all methods and things relating to the health and safety of persons employed in or about the mine, and especially make inquiry whether or not the provisions of the coal mining code have been complied with. The management of each mine shall furnish the means necessary for such entry, inspection, examination, and exit. [1973 1st ex.s. c 52 § 5; 1965 c 8 § 43.22.200. Prior: 1917 c 36 § 8; RRS § 8643.]

**Effective date—1973 1st ex.s. c 52:** See note following RCW 43.22.010.

**43.22.210 Frequency of inspections—Compelling access—Investigations.** (1) It shall be the duty of the supervisor of the division of industrial safety and health or his deputy to carefully examine each coal mine in operation in this state at least every four months, and as much oftener as is necessary, to see that every precaution is taken to insure the safety of all workmen who may be engaged in the mine. These inspections shall include at least two visits of the inspection force to every working place in every mine in the state during each calendar year. The supervisor or his deputy shall make a record of each visit, noting the time and the material circumstances of the inspection, and shall keep each record on file in the office of the department; and also post at the mine a notice of his inspection.

(2) If the management of any operating company shall refuse to permit the members of the department to enter any mine, the supervisor or his deputy shall file an affidavit setting forth such refusal, with the judge of the superior court of the county in which the mine is situated, and obtain an order from such judge commanding the management of the operating company to permit such examination and inspection, and to furnish the necessary facilities for the same, or in default thereof to be adjudged in contempt of court and punished accordingly.

(3) If the supervisor or his deputy shall, after examination of any mine, or the works and machinery connected therewith, find the same to be worked contrary to the provisions of this act [1917 c 36], or unsafe for the workmen employed therein, the supervisor shall notify the management, stating what changes are necessary. If

the trouble is not corrected within reasonable time, the supervisor shall, through the attorney general, in the name of the state immediately apply to the superior court of the county in which the mine is located, or to a judge of said court in chambers, for a writ of injunction to enjoin the operation of all work in and about the said mine. Whereupon said court or judge shall at once proceed to hear and determine the case, and if the cause appears to be sufficient, after hearing the parties and their evidence, as in like cases, shall issue its writ to restrain the workings of said mine until all cause of danger is removed; and the cost of such proceeding shall be borne by the operating company of the mine: *Provided*, That if the said court shall find the cause not sufficient, then the case shall be dismissed, and the costs will be borne by the state: *Provided, also*, That should the supervisor find during the inspection of a mine, or portion of a mine, such dangerous condition existing therein that in his opinion any delay in removing the workmen from such dangerous places might cause loss of life or serious personal injury to the employee, the supervisor shall have the right to temporarily withdraw all persons from such dangerous places until the foregoing provisions of this section can be carried into effect.

(4) Whenever he is notified of any loss of life in or about the mine, or whenever an explosion or other serious accident occurs, the supervisor shall immediately go or send his deputy to the scene of the accident to investigate and to render every possible assistance.

(5) The supervisor or his deputy shall make a record of the circumstances attending each accident investigated, which record shall be preserved in the files of the department. To enable the supervisor or his deputy to make such investigation and record, they shall have power to compel the attendance of witnesses and to administer oaths or affirmations to them. The costs of such investigations shall be paid by the state. [1973 1st ex.s. c 52 § 6; 1965 c 8 § 43.22.210. Prior: 1917 c 36 § 9; RRS § 8644. Formerly RCW 43.22.190, part, 43.22-.210 through 43.22.240.]

**Effective date**—1973 1st ex.s. c 52: See note following RCW 43.22.010.

**43.22.260 Supervisor of industrial relations—**  
**Appointment—Personnel.** The director of labor and industries shall appoint and deputize an assistant director, to be known as the supervisor of industrial relations, who shall have charge and supervision of the division of industrial relations.

With the approval of the director, he may appoint an assistant to be known as the industrial statistician, and an assistant to be known as the supervisor of employment standards and may appoint and employ experts, clerks, and other assistants as may be necessary to carry on the work of the division. [1975 1st ex.s. c 296 § 31; 1973 2nd ex.s. c 16 § 11; 1973 1st ex.s. c 154 § 82; 1965 c 8 § 43.22.260. Prior: 1921 c 7 § 77; RRS § 10835.]

**Effective date**—1975 2nd ex.s. c 5: See RCW 41.58.901.

**Severability**—1973 2nd ex.s. c 16: See RCW 49.12.900.

**Severability**—1973 1st ex.s. c 154: See note following RCW 2.12.030.

**43.22.270 Powers and duties.** The director of labor and industries shall have the power, and it shall be his duty, through and by means of the division of industrial relations:

(1) To study and keep in touch with problems of industrial relations and, from time to time, make public reports and recommendations to the legislature;

(2) To, with the assistance of the industrial statistician, exercise all the powers and perform all the duties in relation to collecting, assorting, and systematizing statistical details relating to labor within the state, now vested in, and required to be performed by, the secretary of state, and to report to, and file with, the secretary of state duly certified copies of the statistical information collected, assorted, systematized, and compiled, and in collecting, assorting, and systematizing such statistical information to, as far as possible, conform to the plans and reports of the United States department of labor;

(3) To, with the assistance of the industrial statistician, make such special investigations and collect such special statistical information as may be needed for use by the department or division of the state government having need of industrial statistics;

(4) To, with the assistance of the supervisor of employment standards, supervise the administration and enforcement of all laws respecting the employment and relating to the health, sanitary conditions, surroundings, hours of labor, and wages of employees employed in business and industry in accordance with the provisions of chapter 49.12 RCW;

(5) To exercise all the powers and perform all the duties, not specifically assigned to any other division of the department of labor and industries, now vested in, and required to be performed by, the commissioner of labor;

(6) To exercise such other powers and perform such other duties as may be provided by law. [1975 1st ex.s. c 296 § 32; 1973 2nd ex.s. c 16 § 12; 1973 1st ex.s. c 154 § 83; 1965 c 8 § 43.22.270. Prior: 1921 c 7 § 81; RRS 10839.]

**Effective date**—1975 2nd ex.s. c 5: See RCW 41.58.901.

**Severability**—1973 2nd ex.s. c 16: See RCW 49.12.900.

**Severability**—1973 1st ex.s. c 154: See note following RCW 2.12.030.

*Apprenticeships: Chapter 49.04 RCW.*

*Arbitration of disputes: Chapter 49.08 RCW.*

*Public employees' collective bargaining, arbitration of disputes: RCW 41.56.100.*

*Public employment labor relations: Chapter 41.58 RCW.*

*Wage collection for aggrieved employees: RCW 49.48.040.*

**43.22.280 Industrial welfare committee.** The director of labor and industries, the supervisor of industrial insurance, the supervisor of industrial relations, the supervisor of safety, the industrial statistician, and the supervisor of employment standards shall constitute the industrial welfare committee, of which the director shall be chairman, and the supervisor of employment standards shall be executive secretary, which shall exercise such powers and perform such duties as are prescribed by law. [1973 2nd ex.s. c 16 § 4; 1973 1st ex.s. c 154 §

84; 1965 c 8 § 43.22.280. Prior: 1921 c 7 § 82; RRS § 10840.]

**Severability**—1973 2nd ex.s. c 16: See RCW 49.12.900.

**Severability**—1973 1st ex.s. c 154: See note following RCW 2.12.030.

*Female and child labor: Chapter 49.12 RCW.*

*Furnishing statistics to: RCW 49.12.125.*

*Minimum wages for women and minors: Chapter 49.12 RCW.*

*Powers and duties of industrial welfare committee: Chapter 49.12 RCW.*

**43.22.290 Reports by employers.** Every owner, operator, or manager of a factory, workshop, mill, mine, or other establishment where labor is employed, shall make to the department, upon blanks furnished by it, such reports and returns as the department may require, for the purpose of compiling such labor statistics as are authorized by this chapter, and the owner or business manager shall make such reports and returns within the time prescribed therefor by the director, and shall certify to the correctness thereof.

In the reports of the department no use shall be made of the names of individuals, firms, or corporations supplying the information called for by this section, such information being deemed confidential, and not for the purpose of disclosing personal affairs, and any officer, agent, or employee of the department violating this provision shall be fined a sum not exceeding five hundred dollars, or be imprisoned for not more than one year. [1965 c 8 § 43.22.290. Prior: 1901 c 74 § 3; RRS § 7588.]

**43.22.300 Compelling attendance of witnesses and testimony**—**Penalty.** The director may issue subpoenas, administer oaths and take testimony in all matters relating to the duties herein required, such testimony to be taken in some suitable place in the vicinity to which testimony is applicable.

Witnesses subpoenaed and testifying before any officer of the department shall be paid the same fees as witnesses before a superior court, such payment to be made from the funds of the department.

Any person duly subpoenaed under the provisions of this section who wilfully neglects or refuses to attend or testify at the time and place named in the subpoena, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not exceeding thirty days. [1965 c 8 § 43.22.300. Prior: 1901 c 74 § 4; RRS § 7589.]

**43.22.310 Access to plants**—**Penalty for refusal.** The director or any employee of the department of labor and industries may enter any factory, mill, office, workshop, or public or private works at any time for the purpose of gathering facts and statistics as provided by this chapter, and examine into the methods of protection from danger to employees, and the sanitary conditions in and around such buildings and places and make a record thereof, and any owner or occupant of such factory, mill, office or workshop, or public or private works, or his agent who refuses to allow an inspector or employee of

the department to enter, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail not to exceed ninety days. [1965 c 8 § 43.22.310. Prior: 1901 c 74 § 5; RRS § 7590.]

**43.22.330 Biennial report.** The director of labor and industries shall submit to the governor on or before the first Monday in January of each year in which the legislature regularly convenes a report of business transacted by the department during the preceding two year period, together with such statistics and information as he deems of public interest and such recommendations as he believes merit consideration in the interest of improved administration. [1965 c 8 § 43.22.330. Prior: (i) 1901 c 74 § 2; RRS § 7587. (ii) 1901 c 74 § 7; RRS § 7592.]

**43.22.340 Mobile homes, commercial coaches and recreational vehicles**—**Rules and regulations governing safety of body and frame design and plumbing, heating and electrical equipment**—**Compliance required.** The director of labor and industries shall prescribe and enforce rules and regulations governing safety of body and frame design, and the installation of plumbing, heating, and electrical equipment in mobile homes, commercial coaches and/or recreational vehicles: *Provided*, That the director shall not prescribe or enforce rules and regulations governing the body and frame design of recreational vehicles until after the American National Standards Institute shall have published standards and specifications upon this subject. Such rules and regulations shall be reasonably consistent with recognized and accepted principles of safety for body and frame design and plumbing, heating, and electrical installations, in order to protect the health and safety of the people of this state from dangers inherent in the use of substandard and unsafe body and frame design, construction, plumbing, heating, electrical, and other equipment and shall correlate with and, so far as practicable, conform to the then current standards and specifications of the American National Standards Institute standards A119.1 for mobile homes and commercial coaches and A119.2 for recreational vehicles. It shall be unlawful for any person to lease, sell or offer for sale, within this state, any mobile homes, commercial coaches and/or recreational vehicles manufactured after January 1, 1968, containing plumbing, heating, electrical, or other equipment, and after July 1, 1970 body and frame design or construction unless such equipment meets the requirements of the rules and regulations provided for herein. [1970 ex.s. c 27 § 1; 1969 ex.s. c 229 § 1; 1967 c 157 § 1.]

**43.22.345 Mobile homes, commercial coaches and recreational vehicles**—**Penalty for violation.** Any person violating the provisions of RCW 43.22.340 as amended by section 1, chapter 229, Laws of 1969 ex.s. shall be guilty of a misdemeanor. Each day upon which a violation occurs shall constitute a separate violation. [1969 ex.s. c 229 § 4.]

**43.22.350 Mobile homes, commercial coaches and recreational vehicles—Compliance insignia—Fee schedule—Out-of-state sales.** (1) In compliance with any applicable provisions of this chapter, the director of the department of labor and industries shall establish a schedule of fees, whether on the basis of plan approval or inspection, for the issuance of an insigne which indicates that the mobile home, commercial coach and/or recreational vehicle complies with the provisions of RCW 43.22.340 through 43.22.410.

(2) Insignia are not required on mobile homes, commercial coaches and/or recreational vehicles manufactured within this state for sale outside this state which are sold to persons outside this state. [1970 ex.s. c 27 § 2; 1967 c 157 § 2.]

**43.22.360 Mobile homes, commercial coaches and recreational vehicles—Plans and specifications—Submission—Approval—Change or alterations approval.** Plans and specifications of each model or production prototype of a mobile home, commercial coach and/or recreational vehicle showing body and frame design, construction, plumbing, heating and electrical specifications and data shall be submitted to the department of labor and industries for approval and recommendations with respect to compliance with the regulations and standards of each of such agencies. When plans have been submitted and approved as aforesaid, no changes or alterations shall be made to body and frame design, construction, plumbing, heating or electrical installations or specifications shown thereon in any mobile home, commercial coach or recreational vehicle without prior written approval of the department of labor and industries. [1970 ex.s. c 27 § 3; 1967 c 157 § 3.]

**43.22.370 Mobile homes, commercial coaches and recreational vehicles—Leased, sold or manufactured in state prior to July 1, 1968—Compliance not required—Exception.** Any mobile home, commercial coach and/or recreational vehicle leased or sold in Washington and manufactured prior to July 1, 1968, which has not been inspected prior to its sale and which does not meet the requirements prescribed will not be required to comply with said requirements except for alterations or installations referred to in RCW 43.22.360. [1970 ex.s. c 27 § 4; 1969 ex.s. c 229 § 2; 1967 c 157 § 4.]

**43.22.380 Mobile homes, commercial coaches and recreational vehicles—Manufactured for use outside state—Compliance not required—Exception.** Used mobile homes, commercial coaches and/or recreational vehicles manufactured for use outside this state which do not meet the requirements prescribed and have been used for six months or more will not be required to comply with said requirements except for alterations or installations referred to in RCW 43.22.360. [1970 ex.s. c 27 § 5; 1967 c 157 § 5.]

**43.22.390 Mobile homes, commercial coaches and recreational vehicles—Insigne of approval, when**

**required.** Mobile homes, commercial coaches and/or recreational vehicles subject to the provisions of RCW 43.22.340 through 43.22.410, and mobile homes, commercial coaches and/or recreational vehicles upon which alterations of body and frame design, construction or installations of plumbing, heating or electrical equipment referred to in RCW 43.22.360 are made after July 1, 1968, shall have affixed thereto such insigne of approval. [1970 ex.s. c 27 § 6; 1967 c 157 § 6.]

**43.22.400 Mobile homes, commercial coaches and recreational vehicles—Meeting standards of other states at least equal to this state.** If the director of the department of labor and industries determines that the standards for body and frame design, construction and the plumbing, heating and electrical equipment installed in mobile homes, commercial coaches and/or recreational vehicles by the statutes or rules and regulations of other states are at least equal to the standards prescribed by this state, he may so provide by regulation. Any mobile home, commercial coach and/or recreational vehicle which a state listed in such regulations has approved as meeting its standards for body and frame design, construction and plumbing, heating and electrical equipment shall be deemed to meet the standards of the director of the department of labor and industries, if he determines that the standards of such state are actually being enforced. [1970 ex.s. c 27 § 7; 1967 c 157 § 7.]

**43.22.410 Mobile homes, commercial coaches and recreational vehicles—Meeting requirements of chapter deemed compliance with county or city ordinances.** Any mobile home, commercial coach and/or recreational vehicle that meets the requirements prescribed under RCW 43.22.340 shall not be required to comply with any ordinances of a city or county prescribing requirements for body and frame design, construction or plumbing, heating and electrical equipment installed in mobile homes, commercial coaches and/or recreational vehicles. [1970 ex.s. c 27 § 8; 1967 c 157 § 8.]

**43.22.420 Mobile home and recreational vehicle advisory board.** There is hereby created a mobile home and recreational vehicle advisory board consisting of eight members to be appointed by the governor with the advice of the director of labor and industries as herein provided. It shall be the purpose and function of the board to advise the director on all matters pertaining to the enforcement of this chapter including but not limited to standards of body and frame design, construction and plumbing, heating and electrical installations, minimum inspection procedures, the adoption of rules and regulations pertaining to the manufacture of mobile homes, commercial coaches and recreational vehicles. The members of the mobile home and recreational vehicle advisory board shall be selected and appointed as follows: One member shall be an employee or officer of a mobile home manufacturing company; one member shall be an employee or officer of a travel trailer manufacturing company; one member shall be an employee, officer or distributor of a company engaged in the manufacture

of component parts affecting the plumbing apparatus and equipment; one member shall be an employee, officer or distributor of a company engaged in the manufacture of electrical material, equipment or appliances; one member shall be a distributor or manufacturer of heating equipment, material or devices; one member shall be an employee, officer, owner, or operator of a mobile home park; and one member shall represent that segment of the general public owning or leasing mobile homes, commercial coaches and/or recreational vehicles. The chief supervisor for the mobile home, commercial coach and recreational vehicle section within the department of labor and industries shall be a member of the advisory board and shall act as secretary. The regular term of each member shall be four years: *Provided, however,* The original board shall be appointed for the following terms: The first term of the member representing a manufacturer of mobile homes and of the member representing the general public shall be four years; the member representing the manufacturer of travel trailers shall serve three years; the member representing the manufacturer or distributor of plumbing component parts shall serve three years; the member representing the manufacturer or distributor of electrical apparatus and equipment shall serve two years; the manufacturer or distributor of heating equipment and appliances shall serve one year. The governor shall fill vacancies caused by death, resignation, or otherwise for the unexpired term of such members by appointing their successors from the same business classification. The same procedure shall be followed in making such subsequent appointments as is provided for the original appointments. The board, at this first meeting shall elect one of its members to serve as chairman. The chief supervisor or any person acting as chief supervisor for the mobile home, commercial coach and recreational vehicle section shall serve as secretary of the board during his tenure as chief. Meetings of the board shall be called at the discretion of the director of labor and industries. Each member of the board shall be paid travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended which shall be paid out of the appropriation to the department of labor and industries, upon vouchers approved by the director of labor and industries. [1975-'76 2nd ex.s. c 34 § 103; 1971 ex.s. c 82 § 1; 1970 ex.s. c 27 § 9; 1969 ex.s. c 229 § 3.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.22.430 RCW 43.22.340 and 43.22.350 through 43.22.420 not to apply to common carrier equipment.** RCW 43.22.340 and 43.22.350 through 43.22.420 shall not apply to common carrier equipment. [1970 ex.s. c 27 § 10.]

**43.22.450 Factory built housing and commercial structures, regulating installation of—Definitions.** Whenever used in RCW 43.22.450 through 43.22.490:

- (1) "Department" means the Washington state department of labor and industries;
- (2) "Approved" means approved by the department;

(3) "Factory built housing" means any structure designed primarily for human occupancy other than a mobile home the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site;

(4) "Install" means the assembly of factory built housing or factory built commercial structures at a building site;

(5) "Building site" means any tract, parcel or subdivision of land upon which factory built housing or a factory built commercial structure is installed or is to be installed;

(6) "Local enforcement agency" means any agency of the governing body of any city or county which enforces laws or ordinances governing the construction of buildings;

(7) "Commercial structure" means a structure designed or used for human habitation, or human occupancy for industrial, educational, assembly, professional or commercial purposes. [1973 1st ex.s. c 22 § 1; 1970 ex.s. c 44 § 1.]

**43.22.455 Factory built housing and commercial structures, regulating installation of—Housing must be approved, have department insignia—Significance of insignia—Modification of housing during installation must be approved.** No factory built housing or factory built commercial structure shall be installed on a building site in this state after the effective date of the regulations adopted pursuant to RCW 43.22.480 unless it is approved and bears the insignia of approval of the department.

(1) Any factory built housing or factory built commercial structure bearing an insignia of approval of the department shall be deemed to comply with any laws, ordinances or regulations enacted by any city or county or any local enforcement agency which govern the manufacture and construction of factory built housing or factory built commercial structures or on-site housing.

(2) No factory built housing or factory built commercial structure which has been approved by the department shall be in any way modified prior to, or during installation by a manufacturer or installer unless approval of such modification is first made by the department. [1973 1st ex.s. c 22 § 2; 1970 ex.s. c 44 § 2.]

**43.22.460 Factory built housing and commercial structures, regulating installation of—Certain requirements reserved to local jurisdictions.** Local land use requirements, building setbacks, side and rear yard requirements, site development and property line requirements, and review and regulation of zoning requirements are specifically reserved to local jurisdictions notwithstanding anything contained in RCW 43.22.450 through 43.22.490. [1970 ex.s. c 44 § 3.]

**43.22.465 Factory built housing and commercial structures, regulating installation of—Injunctive process, procedure.** The department may obtain from a superior court having jurisdiction, a temporary injunction enjoining the installation of factory built housing or

factory built commercial structures on any building site upon affidavit of the department that such factory built housing or factory built commercial structures do not conform to the requirements of RCW 43.22.450 through 43.22.490 or to the rules adopted pursuant to RCW 43.22.450 through 43.22.490. The affidavit must set forth such violations in detail. The injunction may be made permanent, in the discretion of the court. [1973 1st ex.s. c 22 § 3; 1970 ex.s. c 44 § 4.]

**43.22.470 Factory built housing and commercial structures, regulating installation of—Delegation of inspection duty to local agency.** The department shall have the authority to delegate all or part of its duties of inspection to a local enforcement agency. [1970 ex.s. c 44 § 5.]

**43.22.475 Factory built housing and commercial structures, regulating installation of—Advisory board—Members—Appointment—Qualification—Duties—Compensation and travel reimbursement.** The governor shall appoint a factory built housing and factory built commercial structures advisory board consisting of eleven members. Members appointed shall be broadly representative of the industries and professions involved in the development and construction of factory built housing or factory built commercial structures and shall include representation from building code enforcement agencies, architectural and engineering associations, building construction trades, the contracting and manufacturing industries, legislative bodies of local government and the general public. The factory built housing and factory built commercial structures advisory board shall periodically review the rules promulgated under RCW 43.22.450 through 43.22.490 and shall recommend changes of such rules to the department when it deems changes advisable. Members may receive up to twenty-five dollars for each day or portion thereof actually spent in attending upon the duties of the board, the rate to be determined by the board, and in addition thereto, shall be entitled to reimbursement for travel expenses as provided in RCW 43.03.050 and 43.03.060, as now existing or hereafter amended. [1975-'76 2nd ex.s. c 34 § 104; 1973 1st ex.s. c 22 § 4; 1970 ex.s. c 44 § 6.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.22.480 Factory built housing and commercial structures, regulating installation of—Rules and regulations—Enforcement—Scope—Standards—Fees for administration and enforcement.** The department shall prescribe and enforce rules and regulations which protect the health, safety, and property of the people of this state by assuring that all factory built housing or factory built commercial structures are structurally sound and that the plumbing, heating, electrical, and other components thereof are reasonably safe. Such rules and regulations shall be reasonably consistent with recognized and accepted principles of safety and structural soundness and in promulgating such rules and regulations the department shall consider, so far as

practicable the standards and specifications contained in: The uniform building code (1970), published by the international conference of building officials; the uniform plumbing code (1970), published by the international association of plumbing and mechanical officials; the uniform mechanical code (1970), published by the international conference of building officials and the international association of plumbing and mechanical officials; and the national electrical code (1971), published by the national fire protection association. Updated issues of these codes and amendments to such codes shall be considered by the department.

The department shall set a schedule of fees which will cover the costs incurred by the department in the administration and enforcement of RCW 43.22.450 through 43.22.490. [1973 1st ex.s. c 22 § 5; 1970 ex.s. c 44 § 7.]

**43.22.485 Factory built housing and commercial structures, regulating installation of—Recognizing out-of-state standards, enforcement, as department approved.** If the director of the department determines that the standards for factory built housing or factory built commercial structures prescribed by statute, rule or regulation of another state are at least equal to the regulations prescribed under RCW 43.22.450 through 43.22.490, and that such standards are actually enforced by such other state, he may provide by regulation that factory built housing or factory built commercial structures approved by such other state shall be deemed to have been approved by the department. [1973 1st ex.s. c 22 § 6; 1970 ex.s. c 44 § 8.]

**43.22.490 Factory built housing and commercial structures, regulating installation of—Violation as misdemeanor—Penalty.** Any person who violates any of the provisions of RCW 43.22.450 through 43.22.490 or any rules or regulations adopted pursuant to RCW 43.22.450 through 43.22.490 is guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars or by imprisonment not exceeding thirty days, or by both such fine and imprisonment. [1970 ex.s. c 44 § 9.]

**43.22.500 Printing and distribution of publications—Revolving fund—Fees.** There is hereby created within the state treasury a revolving fund to be known as the "department of labor and industries revolving fund", which shall be used by the director of the department of labor and industries to defray the costs of printing, reprinting, or distributing printed matter issued by the department of labor and industries including, but not limited to, the matters listed in RCW 43.22.505. The department of labor and industries may charge a fee for such publications in an amount which will reimburse the department for the costs of printing, reprinting, and distributing such publications: *Provided*, That every person subject to regulation by the department may upon request receive without charge one copy of any publication printed pursuant to RCW 43.22.505 whenever such person is affected by any statute, rule or regulation printed therein. All fees collected shall be deposited in the department of labor and industries

revolving fund. In order to maintain an effective expenditure and revenue control the department of labor and industries revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund. [1975 1st ex.s. c 123 § 1.]

**43.22.505 Printing and distribution of publications—Authorized subject matters.** The department of labor and industries is specifically authorized to print, reprint, and distribute subject matter including but not limited to the following:

- (1) The provisions of Title 51 RCW;
- (2) The provisions of Title 49 RCW;
- (3) The provisions of chapter 7.68 RCW;
- (4) The provisions of chapter 88.16 RCW;
- (5) The provisions of chapter 19.28 RCW;
- (6) The provisions of chapter 43.22 RCW;
- (7) The provisions of chapter 41.56 RCW;
- (8) The provisions of chapter 49.66 RCW;
- (9) The provisions of chapter 70.79 RCW;
- (10) The provisions of chapter 70.74 RCW;
- (11) The provisions of chapter 70.87 RCW;
- (12) The provisions of all other statutes administered by the department or such statutes as have a relationship to the functions and obligations of the department; and
- (13) The rules and regulations of the department of labor and industries, the state apprenticeship council, the state board of pilotage commissioners and the board of boiler rules promulgated pursuant to the statutory provisions cited above. [1975 1st ex.s. c 123 § 2.]

**Chapter 43.23**

**DEPARTMENT OF AGRICULTURE**

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**43.23.005 Assistant director—Appointment—Powers and duties.** The director of agriculture may appoint an assistant director to act as deputy director who shall assist the director in the administration of the affairs of the department and who shall have charge and general supervision of the department in the absence or disability of the director. [1967 c 240 § 14.]

**43.23.010 Divisions of department.** The department of agriculture shall be organized into six divisions, to be known as, (1) the division of agricultural development, (2) the division of plant industry, (3) the division of animal industry, (4) the division of dairy and food, (5) the division of grain and agricultural chemicals, and (6) the division of regulatory services.

The director of agriculture shall have charge and general supervision of the department and may assign the supervision and administration duties not specified herein to the division which in his judgment can most efficiently carry on those functions. [1967 c 240 § 1; 1965 c 8 § 43.23.010. Prior: 1951 c 170 § 1; 1921 c 7 § 83; RRS § 10841.]

**Severability—1967 c 240:** "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." [1967 c 240 § 52.] This applies to RCW 15.13.010–15.13.030, 15.13.045, 15.13.095, 15.13.200, 15.24.010–15.24.050, 15.24.090–15.24.110, 15.44.033, 15.53.9018, 15.53.9026, 16.57.010, 16.57.105, 16.57.220, 16.57.275, 19.32.050, 20.01.010, 20.01.030, 20.01.385, 20.01.475, 22.09.010, 43.23.005–43.23.110, 43.23.150, 43.23.160, 69.12.050, 69.16.050, 69.20.040, 69.24.220 and 69.24.260.

*Division of apiculture:* RCW 15.60.010.

**43.23.015 Divisions of department—Reassignment of division functions—Additional divisions may be established.** The director may, at his discretion, reassign

any of the functions delegated to the various divisions of the department under the provisions of this chapter or any other law to any other division of the department. The director of agriculture may, if it will best serve the said public interest as herein described, establish when necessary additional divisions by adopting the necessary regulations in the manner provided for under chapter 34.04 RCW as enacted or hereafter amended. Such additional divisions shall have the same authority and powers as those divisions specifically named and established under the provisions of this chapter. The director may assign one or more of the various functions assigned to those divisions specifically named under the provisions of this chapter to said divisions established by regulation, or any other duties hereafter delegated to the department by law. [1967 c 240 § 15.]

**43.23.020 Supervisor of agricultural development—Appointment—Personnel.** The director of agriculture shall appoint and deputize an assistant director to be known as the supervisor of agricultural development, who shall have charge and supervision of the division of agricultural development.

With the approval of the director, he may appoint and employ such inspectors and clerical and other assistants, as may be necessary to carry on the work of the division. [1967 c 240 § 2; 1965 c 8 § 43.23.020. Prior: 1921 c 7 § 84; RRS § 10842.]

**43.23.030 Powers and duties.** The director of agriculture, through the division of agricultural development, shall exercise all the powers and perform all the duties relating to the development of markets, state and federal cooperative marketing programs, land utilization for agricultural purposes, water resources, transportation, and farm labor as such matters relate to the production, distribution and sale of agricultural commodities. [1967 c 240 § 3; 1965 c 8 § 43.23.030. Prior: (i) 1921 c 7 § 90; RRS § 10848. (ii) 1937 c 90 § 10; RRS § 10847–1.]

*Commercial fertilizers:* Chapter 15.54 RCW.

*Fair commission:* Chapter 15.76 RCW.

*Farm marketing:* Chapters 15.64, 15.65, 15.66 RCW.

*Grain and terminal warehouses:* Chapter 22.09 RCW.

*Quarantine:* Chapter 17.24 RCW.

*Seed law:* Chapter 15.49 RCW.

*Weeds:* Chapters 17.04, 17.06, 17.08 RCW.

**43.23.040 Supervisor of plant industry—Appointment—Personnel.** The director of agriculture shall appoint and deputize an assistant director, to be known as the supervisor of plant industry, who shall have charge and supervision of the division of plant industry.

With the approval of the director, he may appoint and deputize such inspectors and employ such clerical and other assistants, as may be necessary to carry on the work of the division. [1967 c 240 § 4; 1965 c 8 § 43.23.040. Prior: 1921 c 7 § 85; RRS § 10843.]

**43.23.050 Powers and duties.** The director of agriculture, through the division of plant industry, shall:



(1) Exercise all the powers and perform all the duties prescribed by law relating to horticulture, and horticultural plants and products;

(2) Enforce and supervise the administration of all laws relating to horticulture, horticultural products, and horticultural interests. [1967 c 240 § 5; 1965 c 8 § 43.23.050. Prior: 1921 c 7 § 91; RRS § 10849.]

*Horticultural pests and diseases: Chapter 15.08 RCW.*

*Horticultural plants and facilities: Chapter 15.13 RCW.*

**43.23.060 Supervisor of animal industry—Appointment—Personnel.** The director of agriculture shall appoint and deputize an assistant director, to be known as the supervisor of animal industry, who shall have charge and supervision of the division of animal industry. Such supervisor of animal industry shall be an experienced veterinarian.

With the approval of the director, he may appoint and deputize such veterinarians, testers, and inspectors, and employ such clerical and other assistants, as may be necessary to carry on the work of the division. [1967 c 240 § 6; 1965 c 8 § 43.23.060. Prior: 1921 c 7 § 86; RRS § 10844.]

**43.23.070 Powers and duties.** The director of agriculture, through the division of animal industry, shall exercise all the powers and perform all duties prescribed by law relating to diseases among domestic animals and the quarantine and destruction of diseased animals.

He shall enforce and supervise the administration of all laws relating to meat inspection, the prevention, detection, control and eradication of diseases of domestic animals, and all other matters relative to the diseases of livestock and their effect upon the public health. [1967 c 240 § 7; 1965 c 8 § 43.23.070. Prior: 1943 c 56 § 1; 1921 c 7 § 92; Rem. Supp. 1943 § 10850.]

*Animal health: Chapter 16.36 RCW.*

*Bang's disease: Chapter 16.40 RCW.*

*Dairies and dairy products: Chapters 15.32, 15.36 RCW.*

*Diseased animals: Chapters 16.36, 16.40, 16.44 RCW.*

*Registration of estrays: Chapter 16.28 RCW.*

*Stallions and jacks: Chapter 16.16 RCW.*

**43.23.080 Supervisor of dairy and food—Appointment—Personnel.** The director of agriculture shall appoint and deputize an assistant director, to be known as the supervisor of dairy and food, who shall have charge and supervision of the division of dairy and food.

With the approval of the director, he may appoint and deputize such inspectors, and employ such clerical and other assistants, as may be necessary to carry on the work of the division. [1967 c 240 § 8; 1965 c 8 § 43.23.080. Prior: 1921 c 7 § 87; RRS § 10845.]

**43.23.090 Powers and duties.** The director of agriculture, through the division of dairy and food, shall exercise all powers and perform all duties prescribed by law with respect to the inspection of foods, food products, drinks, milk and milk products, and dairies and dairy products and the components thereof.

He shall enforce and supervise the administration of all laws relating to foods, food products, drinks, milk

and milk products, dairies and dairy products, and their inspection, manufacture, and sale. [1967 c 240 § 9; 1965 c 8 § 43.23.090. Prior: 1921 c 7 § 93; RRS § 10851.]

*Bakeries and bakery products: Chapters 69.08, 69.11, 69.12 RCW.*

*Commercial feed law: Chapter 15.53 RCW.*

*Confectioners: Chapter 69.20 RCW.*

*Eggs and egg products: Chapter 69.24 RCW.*

*Food, drugs and cosmetics: Chapter 69.04 RCW.*

*Honey: Chapter 69.28 RCW.*

*Macaroni and macaroni products: Chapter 69.16 RCW.*

**43.23.100 Supervisor of grain and agricultural chemicals—Appointment—Personnel.** The director of agriculture shall appoint and deputize an assistant director, to be known as the supervisor of grain and agricultural chemicals, who shall have charge and supervision of the division of grain and agricultural chemicals.

With the approval of the director, he may appoint and deputize such inspectors, and employ such clerical and other assistants, as may be necessary to carry on the work of the division. [1967 c 240 § 10; 1965 c 8 § 43.23.100. Prior: 1921 c 7 § 88; RRS § 10846.]

**43.23.110 Powers and duties.** The director of agriculture, through the division of grain and agricultural chemicals, shall exercise all powers and perform all duties prescribed by law with respect to grains, grain and hay products, grain and terminal warehouses in relation thereto, commercial feeds, commercial fertilizers, and chemical pesticides.

He shall enforce and supervise the administration of all laws relating to grains, grain and hay products, grain and terminal warehouses in relation thereto, commercial feeds, commercial fertilizers, and chemical pesticides. [1967 c 240 § 11; 1965 c 8 § 43.23.110. Prior: 1921 c 7 § 94; RRS § 10852.]

*Weighing commodities in highway transport: Chapter 15.80 RCW.*

*Weights and measures: Chapters 19.92, 19.94 RCW.*

**43.23.120 Bulletins and reports.** The director of agriculture shall publish and distribute bulletins and reports embodying information upon the subjects of agriculture, horticulture, livestock, dairying, foods and drugs and other matters pertaining to his department. [1965 c 8 § 43.23.120. Prior: (i) 1919 c 126 § 1, part; 1913 c 60 § 6, part; RRS § 2724, part. (ii) 1921 c 7 § 89, part; RRS § 10847, part.]

**43.23.130 Biennial report.** The director of agriculture shall make a report to the governor, at least thirty days before the commencement of each biennial session of the legislature, containing an account of all matters pertaining to his department and its administration, which shall be printed and published in the manner provided by law. [1965 c 8 § 43.23.130. Prior: (i) 1919 c 126 § 1, part; 1913 c 60 § 6, part; RRS § 2724, part. (ii) 1921 c 7 § 89, part; RRS § 10847, part.]

**43.23.150 Supervisor of regulatory services—Appointment—Personnel.** The director of agriculture shall appoint and deputize an assistant director, to be

known as the supervisor of regulatory services, who shall have charge and supervision of the division of regulatory services.

The director, subject to the provisions of chapter 41.06 RCW, may appoint and deputize such assistants, officers, inspectors and other employees as may be necessary to carry on the work of the division, and all such officers so appointed shall have the authority generally vested in a peace officer. [1967 c 240 § 12. Prior: 1965 c 8 § 43.23.150; prior: 1951 c 170 § 2.]

**43.23.160 Powers and duties.** The director of agriculture, through the division of regulatory services shall exercise all the powers and perform all the duties prescribed by law relating to commission merchants, livestock identification, livestock brand registration and inspection.

He shall enforce and supervise the administration of all laws relating to commission merchants, livestock identification and shall have the power to enforce all laws relating to any division under the supervision of the director of agriculture. [1967 c 240 § 13. Prior: 1965 c 8 § 43.23.160; prior: 1951 c 170 § 3.]

#### Chapter 43.24 DEPARTMENT OF MOTOR VEHICLES

##### Sections

- 43.24.001 Department of motor vehicles—Creation—Director—Powers, duties and functions—Personnel.
- 43.24.010 Authority of director—Personnel.
- 43.24.020 Powers and duties—Generally.
- 43.24.022 Powers, duties and functions as to licensing of businesses, professions and regulation of securities vested in director.
- 43.24.024 Powers, duties and functions as to licensing of businesses, professions and regulation of securities vested in director—Delegation of authority to division of professional licensing.
- 43.24.026 Business and professional administration created—Transfer of powers, duties and functions to—Divisions of securities, real estate and professional licensing.
- 43.24.030 "License" defined.
- 43.24.040 Forms to be prescribed.
- 43.24.060 Examinations—Committees—Duties, compensation, travel expenses.
- 43.24.080 Issuance of licenses.
- 43.24.085 License or registration fees for businesses, occupations and professions—Policy—Minimums and maximums—Determination.
- 43.24.090 Examination of handicapped persons.
- 43.24.110 Revocation of licenses—Hearings—Committee—Powers, compensation, travel expenses.
- 43.24.115 Director's duties as to refusal, revocation or suspension of licenses—Performance by assistants.
- 43.24.120 Appeal.
- 43.24.130 License moratorium for persons in service.
- 43.24.140 Extension of licensing period authorized—Rules and regulations, manner and content.

**Reviser's note:** Throughout this chapter "department of licenses" and "director of licenses" have been changed to "department of motor vehicles" and "director of motor vehicles" by authority of chapter 156, Laws of 1965 (Chapter 46.01 RCW) which transferred the powers, duties and functions of the department and director of licenses to the department and director of motor vehicles, and by authority of section 41, chapter 170, Laws of 1965 ex.s. (RCW 43.24.022) which vested the powers, duties and functions of the director of licenses under Titles 18 and 21 RCW and chapter 43.24 RCW in the director of motor vehicles.

- Accountants: Chapter 18.04 RCW.*
- Acting without license, penalty: RCW 9.37.030.*
- Applications for licenses, discrimination to require disclosure of race or religion in: RCW 43.01.100, 43.01.110.*
- Architects: Chapter 18.08 RCW.*
- Attorneys: Chapter 2.48 RCW.*
- Auctioneers, jewelry and appliances: Chapter 18.12 RCW.*
- Barber colleges: RCW 18.15.090.*
- Barbers: Chapter 18.15 RCW.*
- Barbershops: RCW 18.15.065.*
- Basic science certificates: Chapter 43.74 RCW.*
- Boarding homes: Chapter 18.20 RCW.*
- Certified public accountants: Chapter 18.04 RCW.*
- Chiropody: Chapter 18.22 RCW.*
- Chiropractic: Chapter 18.25 RCW.*
- Civil defense workers, licensing requirements waived during emergency: RCW 38.52.180.*
- Corporation doing business without license, penalty: RCW 9.24.040.*
- Cosmetology: Chapter 18.18 RCW.*
- Dental hygienist: Chapter 18.29 RCW.*
- Dentistry: Chapter 18.32 RCW.*
- Department created: RCW 46.01.020, 43.17.010.*
- Dispensing opticians: Chapter 18.34 RCW.*
- Drivers' training schools, director's powers and duties relating to: Chapter 46.82 RCW.*
- Druggists, retail and wholesale: Chapter 18.64 RCW.*
- Drugless healing: Chapter 18.36 RCW.*
- Drugstore owners: Chapter 18.64 RCW.*
- Embalmers: Chapter 18.39 RCW.*
- Engineers and land surveyors: Chapter 18.43 RCW.*
- For-hire vehicles, certificates and operators' permits, director's powers and duties relating to: Chapter 46.72 RCW.*
- Funeral directors: Chapter 18.39 RCW.*
- Gambling commission, administrator and staff for: RCW 9.46.080.*
- Haircutting: Chapter 18.15 RCW.*
- Hairdressing: Chapter 18.18 RCW.*
- House trailer excise tax, duties of director: Chapter 82.50 RCW.*
- Land surveyors: Chapter 18.43 RCW.*
- Lawyers: Chapter 2.48 RCW.*
- Licensed public accountants: Chapter 18.04 RCW.*
- Marine recreation land act, duties: Chapter 43.99 RCW.*
- Massachusetts trusts, rules and regulations by director: RCW 23.90.040(5).*
- Medical disciplinary board, duties concerning licensing of physicians and surgeons: Chapter 18.72 RCW.*
- Midwifery: Chapter 18.50 RCW.*
- Motor vehicles**
  - accident reports, tabulation and analysis of to be available to: RCW 46.52.060.*
  - administration by director of motor vehicles: RCW 46.01.030, 46.01.040.*
  - agents of: RCW 46.01.100, 46.01.110.*
  - amateur radio operators with special license plates, director to furnish lists of: RCW 46.16.340.*
  - annual reports to governor: RCW 46.01.290.*
  - certified copies of departmental records relating to, department to furnish: RCW 46.01.250.*
  - departmental records relating to, destruction of: RCW 46.01.260.*
  - emergency vehicle operators, director to approve: RCW 46.08.060.*
  - financial responsibility act, director's powers and duties under: Chapter 46.29 RCW.*
  - general powers of director: RCW 46.01.130.*
  - lighting and other vehicle equipment, director's powers and duties relating to: Chapter 46.37 RCW.*
  - motor vehicle dealer's licenses, director's powers and duties relating to: Chapter 46.70 RCW.*
  - motor vehicle excise tax, duties concerning: Chapter 82.44 RCW.*
  - motor vehicle fuel tax, duties concerning: Chapter 82.36 RCW.*
  - motor vehicle fund moneys distributed to: RCW 46.68.090.*

*motor vehicle revenue, director's powers and duties relating to: Chapter 46.68 RCW.*  
*motor vehicle transporters' licenses, director's powers and duties relating to: Chapter 46.76 RCW.*  
*motor vehicle wreckers' licensing, director's powers and duties relating to: Chapter 46.80 RCW.*  
*safety responsibility act, director's powers and duties relating to: Chapter 46.29 RCW.*  
*vehicle and operator licensing, rules and regulations for: RCW 46.01.110.*

**Nurses**

*practical nurses: Chapter 18.78 RCW.*  
*registered nurses: Chapter 18.88 RCW.*  
*Oath of director: RCW 43.17.030.*  
*Offices of department maintained at state capitol: RCW 43.17.060.*  
*Opticians, dispensing: Chapter 18.34 RCW.*  
*Optometrists: Chapter 18.53 RCW.*  
*Osteopathy and surgery: Chapter 18.57 RCW.*  
*Pharmacists: Chapter 18.64 RCW.*  
*Pharmacy, state board of pharmacy, duties concerning: RCW 18.64.005.*  
*Physical therapists: Chapter 18.74 RCW.*  
*Physicians and surgeons: Chapter 18.71 RCW.*  
*Powers and duties of director: RCW 43.17.030, 43.24.020, chapter 46.01 RCW.*  
*Psychologists: Chapter 18.83 RCW.*  
*Public accountants: Chapter 18.04 RCW.*  
*Real estate brokers and salesmen: Chapter 18.85 RCW.*  
*Rules and regulations of department: RCW 43.17.060, 46.01.110.*  
*Seal: RCW 46.01.170.*  
*Sanitarians: Chapter 18.90 RCW.*  
*Securities act, licensing requirements: Chapter 21.20 RCW.*  
*State commission on equipment, director as member of: RCW 46.37.005.*  
*Traffic violations, citation and record of juvenile forwarded to director: RCW 13.04.120.*  
*Vacancies in department: RCW 43.17.020, 43.17.040.*  
*Veterans, motor vehicle license issued free to disabled: RCW 73.04.110.*  
*Veterans' preferences, qualifications for: RCW 73.04.090.*  
*Veterinarians: Chapter 18.92 RCW.*

**43.24.001 Department of motor vehicles—Creation—Director—Powers, duties and functions—Personnel.** See chapter 46.01 RCW.

**43.24.010 Authority of director—Personnel.** The director of motor vehicles shall have charge and general supervision of the department of motor vehicles.

He may appoint such clerical and other assistants as may be necessary to carry on the work of the department and deputize one or more of such assistants to perform duties in the name of the director. [1965 c 100 § 1; 1965 c 8 § 43.24.010. Prior: 1921 c 7 § 95; RRS § 10853.]

*Director of motor vehicles, appointment and qualifications: RCW 43.17.020, 46.01.090.*  
*Medical practice investigator, powers and duties: RCW 18.71A.070.*  
*Personnel of department of motor vehicles: RCW 46.01.130, 46.01.200.*

**43.24.020 Powers and duties—Generally.** The director of motor vehicles shall administer all laws with respect to the examination of applicants for, and the issuance of, licenses to persons to engage in any business, profession, trade, occupation, or activity.

This shall include the administration of all laws pertaining to the regulation of securities and speculative investments. [1965 c 100 § 2; 1965 c 8 § 43.24.020. Prior: (i) 1921 c 7 § 96; RRS § 10854. (ii) 1921 c 7 § 104; RRS § 10862. (iii) 1929 c 133 § 1; RRS § 5852–24.]

*Powers, duties and functions of director and department of motor vehicles: Chapter 46.01 RCW.*

**43.24.022 Powers, duties and functions as to licensing of businesses, professions and regulation of securities vested in director.** The director of motor vehicles is the successor in interest to the director of licenses and is vested with all powers, duties and functions formerly vested in the director of licenses pursuant to Title 18 RCW, Title 21 RCW and chapter 43.24 RCW. [1965 ex.s. c 170 § 41.]

**43.24.024 Powers, duties and functions as to licensing of businesses, professions and regulation of securities vested in director—Delegation of authority to division of professional licensing.** The director of motor vehicles may delegate to the administrative head of the division of professional licensing of the department of motor vehicles authority to promulgate rules and regulations relating to the licensing of persons engaged in businesses and professions and to the administration of laws pertaining to the regulation of securities. The director may delegate the authority to issue and sign licenses, certificates, permits and renewals thereof pertaining to those activities transferred to the professional licensing division of the department of motor vehicles pursuant to RCW 46.01.050. [1965 ex.s. c 170 § 42.]

**43.24.026 Business and professional administration created—Transfer of powers, duties and functions to—Divisions of securities, real estate and professional licensing.** See RCW 46.01.050, 46.01.055.

**43.24.030 "License" defined.** The word "license" shall be construed to mean and include license, certificate of registration, certificate of qualification, certificate of competency, certificate of authority, and any other instrument, by whatever name designated, authorizing the practice of a profession or calling, the carrying on of a business or occupation, or the doing of any act required by law to be authorized by the state. [1965 c 8 § 43.24.030. Prior: 1921 c 7 § 98; RRS § 10856.]

**43.24.040 Forms to be prescribed.** The director of motor vehicles shall prescribe the various forms of applications, certificates, and licenses required by law. [1965 c 8 § 43.24.040. Prior: 1921 c 7 § 97; RRS § 10855.]

*Application forms—Licenses—Mention of race or religion prohibited: RCW 43.01.100, 43.01.110.*

*Director to prescribe forms for applications, licenses, certificates: RCW 46.01.160.*

**43.24.060 Examinations—Committees—Duties, compensation, travel expenses.** The director of motor vehicles shall, from time to time, fix such times and

places for holding examinations of applicants as may be convenient, and adopt general rules and regulations prescribing the method of conducting examinations.

The governor, from time to time, upon the request of the director of motor vehicles, shall appoint examining committees, composed of three persons possessing the qualifications provided by law to conduct examinations of applicants for licenses to practice the respective professions or callings for which licenses are required.

The committees shall prepare the necessary lists of examination questions, conduct the examinations, which may be either oral or written, or partly oral and partly written, and shall make and file with the director of motor vehicles lists, signed by all the members conducting the examination, showing the names and addresses of all applicants for licenses who have successfully passed the examination, and showing separately the names and addresses of the applicants who have failed to pass the examination, together with all examination questions and the written answers thereto submitted by the applicants.

Each member of a committee shall receive twenty-five dollars per day for each day spent in conducting the examination and in going to and returning from the place of examination, and travel expenses, in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [1975-'76 2nd ex.s. c 34 § 105; 1965 c 100 § 3; 1965 c 8 § 43.24.060. Prior: 1921 c 7 § 99; RRS § 10857.]

**Effective date—Severability—**—1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

**43.24.080 Issuance of licenses.** At the close of each examination the department of motor vehicles shall prepare the proper licenses, where no further fee is required to be paid, and issue licenses to the successful applicants signed by the director and notify all successful applicants, where a further fee is required, of the fact that they are entitled to receive such license upon the payment of such further fee to the department of motor vehicles and notify all applicants who have failed to pass the examination of that fact. [1965 c 100 § 4; 1965 c 8 § 43.24.080. Prior: 1921 c 7 § 101; RRS § 10859.]

**43.24.085 License or registration fees for businesses, occupations and professions—Policy—Minimums and maximums—Determination.** It shall be the policy of the state of Washington that the director of the department of motor vehicles shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or registration of professions, occupations, or businesses, administered by the professional licensing division of the department of motor vehicles. In fixing said fees the director shall, insofar as is practicable, fix the fees relating to each profession, occupation, or business in such a manner that the income from each will match the anticipated expenses to be incurred in the administration of the laws relating to each such profession, occupation, or

business. All such fees shall be fixed by rule and regulation adopted by the director in accordance with the provisions of the administrative procedure act, chapter 34.04 RCW: *Provided, That*

(1) In no event shall the license or registration renewal fee in the following cases be fixed at an amount less than five dollars or in excess of fifteen dollars:

- Barber
- Student barber
- Cosmetologist (manager-operator)
- Cosmetologist (operator)
- Cosmetologist (instructor-operator)
- Apprentice embalmers
- Manicurist
- Apprentice funeral directors
- Registered nurse
- Licensed practical nurse
- Charitable organization
- Professional solicitor;

(2) In no event shall the license or registration renewal fee in the following cases be fixed at an amount less than ten dollars or in excess of twenty dollars:

- Dental hygienist
- Barber instructor
- Barber manager instructor
- Psychologist
- Embalmer
- Funeral director
- Sanitarian
- Veterinarian
- Cosmetology shop
- Barber shop
- Proprietary school agent
- Specialized and advance registered nurse
- Physician's assistant
- Osteopathic physician's assistant;

(3) In no event shall the license or registration renewal fee in the following cases be fixed at an amount less than fifteen dollars or in excess of thirty-five dollars:

- Architect
- Dentist
- Engineer
- Land Surveyor
- Podiatrist
- Chiropractor
- Drugless therapeutic
- Osteopathic physician
- Osteopathic physician and surgeon
- Physical therapist
- Physician and surgeon
- Optometrist
- Dispensing optician
- Landscape architect
- Nursing home administrator
- Hearing aid fitter;

(4) In no event shall the license or registration renewal fee in the following cases be fixed at an amount less than fifty dollars or in excess of two hundred dollars:

- Engineer corporation
- Engineer partnership
- Cosmetology school
- Barber school

Debt adjuster agency  
 Debt adjuster branch office  
 Debt adjuster  
 Proprietary school  
 Employment agency  
 Employment agency branch office  
 Collection agency  
 Collection agency branch office  
 Professional fund raiser. [1975 1st ex.s. c 30 § 93; 1971 ex.s. c 266 § 21.]

**43.24.090 Examination of handicapped persons.** Any person taking any written examination prescribed or authorized by law, for a license or permit to practice any trade, occupation, or profession, who, because of any handicap, is unable to write the examination himself, may dictate it to and have it written or typed by another, to the same effect as though the examination were written out by himself. Any expense connected therewith shall be borne by the person taking the examination. [1965 c 8 § 43.24.090. Prior: 1947 c 143 § 1; Rem. Supp. 1947 § 8265-20.]

**43.24.110 Revocation of licenses—Hearings—Committee—Powers, compensation, travel expenses.** Whenever there is filed with the director of motor vehicles any complaint charging that the holder of a license has been guilty of any act or omission which by the provisions of the law under which the license was issued would warrant the revocation thereof, verified in the manner provided by law, the director of motor vehicles shall request the governor to appoint, and the governor shall appoint, two qualified practitioners of the profession or calling of the person charged, who, with the director or his duly appointed representative, shall constitute a committee to hear and determine the charges and, in case the charges are sustained, impose the penalty provided by law. The decision of any two members of such committee shall be the decision of the committee.

The appointed members of the committee shall receive twenty-five dollars per day for each day spent in the performance of their duties and in going to and returning from the place of hearing, and their travel expenses, in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [1975-'76 2nd ex.s. c 34 § 106; 1965 c 100 § 5; 1965 c 8 § 43.24.110. Prior: 1921 c 7 § 103; RRS § 10861.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.24.115 Director's duties as to refusal, revocation or suspension of licenses—Performance by assistants.** The director may deputize one or more of his assistants to perform his duties with reference to refusal, revocation or suspension of licenses, including the power to preside at hearings and to render decisions therein subject to the approval of the director. [1965 c 100 § 6.]

**43.24.120 Appeal.** Any person feeling aggrieved by the refusal of the director to issue a license, or to renew one, or by the revocation or suspension of a license shall

have a right of appeal from the decision of the director of motor vehicles to the superior court of Thurston county, which shall be taken, prosecuted, heard, and determined in the manner provided by law for appeals from justices' courts to superior courts.

No appeal shall lie from the decision of the superior court of Thurston county on appeals from the director of motor vehicles, but the decision may be reviewed as to matters of law by the supreme court or the court of appeals upon writs of review sued out in the manner provided by law. [1971 c 81 § 112; 1965 c 8 § 43.24.120. Prior: 1921 c 7 § 106; RRS § 10864.]

**Rules of court:** Writ procedure superseded by RAP 2.1, 2.2, 18.22.

**43.24.130 License moratorium for persons in service.** Notwithstanding any provision of law to the contrary, the license of any person licensed by the director of motor vehicles to practice a profession or engage in an occupation, if valid and in force and effect at the time the licensee entered service in the armed forces or the merchant marine of the United States, shall continue in full force and effect so long as such service continues, unless sooner suspended, canceled, or revoked for cause as provided by law. The director shall renew the license of every such person who applies for renewal thereof within six months after being honorably discharged from service upon payment of the renewal fee applicable to the then current year or other license period. [1965 c 8 § 43.24.130. Prior: 1945 c 112 § 1; 1943 c 108 § 1; RRS § 10864-1.]

**43.24.140 Extension of licensing period authorized—Rules and regulations, manner and content.** Notwithstanding any provision of law to the contrary, the director of motor vehicles may, from time to time, extend the duration of a licensing period for the purpose of staggering renewal periods. Such extension of a licensing period shall be by rule or regulation of the department of motor vehicles adopted in accordance with the provisions of chapter 34.04 RCW. Such rules and regulations may provide a method for imposing and collecting such additional proportional fee as may be required for the extended period. [1971 c 52 § 1.]

## Chapter 43.27A DEPARTMENT OF WATER RESOURCES

### Sections

- 43.27A.015 Powers, duties and functions of department of water resources, director thereof, transferred to department of ecology.
- 43.27A.020 Definitions.
- 43.27A.075 Delegation of director's powers and duties to assistant directors.
- 43.27A.080 Powers, duties, functions of certain state agencies transferred to department—Columbia basin division.
- 43.27A.090 Powers and duties of department.
- 43.27A.120 Department of natural resources to exercise mining powers and duties of department of conservation.
- 43.27A.130 Department of natural resources to exercise geology powers and duties of department of conservation.
- 43.27A.180 Agencies abolished.
- 43.27A.190 Regulatory orders to prevent violations—Issuance.
- 43.27A.200 Review of regulatory orders—Hearings.
- 43.27A.210 Hearings.

43.27A.220 "Person" defined.

43.27A.900 Liberal construction.

43.27A.910 Severability—1967 c 242.

*County water systems, approval: RCW 36.94.100.*

*Thermal power plant site evaluation council, director a member: RCW 80.50.030.*

**43.27A.015 Powers, duties and functions of department of water resources, director thereof, transferred to department of ecology.** See RCW 43.21A.060.

**43.27A.020 Definitions.** As used in this chapter, and unless the context indicates otherwise, words and phrase shall mean:

"Department" means the department of water resources;

"Director" means the director of the department of water resources;

"State agency" and "state agencies" mean any branch, department or unit of state government, however designated or constituted;

"Water resources" means all waters above, upon, or beneath the surface of the earth, located within the state and over which the state has sole or concurrent jurisdiction.

"Beneficial use" means, but its meaning shall not be limited to: Domestic water supplies; irrigation; fish, shellfish, game, and other aquatic life; recreation; industrial water supplies; generation of hydroelectric power; and navigation.

"Council" means the water resources advisory council. [1967 c 242 § 2.]

**43.27A.075 Delegation of director's powers and duties to assistant directors.** The director of the department of water resources may, by appropriate regulation, delegate any of the powers and duties vested in him as director of the department of water resources, other than the adoption, amendment or rescission of rules or regulations, to any of the three assistant directors heading the divisions of the department as provided for in RCW 43.27A.070. [1969 ex.s. c 284 § 10.]

*Reviser's note:* RCW 43.27A.070 was repealed by 1970 ex.s. c 62 § 30.

*Severability—1969 ex.s. c 294:* See note following RCW 90.48.290.

**43.27A.080 Powers, duties, functions of certain state agencies transferred to department—Columbia basin division.** The department shall exercise the powers, duties and functions, through divisions as provided for in RCW 43.27A.070 of the following state agencies or division of state agencies, and public officials, and all their powers, duties and functions are transferred to the department of water resources:

(1) The division of reclamation of the department of conservation;

(2) The division of water resources of the department of conservation;

(3) The division of flood control of the department of conservation;

(4) The division of power resources of the department of conservation;

(5) The Columbia basin commission;

(6) The weather modification board;

All other powers, duties or functions now vested in the department of conservation or the director thereof are transferred to the department of water resources, except those powers which are expressly transferred to some other agency of the state by this chapter. The director in exercising the powers, duties and functions of the Columbia basin commission as set forth in chapter 43.49 RCW may create and maintain in the department a Columbia basin division. [1967 c 242 § 8.]

*Reviser's note:* RCW 43.27A.070 was repealed by 1970 ex.s. c 62 § 30.

**43.27A.090 Powers and duties of department.** Notwithstanding, and in addition to powers, duties, and functions previously transferred to the department under this chapter, the department shall be empowered as follows:

(1) To represent the state at, and fully participate in, the activities of any basin or regional commission, inter-agency committee, or any other joint interstate or federal-state agency, committee or commission, or publicly financed entity engaged in the planning, development, administration, management, conservation or preservation of the water resources of the state.

(2) To prepare the views and recommendations of the state of Washington on any project, plan or program relating to the planning, development, administration, management, conservation and preservation of any waters located in or affecting the state of Washington, including any federal permit or license proposal, and appear on behalf of, and present views and recommendations of the state at any proceeding, negotiation or hearing conducted by the federal government, interstate agency, state or other agency.

(3) To cooperate with, assist, advise and coordinate plans with the federal government and its officers and agencies, and serve as a state liaison agency with the federal government in matters relating to the use, conservation, preservation, quality, disposal or control of water and activities related thereto.

(4) To cooperate with appropriate agencies of the federal government and/or agencies of other states, to enter into contracts, and to make appropriate contributions to federal or interstate projects and programs and governmental bodies to carry out the provisions of this chapter.

(5) To apply for, accept, administer and expend grants, gifts and loans from the federal government or any other entity to carry out the purposes of this chapter and make contracts and do such other acts as are necessary insofar as they are not inconsistent with other provisions hereof.

(6) To develop and maintain a coordinated and comprehensive state water and water resources related development plan, and adopt, with regard to such plan, such policies as are necessary to insure that the waters of the state are used, conserved and preserved for the best interest of the state. There shall be included in the state plan a description of developmental objectives and

a statement of the recommended means of accomplishing these objectives. To the extent the director deems desirable, the plan shall integrate into the state plan, the plans, programs, reports, research and studies of other state agencies.

(7) To assemble and correlate information relating to water supply, power development, irrigation, watersheds, water use, future possibilities of water use and prospective demands for all purposes served through or affected by water resources development.

(8) To assemble and correlate state, local and federal laws, regulations, plans, programs and policies affecting the beneficial use, disposal, pollution, control or conservation of water, river basin development, flood prevention, parks, reservations, forests, wildlife refuges, drainage and sanitary systems, waste disposal, water works, watershed protection and development, soil conservation, power facilities and area and municipal water supply needs, and recommend suitable legislation or other action to the legislature, the congress of the United States, or any city, municipality, or to responsible state, local or federal executive departments or agencies.

(9) To cooperate with federal, state, regional, interstate and local public and private agencies in the making of plans for drainage, flood control, use, conservation, allocation and distribution of existing water supplies and the development of new water resource projects.

(10) To encourage, assist and advise regional, and city and municipal agencies, officials or bodies responsible for planning in relation to water aspects of their programs, and coordinate local water resources activities, programs, and plans.

(11) To promulgate such rules and regulations as are necessary to carry out the purposes of this chapter.

(12) To hold public hearings, and make such investigations, studies and surveys as are necessary to carry out the purposes of the chapter.

(13) To subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath and require the production of any books or papers when the department deems such measures necessary in the exercise of its rule-making power or in determining whether or not any license, certificate, or permit shall be granted or extended. [1967 c 242 § 9.]

**43.27A.120 Department of natural resources to exercise mining powers and duties of department of conservation.** The department of natural resources shall exercise the powers, duties, and functions of the director of the department of conservation with respect to mining powers, duties, and functions as set forth in RCW 43.21.060, 43.21.070, 43.21.080, and 43.21.090, and Title 78 RCW, and such powers, duties, and functions are hereby transferred to the department of natural resources. [1967 c 242 § 14.]

**43.27A.130 Department of natural resources to exercise geology powers and duties of department of conservation.** The department of natural resources shall exercise the powers, duties, and functions of the director of the department of conservation with respect to the powers, duties, and functions concerning geology as set

forth in RCW 43.21.050 and chapter 43.92 RCW, and such powers, duties, and functions are hereby transferred to the department of natural resources: *Provided*, That nothing in this section shall be construed to prohibit the department of water resources from making complete inventories of the state's water resources and entering into such agreements with the director of the United States geological survey as will insure that investigations and surveys are carried on in an economical manner. [1967 c 242 § 15.]

**43.27A.180 Agencies abolished.** On July 1, 1967, the following state agencies are abolished:

- (1) Weather modification board
- (2) Columbia basin commission
- (3) Power advisory committee
- (4) Department of conservation. [1967 c 242 § 20.]

**43.27A.190 Regulatory orders to prevent violations—Issuance.** Notwithstanding and in addition to any other powers granted to the department of water resources, whenever it appears to the director of the department of water resources, or to an assistant authorized by the director to issue regulatory orders under this section, that a person is violating or is about to violate any of the provisions of the following:

- (1) Chapter 90.03 RCW; or
- (2) Chapter 90.44 RCW; or
- (3) Chapter 86.16 RCW; or
- (4) Chapter 43.37 RCW; or
- (5) Chapter 43.27A RCW; or
- (6) Any other chapter or statute the director of the department of water resources is charged with administering; or

(7) A rule or regulation adopted, or a directive or order issued by the department of water resources relating to subsections (1) through (6) of this section; the director of the department of water resources, or an authorized assistant, may cause a written regulatory order to be served upon said person either personally, or by registered or certified mail delivered to addressee only with return receipt requested and acknowledged by him. The order shall specify the provision of the statute, rule, regulation, directive or order alleged to be or about to be violated, and the facts upon which the conclusion of violating or potential violation is based, and shall order the act constituting the violation or the potential violation to cease and desist or, in appropriate cases, shall order necessary corrective action to be taken with regard to such acts within a specific and reasonable time. The regulation of a headgate or controlling works as provided in RCW 90.03.070, by a watermaster, stream patrolman, or other person so authorized by the director of the department of water resources, shall constitute a regulatory order within the meaning of this section. A regulatory order issued hereunder shall become effective immediately upon receipt by the person to whom the order is directed, except for regulations under RCW 90.03.070 which shall become effective when a written notice is attached as provided therein, and shall become final unless review thereof is requested as provided in RCW 43.27A.200. This section is supplementary to and

shall not lessen any of the regulatory and enforcement powers of the department of water resources. [1969 ex.s. c 284 § 7.]

**Severability—1969 ex.s. c 284:** See note following RCW 90.48.290.

**43.27A.200 Review of regulatory orders—Hearings.** Any person feeling aggrieved by a regulatory order issued pursuant to RCW 43.27A.190 shall be entitled to review thereof upon request as follows:

(1) Review of the following categories of orders enumerated in subsections (a), (b), (c) and (d) of this subsection (1) shall be available in superior court pursuant and subject to the provisions of RCW 90.03.080 and shall include:

(a) An order which relates to the right to divert, withdraw or otherwise make beneficial use of waters of a water source which has been adjudicated pursuant to RCW 90.03.110 through 90.03.240 or RCW 90.44.220 and 90.44.230; or

(b) An order which relates to the performance of an activity, or the construction or operation of a facility or improvement by a person without a permit, certificate, license or other authorization or approval of the department of water resources when the same is required to be obtained from the department by the person by statute, including but not limited to RCW 90.03.250, 90.03.350, 90.03.370, 90.03.380, 90.44.050, 86.16.080, or 43.37.080, prior to said performance, construction or operation; or

(c) An order which relates to the violation of a term or condition of a permit or certificate, license or other authorization or approval issued by the department of water resources; or

(d) An order which relates to a water use condition constituting an emergency which threatens the public safety or welfare;

(2) Review of all regulatory orders issued pursuant to RCW 43.27A.190, other than those described in RCW 43.27A.200(1), shall be available through administrative hearings conducted by the department of water resources. A hearing shall be granted by the director of the department of water resources if the requester submits a written request to the director by certified or registered mail for a hearing and the same is received by, or mailed to the director within thirty days from the date of receipt of the order. No such request shall be entertained unless it contains the following:

(a) The requester's name and address;

(b) The date of the order for which the request for review is taken;

(c) A statement of the substance of the order complained of;

(d) A clear, separate and concise statement of each and every error which the requester alleges to have been committed by the department;

(e) A clear and concise statement of facts upon which the requester relies to sustain his statements of error; and

(f) A statement setting forth the relief sought.

All hearings shall be before the director or a hearing officer appointed by the director. Any party to a hearing

held hereunder who feels aggrieved by a final order issued by the director of the department of water resources after a hearing may obtain review thereof in a superior court. All hearings and judicial review authorized hereunder shall be subject to the provisions of chapter 34.04 RCW pertaining to contested cases.

In the event a regulatory or final order issued pursuant to RCW 43.27A.190 or 43.27A.200 is not complied with, the attorney general, upon request of the department of water resources, shall bring an action in the superior court of the county where the violation occurred or potential violation is about to occur to obtain such judicial relief as necessary, including injunctive relief, to insure that said order is complied with. [1969 ex.s. c 284 § 8.]

**43.27A.210 Hearings.** Any person, corporation, association or government agency feeling aggrieved by any order, decision or determination of the department of water resources, other than a regulatory order issued pursuant to RCW 43.27A.190 or 43.27A.200, who is not otherwise expressly entitled to a hearing before the department of water resources prior or subsequent to the issuance of any such order, decision or determination shall be entitled to a hearing under the provisions of this section upon request. No request shall be entertained unless it contains the same information and statements as required in a written request for a hearing as set forth in RCW 43.27A.200(2), and is delivered to the department's office in Olympia either personally or by registered or certified mail, within thirty days following the rendition of the order, decision or determination by said department.

Any party to this proceeding shall be entitled to have a final order of the department reviewed by the superior court. The proceedings authorized hereunder shall be construed as "contested cases" within the meaning of chapter 34.04 RCW and said RCW chapter shall apply to all phases of the hearing and the judicial review granted in this section. [1969 ex.s. c 284 § 9.]

**Severability—1969 ex.s. c 284:** See note following RCW 90.48.290.

**43.27A.220 "Person" defined.** Whenever the word "person" is used in RCW 43.27A.190 through 43.27A.210, it shall be construed to include any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual or any other entity whatsoever. [1969 ex.s. c 284 § 11.]

**Severability—1969 ex.s. c 284:** See note following RCW 90.48.290.

**43.27A.900 Liberal construction.** The rule of strict construction shall have no application to this chapter, but the same shall be liberally construed, in order to carry out the purposes and objectives for which this chapter is intended. [1967 c 242 § 22.]

**43.27A.910 Severability—1967 c 242.** If any provision of this chapter, or its application to any person or circumstance, is held invalid, the remainder of this



chapter, or the application to other persons or circumstances, is not affected. [1967 c 242 § 21.]

### Chapter 43.30 DEPARTMENT OF NATURAL RESOURCES

#### Sections

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*Categories of trails—Policy statement as to certain state lands: RCW 67.32.080.*

*Commissioner of public lands: Chapters 43.12, 79.01 RCW.*

*Disposition of ATV registration fees: RCW 46.09.110.*

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*Ecological commission, departmental representation at meetings of: RCW 43.21A.170.*

*Forests and forest products: Title 76 RCW.*

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*Thermal power plant site evaluation council, membership: RCW 80.50.030.*

*Treasurer's duty to refund snowmobile fuel tax to general fund—Crediting—Use: RCW 46.10.150.*

*Youth development and conservation corps: Chapter 43.51 RCW.*

**43.30.010 Purpose.** The purpose of this chapter is to provide for more effective and efficient management of the forest and land resources in the state by consolidating into a department of natural resources certain powers, duties and functions of the division of forestry of the department of conservation and development, the board of state land commissioners, the state forest board, all state sustained yield forest committees, director of conservation and development, state capitol committee, director of licenses, secretary of state, tax commission and commissioner of public lands. [1965 c 8 § 43.30.010. Prior: 1957 c 38 § 1.]

*Names of department and director of conservation and development changed to department and director of ecology: RCW 43.17.010, 43.17.020.*

*Names of department and director of licenses changed to department and director of motor vehicles: RCW 43.17.010, 43.17.020.*

*Tax commission abolished, powers and duties transferred to department of revenue: 1967 ex.s. c 26 § 7; see note following RCW 82.01.050.*

**43.30.020 Definitions.** For the purpose of this chapter, except where a different interpretation is required by the context:

- (1) "Department" means the department of natural resources;
- (2) "Board" means the board of natural resources;
- (3) "Administrator" means the administrator of the department of natural resources;
- (4) "Supervisor" means the supervisor of natural resources;
- (5) "Agency" and "state agency" means any branch, department, or unit of the state government, however designated or constituted;
- (6) "Commissioner" means the commissioner of public lands. [1965 c 8 § 43.30.020. Prior: 1957 c 38 § 2.]

**43.30.030 Department created.** The department of natural resources is hereby created, to consist of a board of natural resources, an administrator and a supervisor. [1965 c 8 § 43.30.030. Prior: 1957 c 38 § 3.]

**43.30.040 Board of natural resources—Composition.** The board shall consist of five members: The governor, the superintendent of public instruction, the commissioner of public lands, the dean of the college of forestry of the University of Washington and the director of the institute of agricultural sciences of Washington State University. [1965 c 8 § 43.30.040. Prior: 1957 c 38 § 4.]

**43.30.050 Administrator of department.** The commissioner of public lands shall be the administrator of the department. [1965 c 8 § 43.30.050. Prior: 1957 c 38 § 5.]

**43.30.060 Supervisor of natural resources—Appointment.** The supervisor shall be appointed by the administrator with the advice and consent of the board. He shall serve at the pleasure of the administrator. [1965 c 8 § 43.30.060. Prior: 1957 c 38 § 6.]

**43.30.070 Powers, duties, functions of certain state agencies transferred to department—Agencies abolished.** The department shall exercise the powers, duties and functions of the following state agencies, and the said agencies are hereby abolished and all of their powers, duties and functions are transferred to the department of natural resources: The division of forestry of the department of conservation and development, the board of state land commissioners, the state forest board and all state sustained yield forest committees. [1965 c 8 § 43.30.070. Prior: 1957 c 38 § 7.]

**43.30.080 Department to exercise certain powers and duties—Director of conservation and development.** The department shall exercise the powers, duties and functions of the director of conservation and development with respect to forestry powers, duties and functions as set forth in Title 76 RCW, and such powers, duties and functions are hereby transferred to the department. [1965 c 8 § 43.30.080. Prior: 1957 c 38 § 8.]

**43.30.090 Department to exercise certain powers and duties—State capitol committee.** The department shall exercise the powers, duties and functions of the state capitol committee with respect to capitol building lands and resources thereon as set forth in RCW 79.24.010 through 79.24.090, and such powers, duties and functions are hereby transferred to the department. [1965 c 8 § 43.30.090. Prior: 1957 c 38 § 9.]

**43.30.100 Department to exercise certain powers and duties—Director of licenses and other agencies with respect to Christmas trees.** The department shall exercise the powers, duties and functions of the director of licenses and all other state agencies with respect to the harvesting and export of Christmas trees, as set forth in chapter 19.12 RCW, and such powers, duties and functions are hereby transferred to the department. [1965 c 8 § 43.30.100. Prior: 1957 c 38 § 10.]

**43.30.110 Department to exercise certain powers and duties—Secretary of state.** The department shall exercise all of the powers, duties and functions of the secretary of state with respect to: (1) Booming companies, under the provisions of chapter 76.28 RCW; (2) log driving companies, under the provisions of chapter 76.32 RCW; (3) log marks and brands, under the provisions of chapter 76.36 RCW, and such powers, duties and functions are hereby transferred to the department. [1965 c 8 § 43.30.110. Prior: 1957 c 38 § 11.]

**43.30.120 Department to exercise certain powers and duties—Director of licenses, tax commission with respect to log patrols.** The department shall exercise the powers, duties and functions of the director of licenses and the tax commission of the state of Washington with respect to log patrols, as set forth in chapter 76.40 RCW, and such powers, duties and functions are hereby transferred to the department. [1965 c 8 § 43.30.120. Prior: 1957 c 38 § 12.]

**43.30.130 Department to exercise certain powers and duties—Commissioner of public lands.** The department shall exercise all of the powers, duties and functions now vested in the commissioner of public lands and such powers, duties and functions are hereby transferred to the department: *Provided*, That nothing herein contained shall effect his ex officio membership on any committee provided by law. [1965 c 8 § 43.30.130. Prior: 1957 c 38 § 13.]

**43.30.140 Department to exercise certain powers and duties—Sustained yield forests.** All sustained yield forests established by RCW 79.56.010 shall be managed and administered by the department of natural resources. [1965 c 8 § 43.30.140. Prior: 1957 c 38 § 14.]

**43.30.150 Powers and duties of board—Personnel—Advisory committees—Organization—Travel expenses.** The board shall:

(1) Perform all the duties relating to appraisal, appeal, approval and hearing functions heretofore performed by the board of state land commissioners, the state forest board and the capitol committee to the extent such functions are transferred to the department;

(2) Establish policies to insure that the acquisition, management and disposition of all lands and resources within the department's jurisdiction are based on sound principles designed to achieve the maximum effective development and use of such lands and resources consistent with laws applicable thereto;

(3) Constitute the board of appraisers provided for in Article 16, section 2 of the state Constitution;

(4) Constitute the commission on harbor lines provided for in Article 15, section 1 of the state Constitution as amended;

(5) Hold regular monthly meetings at such times as it may determine, and such special meetings as may be called by the chairman or majority of the board membership upon written notice to all members thereof: *Provided*, That the board may dispense with any regular meetings, except that the board shall not dispense with two consecutive regular meetings;

(6) Adopt and enforce such rules and regulations as may be deemed necessary and proper for carrying out the powers, duties and functions imposed upon it by this chapter;

(7) Employ and fix the compensation of such technical, clerical and other personnel as may be deemed necessary for the performance of its duties;

(8) Appoint such advisory committees as it may deem appropriate to advise and assist it to more effectively

discharge its responsibilities. The members of such committees shall receive no compensation, but shall be entitled to reimbursement for travel expenses in attending committee meetings in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended;

(9) Meet and organize within thirty days after March 6, 1957 and on the third Monday of each January following a state general election at which the elected ex officio members of the board are elected. The board shall select its own chairman. The commissioner of public lands shall be the secretary of the board. The board may select a vice chairman from among its members. In the absence of the chairman and vice chairman at a meeting of the board, the members shall elect a chairman pro tem. No action shall be taken by the board except by the agreement of at least three members. The department and the board shall maintain its principal office at the capital;

(10) Be entitled to reimbursement individually for travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [1975-'76 2nd ex.s. c 34 § 107; 1965 c 8 § 43.30.150. Prior: 1957 c 38 § 15.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.30.160 Powers and duties of administrator—Personnel.** The administrator shall have responsibility for performance of all the powers, duties and functions of the department except those specifically assigned to the board. In the performance of his powers, duties and functions, the administrator shall conform to policies established by the board, and may employ and fix the compensation of such personnel as may be required to perform the duties of his office. [1965 c 8 § 43.30.160. Prior: 1957 c 38 § 16.]

**43.30.170 Powers and duties of supervisor—Personnel—Bond.** The supervisor shall:

(1) Be charged with the direct supervision of the department's activities as delegated to him by the administrator;

(2) Perform his duties in conformance with the policies established by the board;

(3) Organize the department, with approval of the administrator, into such subordinate divisions as he may deem appropriate for the conduct of its operations;

(4) Employ and fix the compensation of such technical, clerical and other personnel as may be required to carry on activities under his supervision;

(5) Delegate by order any of his powers, duties and functions to one or more deputies or assistants as he may desire;

(6) Furnish before entering upon his duties a surety bond payable to the state in such amount as may be determined by the board, conditioned for the faithful performance of his duties and for his accounting of all moneys and property of the state that may come into his possession or under his control by virtue of his office. [1965 c 8 § 43.30.170. Prior: 1957 c 38 § 17.]

**43.30.180 Oaths may be administered by supervisor and deputies.** The supervisor and his duly authorized deputies may administer oaths. [1965 c 8 § 43.30.180. Prior: 1957 c 38 § 18.]

**43.30.190 Validation of acts of other agencies.** Neither the abolishment or transfer of any agency, nor any transfer of powers, duties and functions, as provided in this chapter, shall affect the validity of any act performed by such agency or any officer or employee thereof prior to the taking effect of this chapter. [1965 c 8 § 43.30.190. Prior: 1957 c 38 § 19.]

**43.30.200 Administrator to report to legislature and governor—To recommend legislation.** The administrator shall submit to the governor and to the legislature, on or before the last day of December immediately preceding each regular session of the legislature and at other times when required by the governor, a written report of the work of the department, including a statement of the expenditures thereof, with such recommendations for legislation as the department may deem advisable for the better management of the lands, forests, and other natural resources of the state. [1965 c 8 § 43.30.200. Prior: 1957 c 38 § 20.]

**43.30.210 Administrator may designate substitute for member of board, commission, etc.** When any officer, member, or employee of an agency abolished by provisions of this chapter is, under provisions of existing law, designated as a member ex officio of another board, commission, committee, or other agency, and no provision is made in this chapter with respect to a substitute, the administrator shall designate the officer or other person to serve hereafter in that capacity. [1965 c 8 § 43.30.210. Prior: 1957 c 38 § 21.]

**43.30.220 Disposition of property, records, etc., of abolished or transferred agencies.** Upon the taking effect of this chapter and the organization of the department, the responsible head of each agency abolished or transferred in whole or in part to the department by this chapter, shall deliver to the department all books, documents, records, papers, files, or other writings, all cabinets, furniture, office equipment, motor vehicles, and other tangible property and all funds in its custody or under its control, used or held in the exercise of the powers and the performance of the duties and functions so transferred, along with all pending business before such agency: *Provided*, That, if the books, documents, records, papers, files and other writings pertaining to a function transferred by this chapter to the department from agencies not abolished by this chapter are considered by the head of the agency from which such transfer is made to be essential to the performance of duties retained by such agency, the agency head may deliver to the department certified copies of such books, documents, records, papers, files and other writings. [1965 c 8 § 43.30.220. Prior: 1957 c 38 § 22.]

**43.30.230 Transfer of appropriations of agencies abolished.** The appropriations made to the various agencies abolished by this chapter shall be transferred to and made available to the department of natural resources. Appropriations for the exercise of powers, duties and functions transferred to the department from agencies that are not abolished by this chapter shall be transferred to and made available to the department in accordance with the provisions of RCW 43.30.240. [1965 c 8 § 43.30.230. Prior: 1957 c 38 § 23.]

**43.30.240 Transfer of equipment, funds, appropriations from agencies not abolished—Apportionment by director of budget.** The transfer of equipment, funds and appropriations from agencies that are not abolished by this chapter to the department, as provided in RCW 43.30.220 and 43.30.230, shall be accomplished in accordance with apportionments among the several agencies by the director of the budget, who shall have due consideration to the total of the appropriations to the several agencies, the size and nature of the functions to be transferred and the feasibility of segregating such equipment to the various functions. The director of the budget shall certify such apportionments to the agencies affected and to the state auditor, the state treasurer and department of general administration, each of whom shall make the appropriate transfers and adjustments in their funds and appropriation accounts and equipment records in accordance with such certification. [1965 c 8 § 43.30.240. Prior: 1957 c 38 § 24.]

**43.30.250 Property transactions, restrictive conveyances, highway purpose—Existing law to continue.** Nothing in this chapter shall be interpreted as changing existing law with respect to:

(1) Property given to a state agency on restrictive conveyance with provision for reversion to the grantor or for the vesting of title in another if and when such property is not used by the agency concerned for the stipulated purposes;

(2) Land or other property acquired by any state agency for highway purposes. [1965 c 8 § 43.30.250. Prior: 1957 c 38 § 25.]

**43.30.260 Real property—Services and facilities available to other state agencies, cost.** Upon request by any state agency vested by law with the authority to acquire or manage real property, the department shall make available to such agency the facilities and services of the department of natural resources with respect to such acquisition or management, upon condition that such agency reimburse the department for the costs of such services. [1965 c 8 § 43.30.260. Prior: 1957 c 38 § 26.]

**43.30.270 Employees—Applicability of merit system.** All employees of the department of natural resources shall be governed by any merit system which is now or may hereafter be enacted by law governing such employment. [1965 c 8 § 43.30.270. Prior: 1957 c 38 § 27.]

**43.30.280 Natural resources equipment fund—Authorized—Purposes—Expenditure.** A revolving fund in the custody of the state treasurer, to be known as the natural resources equipment fund, is hereby created to be expended by the department of natural resources without appropriation solely for the purchase of equipment, machinery, and supplies for the use of the department and for the payment of the costs of repair and maintenance of such equipment, machinery, and supplies. [1965 c 8 § 43.30.280. Prior: 1963 c 141 § 1.]

**43.30.290 Natural resources equipment fund—Reimbursement.** The natural resources equipment fund shall be reimbursed by the department of natural resources for all moneys expended from it. Reimbursement may be prorated over the useful life of the equipment, machinery, and supplies purchased by moneys from the fund. Reimbursement may be made from moneys appropriated or otherwise available to the department for the purchase, repair and maintenance of equipment, machinery, and supplies and shall be prorated on the basis of relative benefit to the programs. For the purpose of making reimbursement, all existing and hereafter acquired equipment, machinery, and supplies of the department shall be deemed to have been purchased from the natural resources equipment fund. [1965 c 8 § 43.30.290. Prior: 1963 c 141 § 2.]

**43.30.300 Outdoor recreation—Construction, operation and maintenance of primitive facilities—Right of way and public access—Use of state and federal outdoor recreation funds.** The department of natural resources is authorized:

(1) To construct, operate, and maintain primitive outdoor recreation facilities on lands under its jurisdiction which are of primitive character when deemed necessary by the department to achieve maximum effective development of such lands and resources consistent with the purposes for which the lands are held. This authority shall be exercised only after review by the interagency committee for outdoor recreation and determination by the committee that the department is the most appropriate agency to undertake such construction, operation and maintenance. Such review is not required for authority exercised under the provisions of RCW 76.04.210.

(2) To acquire right of way and develop public access to lands under the jurisdiction of the department of natural resources and suitable for public outdoor recreation.

(3) To receive and expend funds from federal and state outdoor recreation funding measures for the purposes of RCW 43.30.300 and 79.08.109. [1967 ex.s. c 64 § 1.]

**Construction—1967 ex.s. c 64:** "Nothing in this act shall be construed as affecting the jurisdiction or responsibility of any other state or local governmental agency, except as provided in section 1 of this act." [1967 ex.s. c 64 § 4.]

**Severability—1967 ex.s. c 64:** "If any provision of sections 1 through 4 of this act, or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1967 ex.s. c 64 § 3.]

The foregoing annotations apply to RCW 43.30.300 and 79.08.109. "Section 1 of this act" is codified as RCW 43.30.300.

*Exchange of lands to secure private lands for parks and recreation purposes: RCW 79.08.109.*

*Interagency committee for outdoor recreation: Chapter 43.99 RCW.*

**43.30.310 Rules and regulations pertaining to public use of state lands—Enforcement—Penalty.** For the promotion of the public safety and the protection of public property, the department of natural resources may, in accordance with chapter 34.04 RCW, issue, promulgate, adopt, and enforce rules and regulations pertaining to use by the public of state-owned lands and property which are administered by the department.

A violation of any rule or regulation adopted under this section shall constitute a misdemeanor.

The commissioner of public lands and such of his employees as he may designate shall be vested with police powers when enforcing:

(1) The rules and regulations of the department adopted under this section; or

(2) The general criminal statutes or ordinances of the state or its political subdivisions where enforcement is necessary for the protection of state-owned lands and property. [1969 ex.s. c 160 § 1.]

**43.30.350 Department of natural resources to exercise mining and geology powers and duties of department of conservation.** See RCW 43.27A.120 and 43.27A.130.

### Chapter 43.31

## DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

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*Chief assistants: RCW 43.17.040.*

*Cities and towns, annexation, director member of review board: RCW 35.13.171.*

*Department created: RCW 43.17.010.*

*Development credit corporations: Chapter 31.20 RCW.*

*Ecological commission, departmental representation at meetings of: RCW 43.21A.170.*

*Interagency committee for outdoor recreation, membership: RCW 43.99.110.*

*Joint committee on nuclear energy: Chapter 44.39 RCW.*

*Nuclear energy, thermal power facilities, joint development: Chapter 54.44 RCW.*

*Nuclear energy development and promotion: RCW 70.98.040.*

*Oath: RCW 43.17.030.*

*Office maintained at state capitol: RCW 43.17.050.*

*Planning and community affairs agency to carry out provisions of RCW 43.31.200–43.31.230: RCW 43.63A.080(9).*

*Rules and regulations: RCW 43.17.060.*

*State flood control zones, survey of needs: RCW 86.16.040.*

*Steam generating facility, powers of director: RCW 43.21.260.*

*Thermal power plant site evaluation council, director a member: RCW 80.50.030.*

*World fair commission, director as member: RCW 43.96A.040.*

*Youth development and conservation committee, membership: RCW 43.51.520.*

**43.31.010 Declaration of policy.** It is hereby declared to be the public policy of the legislature of the state of Washington to continue, and to accelerate the orderly growth of the economy of the state; not only to preserve, but also to increase the economic well-being of its citizens and its commerce: The legislature thereby determines that it is in the public interest, for the public good and the general welfare of the citizens of the state to establish a department of commerce and economic development. Through research and promotion the department shall foster the most desirable growth and diversification of industry and commerce possible, and the attraction of visitors to the state. [1965 c 8 § 43.31-.010. Prior: 1957 c 215 § 1.]

**43.31.020 Department established.** There is established a department of state government to be known as the department of commerce and economic development. [1965 c 8 § 43.31.020. Prior: 1957 c 215 § 2.]

**43.31.030 Director—Appointment, term, salary.** The executive head of the department shall be the director of commerce and economic development. He shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. He shall be paid a salary fixed by the governor in accordance with the provisions of RCW 43.03.040. [1965 c 8 § 43.31.030. Prior: 1961 c 307 § 6; 1957 c 215 § 3.]

**43.31.040 Divisions of department—Supervisors, managers, executive directors, assistants.** The department of commerce and economic development shall be organized into divisions, including (1) the industrial development division, (2) the tourist promotion division, (3) the research division, (4) the nuclear energy development division, to be known as the "office of nuclear energy development," (5) the foreign trade division, to be known as the "office of foreign trade," and others as required.

The director of commerce and economic development may appoint such division supervisors, managers, or executive directors, and clerical supervisors and other assistants as may be necessary for the general administration of the department. [1967 c 221 § 2; 1965 c 10 § 2; 1965 c 8 § 43.31.040. Prior: 1957 c 215 § 4.]

**Severability—1967 c 221:** See note following RCW 43.31.350.

**43.31.050 Powers and duties—Tourist promotion division.** The director of commerce and economic development, through the tourist promotion division shall:

(1) Conduct promotion of the state, other than that carried on or planned by the various departments or other political subdivisions within the state, for the purpose of attracting visitors to the state, and encouraging tourist expansion in the state;

(2) Formulate, supervise, and carry out a continuous factual information program for the promotion of the state;

(3) Assemble and distribute such data, statistics, information, and exhibits as will publicize and popularize the advantages of the state;

(4) Take active steps by sending representatives to other areas and by inviting representatives from other areas for the purpose of attracting visitors, inviting conferences and conventions, and sportsmen and tourists to the state of Washington;

(5) The department of commerce and economic development may publish or encourage the private publication of a magazine named by it and shall also publish maps, pamphlets and other descriptive material designed to carry out the purposes of this chapter. The department of commerce and economic development shall fix the price to be paid for annual subscriptions to, for single copies of, and the discount to be allowed dealers of the magazine. The publication may be distributed free of charge to libraries, schools, chambers of commerce and to such hotels, tourist agencies, visitors and prospective visitors and to such other persons or agencies, and in such quantities, as the department deems beneficial in carrying out the purposes of this chapter. In no case shall the number of free copies each month exceed ten percent of the total number of paid subscriptions. [1965 c 8 § 43.31.050. Prior: 1957 c 215 § 5.]

**43.31.060 Powers and duties—Industrial development division.** The director of commerce and economic development, through the industrial development division, shall:

(1) Gather, maintain and disseminate available information concerning plant industrial sites throughout the state and the advantages of locating industries within the state;

(2) Serve local communities in planning for and acquiring a greater industrial development;

(3) Act as the state's official liaison agency between persons interested in locating business firms in Washington, and state and local groups seeking new business (in such capacity, the division shall maintain the confidential nature of the negotiations it conducts as requested by the persons contemplating location in this state);

(4) Conduct an active program, by sending representatives to other areas, of providing information on industrial and business sites, contacting potential new business and industry, and in other ways to expand the business and industrial base of the state of Washington. [1965 c 8 § 43.31.060. Prior: 1957 c 215 § 6.]

**43.31.070 Powers and duties—Division of research.** The director of commerce and economic development through the division of research shall initiate, conduct, and maintain research for the purpose of guiding and accomplishing a coordinated and economically farsighted development of the state. He shall establish a research reference service to collate and coordinate information available from private and governmental

sources, to undertake market feasibility studies on existing products and by-products which are or could be developed in the state. He shall assist in creating and maintaining a shelf of public work projects to aid the state in case of an economic recession. [1965 c 8 § 43.31.070. Prior: 1957 c 215 § 7.]

**43.31.080 Powers and duties—General.** Notwithstanding any duties and powers specifically enumerated in RCW 43.31.050, 43.31.060, and 43.31.070, the director is authorized, empowered, and directed to do any and all other acts necessary to accomplish the purposes of this chapter as specified in RCW 43.31.010. [1965 c 8 § 43.31.080. Prior: 1957 c 215 § 8.]

**43.31.090 Advisory council—Appointment, term, vacancies, travel expenses.** To aid and advise the director in the performance of his functions as specified in this chapter, an advisory council shall be appointed by the governor, such council to be composed of not more than fifteen members, all of whom shall be residents of this state, representing such geographical and economic areas the governor shall determine will best further the purposes of this chapter. Terms of council members shall not exceed two years and shall continue until their successors are appointed. Vacancies shall be filled in the same manner as original appointments. Members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

In addition to the members of the advisory council there shall be four ex officio members without vote from the legislature consisting of: (1) Two members of the senate, both to be appointed by the president of the senate, and not more than one to be affiliated with any one political party; (2) two members of the house of representatives, both to be appointed by the speaker of the house of representatives, and not more than one to be affiliated with any one political party; such appointments shall be for the term of two years or for the period in which the appointee serves as a legislator, whichever expires first; members may be reappointed; vacancies shall be filled in the same manner as original appointments are made. Such ex officio members who shall collect data deemed essential to future legislative proposals and exchange information with the council shall be deemed engaged in legislative business while in attendance upon the business of the council and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120, the same to be paid from the "state international trade fair fund" as being expenses relative to such business. [1975-'76 2nd ex.s. c 34 § 108; 1975 1st ex.s. c 292 § 1; 1965 c 8 § 43.31.090. Prior: 1959 c 228 § 1; 1957 c 215 § 9.]

\*Reviser's note: Section 9 of chapter 292, Laws of 1975 1st ex.s. which would have changed the name of the "state trade fair fund" to the "state international trade fair fund" was vetoed.

Effective date—Severability—1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

**43.31.100 Advisory council—Powers and duties.** The advisory council shall receive reports periodically from the department and shall meet to advise, guide and assist the director in establishing the policies of the department. [1965 c 8 § 43.31.100. Prior: 1957 c 215 § 10.]

**43.31.110 Additional advisory groups—Appointment, vacancies, travel expenses.** The director may from time to time establish such additional advisory groups as in his discretion are necessary for the carrying out of this chapter. Members of and vacancies in, such advisory groups, shall be filled by appointments by the director. Members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [1975-'76 2nd ex.s. c 34 § 109; 1965 c 8 § 43.31.110. Prior: 1957 c 215 § 11.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.31.120 Director may request assistance from state agencies, departments, officials—Expenses.** The director is authorized to request information and assistance from all other agencies, departments and officials of the state and may reimburse such agencies, departments or officials when any such request imposes any additional expenses upon any such agency, department or official. [1965 c 8 § 43.31.120. Prior: 1957 c 215 § 12.]

**43.31.130 Director, supervisors, staff may travel—Travel expenses.** The director and the supervisor of any division may travel throughout the state or other states and may contact other states and agencies in the performance of their duties. The director and supervisors shall receive reimbursement for travel expenses incurred while away from their respective places of abode, in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The director is authorized to delegate similar authority to other members of his staff who shall then be reimbursed for their expenses in the same manner as herein provided for the director and division supervisors. [1975-'76 2nd ex.s. c 34 § 110; 1965 c 8 § 43.31.130. Prior: 1957 c 215 § 13.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.31.140 Acceptance of contributions, grants, gifts—Disbursements—Purpose.** In furthering the purposes of this chapter, the director may accept contributions, grants or gifts in cash or otherwise from persons, associations, or corporations, such contributions to be disbursed in the same manner as money appropriated by the legislature: *Provided*, That the donor of such gifts may stipulate the purpose for which they shall be expended. [1965 c 8 § 43.31.140. Prior: 1957 c 215 § 14.]

**43.31.150 Federal grants, matching funds or other funds, donations—Acceptance, disbursements.** The department of commerce and economic development may accept and disburse federal grants or federal

matching or other funds or donations from any source when made, granted or donated for a purpose covered by this chapter. [1965 c 8 § 43.31.150. Prior: 1957 c 215 § 15.]

**43.31.160 Biennial reports to governor and legislature.** The director shall submit to the governor and the legislature a biennial report on the activities, growth, progress, problems and costs of the programs of the department and its divisions, and on recommendations for future program and needed legislation including legislation designed to encourage investment of risk venture capital in this state. [1965 c 8 § 43.31.160. Prior: 1957 c 215 § 16.]

**43.31.170 Division of progress and industry development abolished—Powers and duties of supervisor transferred to director of commerce and economic development.** From and after the first day of April, 1957, the division of progress and industry development of the department of conservation and development is abolished and the director of the department of commerce and economic development shall exercise all the powers, duties and functions theretofore vested in and required to be exercised by the supervisor of progress and industry development of the department of conservation and development. [1965 c 8 § 43.31.170. Prior: 1957 c 215 § 17.]

**43.31.180 Division of progress and industry development abolished—Disposal of property, records, etc.—Pending matters, completion—Validation of acts performed.** Upon the taking effect of this chapter, the director of conservation and development shall immediately deliver to the director of commerce and economic development all books, documents, records, papers, files, or other writings, all cabinets, furniture, office equipment, and other tangible property, and all funds in his custody or under his control used or held by the division of progress and industry development of the department of conservation and development. Neither the abolition of the division of progress and industry development of the department of conservation and development nor the transfer of powers and duties as provided in this chapter to the director of commerce and economic development shall affect the validity of any acts performed by such agency or any officer or employee thereof before taking effect of this chapter. All matters relating to functions transferred under the provisions of this chapter from the division of progress and industry development of the department of conservation and development to the department of commerce and economic development which at the time of transfer have not been completed may be undertaken and completed by the director of commerce and economic development, who is authorized, empowered, and directed to promulgate any and all orders, rules, and regulations necessary to accomplish this purpose. [1965 c 8 § 43.31.180. Prior: 1957 c 215 § 18.]

**43.31.200 Local and state planning—Authorized studies.** The department of commerce and economic



development, through its appropriate division, shall have the responsibility for studying the following matters and for submitting its findings and recommendations to the governor and legislature:

- (1) Legal changes necessary for the establishment of adequate metropolitan and local levels of government;
- (2) The various methods of adopting forms of government for metropolitan areas;
- (3) Voting procedures to be employed if local determination is used as the method of adoption;
- (4) The need for adjustments in area, organization, functions and finance of reorganized governments;
- (5) Interstate areas that include a part of the territory of this state;
- (6) State advisory and technical services and administrative supervision to governments in local areas;
- (7) The effects upon local areas of present and proposed national, state and local government programs, including but not limited to grants-in-aid;
- (8) The means of facilitating greater coordination of existing and contemplated policies of the national, state and local governments and of private associations and individuals that affect local areas;
- (9) The legal changes that are necessary for the establishment of metropolitan target zone authorities adequate for emergency services purposes, and the measure required for the organization and operation of such authorities. [1974 ex.s. c 171 § 42; 1965 c 8 § 43.31.200. Prior: 1963 c 161 § 1.]

*Cities and towns, planning: Chapter 35.63 RCW.*  
*County planning: Chapter 36.70 RCW.*

**43.31.210 Local and state planning—Coordinating and advisory services—State comprehensive plan—Personnel.** The department of commerce and economic development, through the appropriate division, in order to facilitate municipal, urban, metropolitan and regional planning, and to encourage such areas to maintain a continuing and adequate program for planning shall serve generally as a consultative, coordinating and advisory agency for aiding such planning bodies, directly, or in securing planning assistance, consultative services and technical aid which may include surveys, land use, demographic and economic studies, comprehensive plans, urban renewal plans and other plans. The department through the division, shall serve generally as a consultative, coordinating and advisory agency for state departments or agencies for planning and shall be responsible for the preparation of a state comprehensive plan. The director shall employ competent, qualified, technical personnel and such other personnel as may be required to administer RCW 43.31.200 through 43.31.230. [1965 c 8 § 43.31.210. Prior: 1963 c 161 § 2.]

**43.31.220 Local and state planning—Aid from federal and local government—Rules and regulations.** The director, through the appropriate division, may accept contributions, grants, or other financial assistance from the government of the United States for, or in aid of, any planning program. The director shall promulgate such rules and regulations, in accordance with the procedures set forth in chapter 34.04 RCW, enter into such

agreements, prescribe such conditions, perform such other lawful act as may be necessary to secure the financial aid and cooperation of the government of the United States and local planning bodies to implement any planning program. [1965 c 8 § 43.31.220. Prior: 1963 c 161 § 3.]

**43.31.230 Local and state planning—Powers conferred by RCW 43.31.210 and 43.31.220 are supplemental.** The powers conferred by RCW 43.31.210 and 43.31.220 are in addition and supplemental to the powers conferred by any other state or local law, and nothing herein contained shall be construed as limiting or restricting any other powers of the department, the state, or any political subdivision thereof. [1965 c 8 § 43.31.230. Prior: 1963 c 161 § 4.]

**43.31.280 Nuclear energy—Purposes.** It is the intent of the legislature that the state through the department of commerce and economic development shall:

- (1) Encourage, promote and cooperate in the development of the use of nuclear energy for peaceful and productive purposes;
- (2) Translate the state's nuclear resources and position in the nuclear energy field from an exclusive federal base to one with a healthy private enterprise component;
- (3) Stimulate the nuclear possibilities of the state by catalyzing the interest of industry; agriculture and education around the state's nuclear resources and opportunities;
- (4) Acquire and operate property and facilities for the primary purpose of maintaining title or interest as the catalytic agent for activity and direct operation of nuclear energy facilities and byproducts thereof by others;
- (5) Encourage the transfer of property and facilities to others who will directly operate nuclear facilities and processes, ensuring perpetual surveillance by the state where required by agreement with the federal government. [1965 c 10 § 1.]

*Nuclear energy and radiation: Chapter 70.98 RCW.*

**43.31.290 Nuclear energy—Promotion and development—Personnel—Executive director of office of nuclear energy development.** The department of commerce and economic development through the appropriate division, in order to foster the state's economic growth, shall encourage, promote, and cooperate in the development of the use of nuclear energy for peaceful and productive purposes, and shall coordinate all nuclear development activities engaged in by state agencies and departments. The director shall appoint personnel with sufficient scientific and administrative qualifications to further these purposes and to perform the duties and exercise the powers of the department in this regard. The person appointed as supervisor or manager of the division of nuclear energy development shall be known as the executive director of the office of nuclear energy development. [1965 c 10 § 3.]

*Department as state agency for promotion and development of nuclear energy: RCW 70.98.040.*

**43.31.300 Nuclear energy—Powers and duties—**  
**Division and office of nuclear energy development.** The director of the department of commerce and economic development through the division of nuclear energy development, known as the office of nuclear energy development, in cooperation with the state energy office, shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) Expend such state funds as may be appropriated by the legislature in order to acquire, develop and operate land and facilities which the director believes will foster the development of the state's nuclear economic potential. Such acquisition may be by lease, dedication, purchase, or other arrangement: *Provided, however,* That nothing herein shall be deemed to authorize the state to acquire nuclear facilities or property to engage in competition with organizations or persons. The leasing from the Energy Research and Development Administration of one thousand acres of land lying within the boundaries of the Hanford works near Richland, Washington, in a lease executed on September 10, 1964, is an example of the proper exercise of powers within the purposes of this chapter.

(2) Lease, sublease, or sell real and personal properties to public or private bodies on a competitive basis and at a fair market value when the director believes that such transactions will foster the development of the state's nuclear economic potential.

The director may, however, on a competitive basis lease real and personal properties at less than fair market value on a short term basis if he believes that the long term gain to the state's economic growth justifies such an agreement. Where the lease or sale requires the lessee or purchaser to use the premises for the operation of a specific type of activity, the notice to bidders shall specify the type of business activity required. Final selection among bidders shall, subject to the provisions herein, be by the director with the advice and consent of the state energy office.

(3) Enter into contracts with state and private institutions within the state for the carrying out of basic research in such uses of nuclear energy as may be helpful to the economic development of the state.

(4) Assure the maintenance of such insurance coverage by state licensees, lessees, or sublessees as will adequately, in the opinion of the director, protect the citizens of the state of Washington against nuclear incidents that may occur on privately or state controlled nuclear facilities.

(5) Assume responsibility for perpetual surveillance and/or maintenance of radioactive materials held for waste management purposes at any publicly or privately operated facility located within the state, in the event the parties operating such facilities abandon said responsibility, and whenever the federal government or any of its agencies has not assumed said responsibility.

In order to finance such perpetual surveillance and maintenance as the director may undertake, he may collect fees from private or public parties holding radioactive materials for waste management purposes at a total charge of not less than the prevailing rates at similar

sites in the nation: *Provided,* That in the event the estimated total of such fees will be insufficient to defray the estimated cost of administration of this responsibility for any next ensuing fiscal biennium, the director may prescribe additional fees as may be necessary to defray estimated waste management expenses for future fiscal bienniums. All such fees, when received by the director, shall be transmitted to the state treasurer, who shall act as custodian. The treasurer shall place the money in a special account, in the nature of a revolving fund, which may be designated "perpetual maintenance fund," to be disbursed on authorization of the director, or his designated representative. Disbursement shall be made in the manner prescribed by chapter 42.24 RCW, and shall be subject to post audit by the state auditor. No appropriations shall be required to permit expenditures and payment of obligations from such fund, but the condition of the fund and its administration shall be reported biennially to the legislature by the director. Moneys in the perpetual maintenance fund shall be invested by the state finance committee in the manner as other state moneys: *Provided, however,* That any interest accruing as a result of investment shall accrue to the perpetual maintenance fund.

Additional moneys as may be specifically appropriated by the legislature, or received from any public or private source, may be placed in the perpetual maintenance fund. The perpetual maintenance fund shall be used exclusively for surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations.

(6) Enter into an agreement with the federal government or any of its authorized agencies to assume perpetual surveillance and/or maintenance of lands leased or purchased from the federal government or any of its authorized agencies and used as a burial or storage site for radioactive wastes. [1975-'76 2nd ex.s. c 108 § 11; 1965 c 10 § 5.]

**Severability—Effective date—1975-'76 2nd ex.s. c 108:** See notes following RCW 43.21F.010.

*Additional powers and duties of department as state agency for promotion and development of nuclear energy: RCW 70.98.040.*

*State energy office: Chapter 43.21F RCW.*

**43.31.310 Nuclear energy—Liberal construction.**  
 \*This act shall be liberally construed to the end that the acquisition, development and operation of land and facilities will be for the purpose of the state maintaining its title or interest as the catalytic agent for operation of nuclear energy facilities and byproducts thereof for basic research and a healthy private enterprise component. [1965 c 10 § 8.]

**\*Reviser's note:** "This act" (1965 c 10) consists of RCW 43.31.280 through 43.31.330 and the 1965 amendments to RCW 43.31.040 and 70.98.040.

**43.31.320 Nuclear energy—Provisions cumulative—Rights preserved.** The provisions of \*this act shall be cumulative and shall not impair or supersede the powers or rights of any person, firm or corporation or political subdivision of the state of Washington under

any other law. The rights of all persons, firms, corporations and political subdivisions or operating units of any kind under existing contracts, renewals thereof or supplements thereto, with the United States, or any agency thereof, for power, are hereby preserved and such rights shall not be impaired or modified by any of the provisions of \*this act or any of the powers granted by \*this act. [1965 c 10 § 9.]

**\*Reviser's note:** "this act" (1965 c 10) consists of RCW 43.31.280 through 43.31.330 and the 1965 amendments to RCW 43.31.040 and 70.98.040.

**43.31.330 Nuclear energy—Severability—1965 c 10.** 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. [1965 c 10 § 7.]

**\*Reviser's note:** "this act" (1965 c 10) consists of RCW 43.31.280 through 43.31.330 and the 1965 amendments to RCW 43.31.040 and 70.98.040.

**43.31.350 Office of foreign trade—Intent.** It is the intent of the legislature that the state through the department of commerce and economic development shall:

- (1) Promote, encourage, and cooperate in the development of foreign trade by the state of Washington;
- (2) Advise, inform, and assist citizens of the state regarding foreign market potentials and operational procedures of foreign trade;
- (3) Stimulate the business and professional community of the state to actively engage in the promotion and development of foreign trade;
- (4) Foster closer ties between the state and foreign countries to the end that social, cultural, and economic barriers to trade may be reduced to a minimum. [1967 c 221 § 1.]

**Severability—1967 c 221:** "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 act to other persons or circumstances is not affected." [1967 c 221 § 5.] This applies to RCW 43.31.040, and 43.31.350 through 43.31.370.

**43.31.360 Office of foreign trade—Development of foreign trade—Personnel—Director.** The department of commerce and economic development shall through the office of foreign trade, in furtherance of its stated objectives of continuing and accelerating the growth of the economy and enhancing the economic well-being of its citizens and its commerce, encourage, promote, and cooperate in the development of existing and potential sources of foreign trade. Pursuant to chapter 41.06 RCW, the state civil service law, the director shall appoint personnel with such qualifications as are necessary to carry out the purposes of RCW 43.31.040 and 43.31.350 through 43.31.370. The person appointed as supervisor or manager of the office of foreign trade shall be known as the executive director of the office of foreign trade. [1967 c 221 § 3.]

**Severability—1967 c 221:** See note following RCW 43.31.350.

**43.31.370 Office of foreign trade—Powers and duties.** The department of commerce and economic

development through the office of foreign trade is hereby designated the agency of state government for the promotion and development of foreign trade and shall, in addition to the powers and duties otherwise imposed by law, have the following powers and duties:

- (1) To study the potential marketability of various agricultural, natural resource, and manufacturing commodities of this state in foreign trade;
- (2) To collect, prepare, and analyze foreign and domestic market data;
- (3) To maintain close contact with foreign firms and governmental agencies and to act as an effective intermediary between foreign nations and Washington traders;
- (4) To publish and disseminate to interested citizens and others information which will aid in carrying out the purposes of RCW 43.31.040 and 43.31.350 through 43.31.370;
- (5) To encourage and promote the movement of foreign and domestic goods through the ports of Washington;
- (6) To conduct an active program by sending representatives to, or engaging representatives in, foreign countries to promote the state as a foreign trade center;
- (7) To assist and to make Washington agricultural, natural resource, and manufacturing concerns more aware of the potentials of foreign trade and to encourage production of those commodities which will have high export potentials and appeal;
- (8) To administer state participation in state or international trade fairs;
- (9) To coordinate the trade promotional activities of federal, state, and local public agencies, as well as civic organizations. [1967 c 221 § 4.]

**Severability—1967 c 221:** See note following RCW 43.31.350.  
*State international trade fairs:* RCW 43.31.790-43.31.860.

**43.31.400 Western interstate nuclear compact—Entered into—Terms.** The western interstate nuclear compact is hereby enacted into law and entered into by the state of Washington as a party, and is in full force and effect between the state and any other states joining therein in accordance with the terms of the compact, which compact is substantially as follows:

#### ARTICLE I. POLICY AND PURPOSE

The party states recognize that the proper employment of scientific and technological discoveries and advances in nuclear and related fields and direct and collateral application and adaptation of processes and techniques developed in connection therewith, properly correlated with the other resources of the region, can assist substantially in the industrial progress of the West and the further development of the economy of the region. They also recognize that optimum benefit from nuclear and related scientific or technological resources, facilities and skills requires systematic encouragement, guidance, assistance, and promotion from the party states on a cooperative basis. It is the policy of the party states to undertake such cooperation on a continuing basis. It is the purpose of this compact to provide the instruments and framework for such a cooperative effort

in nuclear and related fields, to enhance the economy of the West and contribute to the individual and community well-being of the region's people.

#### ARTICLE II. THE BOARD

(a) There is hereby created an agency of the party states to be known as the "Western Interstate Nuclear Board" (hereinafter called the Board). The Board shall be composed of one member from each party state designated or appointed in accordance with the law of the state which he represents and serving and subject to removal in accordance with such law. Any member of the Board may provide for the discharge of his duties and the performance of his functions thereon (either for the duration of his membership or for any lesser period of time) by a deputy or assistant, if the laws of his state make specific provisions therefor. The federal government may be represented without vote if provision is made by federal law for such representation.

(b) The Board members of the party states shall each be entitled to one vote on the Board. No action of the Board shall be binding unless taken at a meeting at which a majority of all members representing the party states are present and unless a majority of the total number of votes on the Board are cast in favor thereof.

(c) The Board shall have a seal.

(d) The Board shall elect annually, from among its members, a chairman, a vice chairman, and a treasurer. The Board shall appoint and fix the compensation of an Executive Director who shall serve at its pleasure and who shall also act as Secretary, and who, together with the Treasurer, and such other personnel as the Board may direct, shall be bonded in such amounts as the Board may require.

(e) The Executive Director, with the approval of the Board, shall appoint and remove or discharge such personnel as may be necessary for the performance of the Board's functions irrespective of the civil service, personnel or other merit system laws of any of the party states.

(f) The Board may establish and maintain, independently or in conjunction with any one or more of the party states, or its institutions or subdivisions, a suitable retirement system for its full-time employees. Employees of the Board shall be eligible for social security coverage in respect of old age and survivors insurance provided that the Board takes such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The Board may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The Board may borrow, accept, or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm or corporation.

(h) The Board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or

interstate agency, or from any institution, person, firm, or corporation, and may receive, utilize, and dispose of the same. The nature, amount and conditions, if any, attendant upon any donation or grant accepted pursuant to this paragraph or upon any borrowing pursuant to paragraph (g) of this Article, together with the identity of the donor, grantor or lender, shall be detailed in the annual report of the Board.

(i) The Board may establish and maintain such facilities as may be necessary for the transacting of its business. The Board may acquire, hold, and convey real and personal property and any interest therein.

(j) The Board shall adopt bylaws, rules, and regulations for the conduct of its business, and shall have the power to amend and rescind these bylaws, rules, and regulations. The Board shall publish its bylaws, rules, and regulations in convenient form and shall file a copy thereof, and shall also file a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

(k) The Board annually shall make to the governor of each party state, a report covering the activities of the Board for the preceding year, and embodying such recommendations as may have been adopted by the Board, which report shall be transmitted to the legislature of said state. The Board may issue such additional reports as it may deem desirable.

#### ARTICLE III. FINANCES

(a) The Board shall submit to the governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that jurisdiction for presentation to the legislature thereof.

(b) Each of the Board's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. Each of the Board's requests for appropriations pursuant to a budget of estimated expenditures shall be apportioned equally among the party states. Subject to appropriation by their respective legislatures, the Board shall be provided with such funds by each of the party states as are necessary to provide the means of establishing and maintaining facilities, a staff of personnel, and such activities as may be necessary to fulfill the powers and duties imposed upon and entrusted to the Board.

(c) The Board may meet any of its obligations in whole or in part with funds available to it under Article II(h) of this compact, provided that the Board takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the Board makes use of funds available to it under Article II(h) hereof, the Board shall not incur any obligation prior to the allotment of funds by the party jurisdictions adequate to meet the same.

(d) Any expenses and any other costs for each member of the Board in attending Board meetings shall be met by the Board.

(e) The Board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Board shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Board shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become a part of the annual report of the Board.

(f) The accounts of the Board shall be open at any reasonable time for inspection to persons authorized by the Board, and duly designated representatives of governments contributing to the Board's support.

#### ARTICLE IV. ADVISORY COMMITTEES

The Board may establish such advisory and technical committees as it may deem necessary, membership on which may include but not be limited to private citizens, expert and lay personnel, representatives of industry, labor, commerce, agriculture, civic associations, medicine, education, voluntary health agencies, and officials of local, State and Federal Government, and may cooperate with and use the services of any such committees and the organizations which they represent in furthering any of its activities under this compact.

#### ARTICLE V. POWERS

The Board shall have power to—

(a) Encourage and promote cooperation among the party states in the development and utilization of nuclear and related technologies and their application to industry and other fields.

(b) Ascertain and analyze on a continuing basis the position of the West with respect to the employment in industry of nuclear and related scientific findings and technologies.

(c) Encourage the development and use of scientific advances and discoveries in nuclear facilities, energy, materials, products, by-products, and all other appropriate adaptations of scientific and technological advances and discoveries.

(d) Collect, correlate, and disseminate information relating to the peaceful uses of nuclear energy, materials, and products, and other products and processes resulting from the application of related science and technology.

(e) Encourage the development and use of nuclear energy, facilities, installations, and products as part of a balanced economy.

(f) Conduct, or cooperate in conducting, programs of training for state and local personnel engaged in any aspects of:

1. Nuclear industry, medicine, or education, or the promotion or regulation thereof.
2. Applying nuclear scientific advances or discoveries, and any industrial commercial or other processes resulting therefrom.
3. The formulation or administration of measures designed to promote safety in any matter related to the development, use or disposal of nuclear energy, materials, products, by-products, installations, or wastes, or to

safety in the production, use and disposal of any other substances peculiarly related thereto.

(g) Organize and conduct, or assist and cooperate in organizing and conducting, demonstrations or research in any of the scientific, technological or industrial fields to which this compact relates.

(h) Undertake such nonregulatory functions with respect to non-nuclear sources of radiation as may promote the economic development and general welfare of the West.

(i) Study industrial, health, safety, and other standards, laws, codes, rules, regulations, and administrative practices in or related to nuclear fields.

(j) Recommend such changes in, or amendments or additions to the laws, codes, rules, regulations, administrative procedures and practices or local laws or ordinances of the party states or their subdivisions in nuclear and related fields, as in its judgment may be appropriate. Any such recommendations shall be made through the appropriate state agency, with due consideration of the desirability of uniformity but shall also give appropriate weight to any special circumstances which may justify variations to meet local conditions.

(k) Consider and make recommendations designed to facilitate the transportation of nuclear equipment, materials, products, byproducts, wastes, and any other nuclear or related substances, in such manner and under such conditions as will make their availability or disposal practicable on an economic and efficient basis.

(l) Consider and make recommendations with respect to the assumption of and protection against liability actually or potentially incurred in any phase of operations in nuclear and related fields.

(m) Advise and consult with the federal government concerning the common position of the party states or assist party states with regard to individual problems where appropriate in respect to nuclear and related fields.

(n) Cooperate with the Atomic Energy Commission, the National Aeronautics and Space Administration, the Office of Science and Technology, or any agencies successor thereto, any other officer or agency of the United States, and any other governmental unit or agency or officer thereof, and with any private persons or agencies in any of the fields of its interest.

(o) Act as licensee, contractor or sub-contractor of the United States Government or any party state with respect to the conduct of any research activity requiring such license or contract and operate such research facility or undertake any program pursuant thereto, provided that this power shall be exercised only in connection with the implementation of one or more other powers conferred upon the Board by this compact.

(p) Prepare, publish and distribute (with or without charge) such reports, bulletins, newsletters or other materials as it deems appropriate.

(q) Ascertain from time to time such methods, practices, circumstances, and conditions as may bring about the prevention and control of nuclear incidents in the area comprising the party states, to coordinate the nuclear incident prevention and control plans and the work relating thereto of the appropriate agencies of the

party states and to facilitate the rendering of aid by the party states to each other in coping with nuclear incidents.

The Board may formulate and, in accordance with need from time to time, revise a regional plan or regional plans for coping with nuclear incidents within the territory of the party states as a whole or within any subregion or subregions of the geographic area covered by this compact.

Any nuclear incident plan in force pursuant to this paragraph shall designate the official or agency in each party state covered by the plan who shall coordinate requests for aid pursuant to Article VI of this compact and the furnishing of aid in response thereto.

Unless the party states concerned expressly otherwise agree, the Board shall not administer the summoning and dispatching of aid, but this function shall be undertaken directly by the designated agencies and officers of the party states.

However, the plan or plans of the Board in force pursuant to this paragraph shall provide for reports to the Board concerning the occurrence of nuclear incidents and the requests for aid on account thereof, together with summaries of the actual working and effectiveness of mutual aid in particular instances.

From time to time, the Board shall analyze the information gathered from reports of aid pursuant to Article VI and such other instances of mutual aid as may have come to its attention, so that experience in the rendering of such aid may be available.

(r) Prepare, maintain, and implement a regional plan or regional plans for carrying out the duties, powers, or functions conferred upon the Board by this compact.

(s) Undertake responsibilities imposed or necessarily involved with regional participation pursuant to such cooperative programs of the federal government as are useful in connection with the fields covered by this compact.

#### ARTICLE VI. MUTUAL AID

(a) Whenever a party state, or any state or local governmental authorities therein, request aid from any other party state pursuant to this compact in coping with a nuclear incident, it shall be the duty of the requested state to render all possible aid to the requesting state which is consonant with the maintenance of protection of its own people.

(b) Whenever the officers or employees of any party state are rendering outside aid pursuant to the request of another party state under this compact, the officers or employees of such state shall, under the direction of the authorities of the state to which they are rendering aid, have the same powers, duties, rights, privileges and immunities as comparable officers and employees of the state to which they are rendering aid.

(c) No party state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on their part while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

(d) All liability that may arise either under the laws of the requesting state or under the laws of the aiding

state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

(e) Any party state rendering outside aid pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries and maintenance of officers, employees and equipment incurred in connection with such requests: *Provided*, That nothing herein contained shall prevent any assisting party state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such services to the receiving party state without charge or cost.

(f) Each party state shall provide for the payment of compensation and death benefits to injured officers and employees and the representatives of deceased officers and employees in case officers or employees sustain injuries or death while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within the state by or in which the officer or employee was regularly employed.

#### ARTICLE VII. SUPPLEMENTARY AGREEMENTS

(a) To the extent that the Board has not undertaken an activity or project which would be within its power under the provisions of Article V of this compact, any two or more of the party states (acting by their duly constituted administrative officials) may enter into supplementary agreements for the undertaking and continuance of such an activity or project. Any such agreement shall specify the purpose or purposes; its duration and the procedure for termination thereof or withdrawal therefrom; the method of financing and allocating the costs of the activity or project; and such other matters as may be necessary or appropriate.

No such supplementary agreement entered into pursuant to this article shall become effective prior to its submission to and approval by the Board. The Board shall give such approval unless it finds that the supplementary agreement or activity or project contemplated thereby is inconsistent with the provisions of this compact or a program or activity conducted by or participated in by the Board.

(b) Unless all of the party states participate in a supplementary agreement, any cost or costs thereof shall be borne separately by the states party thereto. However, the Board may administer or otherwise assist in the operation of any supplementary agreement.

(c) No party to a supplementary agreement entered into pursuant to this article shall be relieved thereby of any obligation or duty assumed by said party state under or pursuant to this compact, except that timely and proper performance of such obligation or duty by means of the supplementary agreement may be offered as performance pursuant to the compact.

(d) The provisions of this Article shall apply to supplementary agreements and activities thereunder, but shall not be construed to repeal or impair any authority

which officers or agencies of party states may have pursuant to other laws to undertake cooperative arrangements or projects.

#### ARTICLE VIII. OTHER LAWS AND RELATIONS

Nothing in this compact shall be construed to—

(a) Permit or require any person or other entity to avoid or refuse compliance with any law, rule, regulation, order or ordinance of a party state or subdivision thereof now or hereafter made, enacted or in force.

(b) Limit, diminish, or otherwise impair jurisdiction exercised by the Atomic Energy Commission, any agency successor thereto, or any other federal department, agency or officer pursuant to and in conformity with any valid and operative act of Congress; nor limit, diminish, affect, or otherwise impair jurisdiction exercised by any officer or agency of a party state, except to the extent that the provisions of this compact may provide therefor.

(c) Alter the relations between and respective internal responsibilities of the government of a party state and its subdivisions.

(d) Permit or authorize the Board to own or operate any facility, reactor, or installation for industrial or commercial purposes.

#### ARTICLE IX. ELIGIBLE PARTIES, ENTRY INTO FORCE AND WITHDRAWAL

(a) Any or all of the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming shall be eligible to become party to this compact.

(b) As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law: *Provided*, That it shall not become initially effective until enacted into law by five states.

(c) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until two years after the Governor of the withdrawing state has given notice in writing of the withdrawal to the Governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

(d) Guam and American Samoa, or either of them may participate in the compact to such extent as may be mutually agreed by the Board and the duly constituted authorities of Guam or American Samoa, as the case may be. However, such participation shall not include the furnishing or receipt of mutual aid pursuant to Article VI, unless that Article has been enacted or otherwise adopted so as to have the full force and effect of law in the jurisdiction affected. Neither Guam nor American Samoa shall be entitled to voting participation on the Board, unless it has become a full party to the compact.

#### ARTICLE X. SEVERABILITY AND CONSTRUCTION

The provisions of this compact and of any supplementary agreement entered into hereunder shall be severable and if any phrase, clause, sentence or provision of this compact or such supplementary agreement is declared to

be contrary to the Constitution of any participating state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact or such supplementary agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact or any supplementary agreement entered into hereunder shall be held contrary to the Constitution of any state participating therein, the compact or such supplementary agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact and of any supplementary agreement entered into pursuant thereto shall be liberally construed to effectuate the purposes thereof. [1969 c 9 § 1.]

**Severability**—1969 c 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." [1969 c 9 § 6.] This applies to RCW 43.31-.400 through 43.31.420.

**43.31.405 Western interstate nuclear compact—State board member—Appointment, term—May designate representative.** The board member from Washington shall be appointed by and shall serve at the pleasure of the governor. The board member may designate another person as his representative to attend meetings of the board. [1969 c 9 § 2.]

**43.31.410 Western interstate nuclear compact—State and local agencies and officers to cooperate.** All departments, agencies and officers of this state and its subdivisions are directed to cooperate with the board in the furtherance of any of its activities pursuant to the compact. [1969 c 9 § 3.]

**43.31.415 Western interstate nuclear compact—Bylaws, amendments to, filed with secretary of state.** Pursuant to Article II (j) of the compact, the western interstate nuclear board shall file copies of its bylaws and any amendments thereto with the secretary of state of the state of Washington. [1969 c 9 § 4.]

**43.31.420 Western interstate nuclear compact—Application of state laws, benefits, when persons dispatched to another state.** The laws of the state of Washington and any benefits payable thereunder shall apply and be payable to any persons dispatched to another state pursuant to Article VI of the compact. If the aiding personnel are officers or employees of the state of Washington or any subdivisions thereof, they shall be entitled to the same workmen's compensation or other benefits in case of injury or death to which they would have been entitled if injured or killed while engaged in coping with a nuclear incident in their jurisdictions of regular employment. [1969 c 9 § 5.]

**43.31.500 Provisions relating to Seattle world fair—Declaration of purpose.** The department of commerce and economic development has been created to accelerate the orderly growth of the economy of the state and to increase its commerce and the economic

well-being of its citizens. The Alaska-Yukon-Pacific Exposition held in Seattle in 1909 did much to foster the development of the state to the position of eminence which it now enjoys. In the nearly half a century which has elapsed since the Alaska-Yukon-Pacific Exposition, this state has progressed markedly in agriculture, trade, and manufacturing, and the University of Washington on whose site the exposition was held has become one of the great universities of the world. It is therefore fitting that another exposition be held in the state of Washington and that the department of commerce and economic development be authorized to acquire a site and buildings, equipment and appurtenances thereto, suitable for an exposition and for other state purposes, and that the department, with the approval of the commission, be authorized to program, promote and produce a world fair or exposition that will be of economic benefit to the state and all of its citizens.

The department shall cooperate with the world fair commission to the end that the exposition to be conducted by the world fair commission shall become a memorable success. [1965 c 8 § 43.31.500. Prior: 1961 c 152 § 1; 1957 c 174 § 1.]

**43.31.510 Provisions relating to Seattle world fair—Acquisition and development of site and buildings declared state purpose.** The acquisition and development of a site and the purchase, construction, or acquisition by any lawful means of buildings, equipment and appurtenances therefor, suitable for use for a world fair or exposition and for the future use by the state in promoting and fostering its commerce and economic development, and the construction of any structures necessary for the development of exhibits and the programming, promotion and successful production of the world fair or exposition is declared to be a state purpose. [1965 c 8 § 43.31.510. Prior: 1961 c 152 § 2; 1957 c 174 § 2.]

**43.31.520 Provisions relating to Seattle world fair—Department authorized to acquire and develop site and buildings in Seattle and undertake other activities—Approval and authorization of world fair commission.** The department of commerce and economic development is authorized and directed, in the furtherance of the purposes for which it was created, and in furtherance of the purposes of RCW 43.31.500 through 43.31.640, and the provisions of this act [1961 c 152; 1957 c 174], to acquire a site in the city of Seattle in the vicinity of the civic center and to develop the same and to construct or otherwise acquire buildings or any other necessary structures together with such furnishings, equipment and appurtenances as may be required, for use for a world fair or exposition and for such use thereafter as shall promote and foster the commerce and economic development of this state.

The department, with the authorization of the world fair commission, is further directed to undertake such activities as are deemed necessary to effectuate the purposes of this act [1961 c 152; 1957 c 174], to the end that a successful world fair or exposition is produced.

The department is further authorized to make all necessary plans and surveys for such acquisition and construction, and any such plans shall be subject to the approval of the world fair commission. [1965 c 8 § 43.31.520. Prior: 1961 c 152 § 3; 1957 c 174 § 3.]

**43.31.525 Provisions relating to Seattle world fair—Department authorized to dispose of property—Approval of world fair commission—Consideration—Transfer of balance to state general fund—Bond redemption fund abolished.** The department of commerce and economic development, with the approval of the commission, is authorized to sell or otherwise dispose of any property acquired or constructed by it under the provisions of RCW 43.31.500 through 43.31.640: *Provided*, That the sale price, or valuable consideration to be received with or without interest, shall not be less than one hundred percent of the purchase price of the real property acquired by the state for fair purposes and fifty percent of the construction cost of the principal state building constructed for world fair or exposition use by the department: *Provided further*, That when all outstanding obligations payable from the world fair bond redemption fund are paid, redeemed, and retired, the remaining balance therein shall be transferred to the state general fund and all subsequent receipts otherwise payable to the world fair bond redemption fund including, but not limited to receipts as set forth in this section, shall instead be credited to the state general fund. The world fair bond redemption fund as created by RCW 43.31.620(1) is abolished as of September 8, 1975. [1975 1st ex.s. c 149 § 1; 1965 c 8 § 43.31.525. Prior: 1961 c 152 § 4; 1959 c 310 § 1.]

**43.31.530 Provisions relating to Seattle world fair—Department to cooperate with governmental agencies—Eminent domain.** The department is enjoined to cooperate in all respects with the world fair commission, with the city of Seattle and with other departments, agencies, political subdivisions and municipal corporations of this state. The department and the world fair commission may cooperate with the government of the United States and with the governments or agencies of other states or foreign countries, or their lesser subdivisions to the extent required to secure their participation in the world fair or in the future uses of the site and buildings.

In furtherance of the purposes of RCW 43.31.500 through 43.31.640 the department may exercise the right of eminent domain as provided in chapter 8.04 RCW. [1965 c 8 § 43.31.530. Prior: 1957 c 174 § 4.]

**43.31.540 Provisions relating to Seattle world fair—Authority to temporarily convey site and buildings for world fair.** The department is authorized to lease or otherwise temporarily convey the site and buildings herein provided for, for the use of the world fair commission in conducting such fair or exposition. [1965 c 8 § 43.31.540. Prior: 1957 c 174 § 5.]

**43.31.550 Provisions relating to Seattle world fair—Limited obligation bonds authorized.** To provide



funds for plans and surveys, for the acquisition and development of a site and the purchase, construction or acquisition by any lawful means of permanent type buildings, equipment and appurtenances thereto to be used for an exposition and for future use by the state, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of seven million five hundred thousand dollars.

Issuance, sale, and retirement of the bonds shall be under the general supervision and control of the state finance committee. The state finance committee, in its discretion, may provide for issuance of coupon or registered bonds to be dated, issued, and sold at such time or times and in such amount or amounts as may be necessary to finance the program authorized by RCW 43.31.500 through 43.31.640.

Each bond shall be made payable at any time not exceeding thirty years from date of issuance, with such reserved rights of prior redemption as the state finance committee may prescribe to be specified therein. Bonds shall be payable at such places and be in such denominations as the committee prescribes. [1965 c 8 § 43.31.550. Prior: 1957 c 174 § 6.]

**43.31.560 Provisions relating to Seattle world fair—Signatures on bonds or coupons—Bonds negotiable.** Bonds shall be signed either manually or with a printed facsimile signature by the governor and the state auditor under the seal of the state, and any coupons attached to the bonds shall be signed by the same officers, whose signatures thereon may be in printed facsimile.

All such bonds shall be fully negotiable. [1965 c 8 § 43.31.560. Prior: 1957 c 174 § 7.]

**43.31.570 Provisions relating to Seattle world fair—Sale of bonds—Bonds as legal investment and security.** The bonds may be sold in such manner and amounts, at such times, and on such terms and conditions as the state finance committee may prescribe: *Provided*, That if the bonds are sold to any persons other than the state of Washington, they shall be sold at public sale, and the state finance committee shall cause the sale to be advertised in such manner as it deems sufficient.

The bonds shall be sold for not less than par value.

The bonds shall be a legal investment for all state funds (except the permanent school fund) or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits. [1965 c 8 § 43.31.570. Prior: 1957 c 174 § 8.]

**43.31.580 Provisions relating to Seattle world fair—Registration of bonds.** Any of such bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone or as to both principal and interest, under such regulations as the state treasurer may prescribe. [1965 c 8 § 43.31.580. Prior: 1957 c 174 § 9.]

**43.31.590 Provisions relating to Seattle world fair—Bonds not a general obligation—Payment.** Bonds issued under the provisions of RCW 43.31.500 through 43.31.640 shall distinctly state that they are not a general obligation of the state of Washington, but are payable in the manner provided in RCW 43.31.500 through 43.31.640 from the proceeds of one-half of the corporation fees collected under all the provisions of chapter 70, Laws of 1937 as now or hereafter amended. The bonds and interest thereon shall, so long as any portion thereof remains unpaid, constitute a prior and exclusive claim upon the portion of the corporation fees so collected and deposited to the credit of the world fair bond redemption fund as provided in RCW 23.60.200. [1965 c 8 § 43.31.590. Prior: 1957 c 174 § 10.]

**Reviser's note:** Chapter 70, Laws of 1937 and RCW 23.60.200 referred to above are affected by chapter 53, Laws of 1965 which enacts a new corporations code effective July 1, 1967. Section 166 thereof repeals them subject to the savings and continuation provision contained in section 165 which reads as follows: "Nothing contained in this act shall be construed as an impairment of any obligation of the state as evidenced by bonds held for any purpose, and subsections 2 and 13 of section 135, subsections 1 and 2 of section 136, and sections 137, 138, 139, 140, 141, 142, 146, and 147 shall be deemed to be a continuation of chapter 70, Laws of 1937, as amended, for the purpose of payment of:

(1) world's fair bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961, and

(2) outdoor recreation bonds authorized by referendum bill number 11 (chapter 12, Laws of 1963 extraordinary session), approved by the people on November 3, 1964."

**43.31.600 Provisions relating to Seattle world fair—World fair fund created—Composition—Use—Investment.** There is hereby created within the state treasury a special fund to be known as the world fair fund in which shall be deposited all moneys arising from the sale of such bonds. Such moneys shall be available only for the purpose of plans and surveys for site and buildings, the acquisition of a site in the city of Seattle in the vicinity of the civic center and the purchase, construction, or acquisition by any lawful means of permanent type buildings, equipment and appurtenances therefor suitable for an exposition and for such use thereafter as shall promote and foster the commerce and economic development of this state, and for the payment of the expense incurred in the printing, issuance and sale of such bonds.

The state finance committee is authorized to invest the proceeds from the sale of such bonds in short term securities: *Provided*, That such investment will not impede the orderly progress of the project authorized by RCW 43.31.500 through 43.31.640. The interest from such investments shall be deposited to the credit of the world fair bond redemption fund. [1965 c 8 § 43.31.600. Prior: 1957 c 174 § 11.]

**43.31.610 Provisions relating to Seattle world fair—Appropriation.** For the purpose of carrying out the provisions of RCW 43.31.500 through 43.31.640, there is hereby appropriated to the state department of commerce and development from the world fair fund the sum of seven million five hundred thousand dollars. [1965 c 8 § 43.31.610. Prior: 1957 c 174 § 12.]

**43.31.620 Provisions relating to Seattle world fair—Undertaking to impose corporation fees—Use, proration, of one-half of proceeds.** As a part of the sale of the bonds herein authorized, the state undertakes to continue to impose the license and other fees on domestic and foreign corporations prescribed by and at the rates authorized in chapter 70, Laws of 1937 as last amended by the 1957 legislature and to use and prorate in the order set forth below, one-half of the proceeds of such fees, as follows:

(1) To pay into the world fair bond redemption fund hereby created as a special fund within the state treasury, such sums as shall be needed to pay the interest on all outstanding bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961.

(2) To pay into the outdoor recreational bond redemption fund such sums as shall be needed to pay the interest on all bonds authorized by chapter 43.98 RCW and outstanding.

(3) All of said one-half of the proceeds of such fees remaining after making the payments required under the preceding paragraphs (1) and (2), shall be deposited in the world fair bond redemption fund until all of the outstanding bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961, have been paid. After payment and retirement of the aforesaid world fair bonds all of the said one-half of the proceeds of such fees shall be deposited in the outdoor recreational bond redemption fund for payment of the principal of and interest on all of the bonds authorized by chapter 43.98 RCW. [1965 c 8 § 43.31.620. Prior: 1963 ex.s. c 12 § 8; 1957 c 174 § 13.]

**Reviser's note:** (1) 1963 ex.s. c 12 authorized the issuance of general obligation bonds for outdoor recreational purposes (see chapter 43.98 RCW) and also amended RCW 43.31.620 and 43.31.740 relative to the proration of corporation fees as between world fair bonds and bonds authorized for outdoor recreational purposes. The issuance of bonds for the latter purpose is conditioned upon the consent of the world fair bond holders (see RCW 43.98.090).

(2) See note following RCW 43.31.590.

**43.31.630 Provisions relating to Seattle world fair—Fees not exclusive method for payment of bonds.** The legislature may provide additional means for raising moneys for the payment of the principal and interest on the bonds authorized herein and RCW 43.31.500 through 43.31.640 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington. [1965 c 8 § 43.31.630. Prior: 1957 c 174 § 14.]

**43.31.640 Provisions relating to Seattle world fair—Proceedings to compel deposit and payment of funds.** The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the deposit and payment of funds as provided in RCW 23.60.200 and by the provisions of RCW 43.31.500 through 43.31.640. [1965 c 8 § 43.31.640. Prior: 1957 c 174 § 15.]

**Reviser's note:** See note following RCW 43.31.590.

**43.31.660 Provisions relating to Seattle world fair—Declaration of necessity for additional funds.** Increased costs for the erection of necessary structures and for the programming, promotion and production of the world fair or exposition since the enactment of the world fair bond issue authorized by the 1957 legislature makes necessary additional money with which to take the necessary steps to insure the successful production of the world fair or exposition. [1965 c 8 § 43.31.660. Prior: 1961 c 152 § 6.]

**43.31.670 Provisions relating to Seattle world fair—Additional limited obligation bonds authorized.** To provide additional funds for the programming, promotion and production of the world fair or exposition in addition to bonds authorized to be sold by RCW 43.31.550 there shall be issued and sold limited obligation bonds of the state of Washington in the sum of three million dollars. Issuance, sale and retirement of the bonds shall be under the general supervision and control of the state finance committee. The state finance committee, in its discretion, may provide for issuance of coupon or registered bonds to be dated, issued and sold at such time or times in such amount or amounts as may be necessary to finance the program as authorized under this act [1961 c 152]. Each bond shall be made payable at any time not exceeding thirty years from the date of issuance with such reserved rights of prior redemption as the state finance committee may prescribe to be specified therein. The bonds shall be payable at such places and in such denominations as the state finance committee may prescribe. [1965 c 8 § 43.31.670. Prior: 1961 c 152 § 7.]

**43.31.680 Provisions relating to Seattle world fair—Signatures on bonds and coupons—Bonds negotiable.** Bonds shall be signed either manually or with a printed facsimile signature by the governor and the state auditor under the seal of the state, and any coupons attached to the bonds shall be signed by the same officers, whose signatures thereon may be in printed facsimile.

All such bonds shall be fully negotiable. [1965 c 8 § 43.31.680. Prior: 1961 c 152 § 8.]

**43.31.690 Provisions relating to Seattle world fair—Sale of bonds—Bonds as legal investment and security.** The bonds may be sold in such manner and amounts, at such times, and on such terms and conditions as the state finance committee may prescribe: *Provided*, That if the bonds are sold to any persons other than the state of Washington, they shall be sold at public sale, and the state finance committee shall cause the sale to be advertised in such manner as it deems sufficient.

The bonds shall be sold for not less than par value.

The bonds shall be a legal investment for all state funds (except the permanent school fund) or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits. [1965 c 8 § 43.31.690. Prior: 1961 c 152 § 9.]

**43.31.700 Provisions relating to Seattle world fair—Registration of bonds.** Any of such bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone or as to both principal and interest, under such regulations as the state treasurer may prescribe. [1965 c 8 § 43.31.700. Prior: 1961 c 152 § 10.]

**43.31.710 Provisions relating to Seattle world fair—Bonds not a general obligation—Payment.** Bonds issued under the provisions of this act [1961 c 152] shall distinctly state that they are not a general obligation of the state of Washington, but are payable in the manner provided in this act [1961 c 152] from the proceeds of one-half of the corporation fees collected under all the provisions of chapter 70, Laws of 1937 as now or hereafter amended. The bonds and interest thereon shall, so long as any portion thereof remains unpaid, constitute a prior and exclusive claim, subject only to amounts previously pledged for the payment of interest on and retirement of bonds heretofore issued, upon the portion of the corporation fees so collected and deposited to the credit of the world fair bond redemption fund as provided in RCW 43.31.620. [1965 c 8 § 43.31.710. Prior: 1961 c 152 § 11.]

Reviser's note: See note following RCW 43.31.590.

**43.31.720 Provisions relating to Seattle world fair—Deposit of proceeds of sale—Use.** All moneys arising from the sale of such bonds shall be deposited in the special fund in the state treasury known as the world fair fund created pursuant to RCW 43.31.600. Such moneys shall be available only for the purpose of programming, promoting and production of the world fair or exposition, and for the payment of the expenses incurred in the printing, issuance and sale of such bonds. The state finance committee is authorized to invest the proceeds from the sale of such bonds in short term securities: *Provided*, That such investment will not impede the orderly progress of the project authorized by this act [1961 c 152]. The interest from such investments shall be deposited to the credit of the world fair bond redemption fund. [1965 c 8 § 43.31.720. Prior: 1961 c 152 § 12.]

**43.31.730 Provisions relating to Seattle world fair—Appropriation.** For the purposes of carrying out the provisions of sections one through eighteen of this act [1961 c 152] there is hereby appropriated to the state department of commerce and economic development from the world fair fund the sum of three million dollars. [1965 c 8 § 43.31.730. Prior: 1961 c 152 § 13.]

**43.31.740 Provisions relating to Seattle world fair—Undertaking to impose corporation fees—Use, proration, of one-half of proceeds.** As a part of the sale of the bonds herein authorized, the state undertakes to continue to impose the license and other fees on domestic and foreign corporations prescribed by and at the rates authorized in chapter 70, Laws of 1937 as last amended by the 1957 legislature and to use and prorate

in the order set forth below, one-half of the proceeds of such fees, as follows:

(1) To pay into the world fair bond redemption fund hereby created as a special fund within the state treasury, such sums as shall be needed to pay the interest on all outstanding bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961.

(2) To pay into the outdoor recreational bond redemption fund such sums as shall be needed to pay the interest on all bonds authorized by chapter 43.98 RCW and outstanding.

(3) All of said one-half of the proceeds of such fees remaining after making the payments required under the preceding paragraphs (1) and (2), shall be deposited in the world fair bond redemption fund until all of the outstanding bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961, have been paid. After payment and retirement of the aforesaid world fair bonds all of the said one-half of the proceeds of such fees shall be deposited in the outdoor recreational bond redemption fund for payment of the principal of and interest on all of the bonds authorized by chapter 43.98 RCW. [1965 c 8 § 43.31.740. Prior: 1963 ex.s. c 12 § 9; 1961 c 152 § 14.]

Reviser's note: See note following RCW 43.31.590.

**43.31.750 Provisions relating to Seattle world fair—General powers of state officials—Agreements.** The department of commerce and economic development, the officials thereof and all state officials and members of the world fair commission are empowered to do such acts and make such agreements not inconsistent with law as may be necessary or desirable in connection with the duties and powers conferred upon them respectively by law regarding the production of the world fair or exposition in Seattle. [1965 c 8 § 43.31.750. Prior: 1961 c 152 § 15.]

**43.31.760 Provisions relating to Seattle world fair—Legislature may provide additional means for raising revenue.** The legislature may provide additional means for raising moneys for the payment of the principal and interest on the bonds authorized herein and the provisions of this act [1961 c 152] shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington. [1965 c 8 § 43.31.760. Prior: 1961 c 152 § 16.]

**43.31.770 Provisions relating to Seattle world fair—Proceedings to compel deposit and payment of funds.** The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the deposit and payment of funds as provided in RCW 43.31.620 and by the provisions of this act [1961 c 152]. [1965 c 8 § 43.31.770. Prior: 1961 c 152 § 17.]

**43.31.790 State international trade fairs—Declaration of purpose.** The legislature hereby recognizes the economic benefits resultant from the participation in and

presentation of state international trade fairs; to a large degree the present export of state products from the ports of this state has resulted from state international trade fair presentation or participation; as this state is the natural gateway to the Orient, participation in trade fairs in that area is essential to the furtherance of industrial markets of this state; Washington products must be put on view to the people of the state, this country, and the world; nothing serves this purpose more appropriately than state international trade fairs, the support of which through state aid the legislature herewith proposes. [1975 1st ex.s. c 292 § 2; 1965 c 148 § 1.]

*Horse racing, state trade fair fund: RCW 67.16.100.*

**43.31.800 State international trade fairs—Definitions.** "Director" as used in RCW 43.31.790 through 43.31.860 and 67.16.100 means the director of commerce and economic development. [1965 c 148 § 2.]

*State international trade fair defined: RCW 43.31.850.*

**43.31.810 State international trade fairs—State aid eligibility requirements.** For the purposes of RCW 43.31.790 through 43.31.860 and 67.16.100, as now or hereafter amended, state international trade fair organizations, to be eligible for state financial aid hereunder (1) must have had at least two or more years of experience in the presentation of or participation in state international trade fairs, whether held in this state, another state or territory of the United States or a foreign country, however these need not be consecutive years; (2) must be able to provide, from its own resources derived from general admission or otherwise, funds sufficient to match at least one-half the amount of state financial aid allotted. [1975 1st ex.s. c 292 § 3; 1965 c 148 § 3.]

**43.31.820 State international trade fairs—Application for funds.** The board of trustees of any state international trade fair sponsored by any public agency, qualifying under the provisions of RCW 43.31.790 through 43.31.860 and 67.16.100, as now or hereafter amended, may apply to the director for moneys to carry on the continued development as well as the operation of said fair, said money to be appropriated from the state international trade fair fund as provided for in RCW 67.16.100, as now or hereafter amended. [1975 1st ex.s. c 292 § 4; 1965 c 148 § 4.]

**Reviser's note:** Section 9 of chapter 292, Laws of 1975 1st ex.s. which would have changed the name of the "state trade fair fund" to the "state international trade fair fund" was vetoed.

**43.31.830 State international trade fairs—Certification of fairs—Allotments—Division and payment from state trade fair fund.** It shall be the duty of the director to certify, from the applications received, the state international trade fair or fairs qualified and entitled to receive funds under RCW 43.31.790 through 43.31.860 and 67.16.100, as now or hereafter amended. The director shall make annual allotments to state international trade fairs determined qualified to be entitled to participate in the state international trade fair fund and shall fix times for the division of and payment

from the state international trade fair fund: *Provided*, That total payment to any one state international trade fair shall not exceed sixty thousand dollars in any one year, where participation or presentation occurs within the United States, and eighty thousand dollars in any one year, where participation or presentation occurs outside the United States: *Provided further*, That a state international trade fair may qualify for the full allotment of funds under either category. Upon certification of the allotment and division of fair funds by the director of commerce and economic development the treasurer shall proceed to pay the same to carry out the purposes of RCW 43.31.790 through 43.31.860 and 67.16.100, as now or hereafter amended. [1975 1st ex.s. c 292 § 5; 1965 c 148 § 5.]

**Reviser's note:** Section 9 of chapter 292, Laws of 1975 1st ex.s. which would have changed the name of the "state trade fair fund" to the "state international trade fair fund" was vetoed.

**43.31.831 State trade fairs—Transfer of surplus funds in state trade fair fund to general fund—Initial transfer.** The sum of one hundred twenty-seven thousand dollars shall be transferred from the state trade fair fund to the general fund on a date to be agreed upon by the director of the department of commerce and economic development and the state treasurer which date shall, in no event, be later than June 30, 1973. [1972 ex.s. c 93 § 1.]

**43.31.832 State international trade fairs—Transfer of surplus funds in state trade fair fund to general fund—Subsequent transfers.** In addition to the sum transferred in RCW 43.31.831, additional funds determined to be surplus funds by the director of the department of commerce and economic development may be transferred from the state international trade fair fund to the general fund upon the recommendation of the director of the department of commerce and economic development and the state treasurer. [1975 1st ex.s. c 292 § 8; 1972 ex.s. c 93 § 2.]

**Reviser's note:** Section 9 of chapter 292, Laws of 1975 1st ex.s. which would have changed the name of the "state trade fair fund" to the "state international trade fair fund" was vetoed.

*State trade fair fund: RCW 67.16.100.*

**43.31.833 State trade fairs—Transfer of surplus funds in state trade fair fund to general fund—Construction.** RCW 43.31.831 through 43.31.834 shall not be construed to interfere with the state financial aid made available under the provisions of RCW 43.31.790 through 43.31.860 regardless of whether such aid was made available before or after May 23, 1972. [1972 ex.s. c 93 § 3.]

**43.31.834 State trade fairs—Transfer of surplus funds in state trade fair fund to general fund—Construction.** RCW 43.31.831 through 43.31.834 shall be construed to supersede any provision of existing law to the contrary. [1972 ex.s. c 93 § 4.]

**43.31.840 State international trade fairs—Post audit of participating fairs—Reports.** The director

shall at the end of each year for which an annual allotment has been made, cause to be conducted, a post audit of all of the books and records of each state international trade fair participating in the state trade fair fund. The purpose of such post audit shall be to determine how and to what extent each participating state international trade fair has expended all of its funds.

The audit required by this section shall be a condition to future allotments of money from the state international trade fair fund, and the director shall make a report of the findings of each post audit and shall use such report as a consideration in an application for any future allocations. [1975 1st ex.s. c 292 § 6; 1965 c 148 § 6.]

**Reviser's note:** Section 9 of chapter 292, Laws of 1975 1st ex.s. which would have changed the name of the "state trade fair fund" to the "state international trade fair fund" was vetoed.

**43.31.850 State international trade fairs—State international trade fair defined.** State international trade fair as used in RCW 43.31.790 through 43.31.860 and 67.16.100, as now or hereafter amended, shall mean a fair supported by public agencies basically for the purpose of introducing and promoting the sale of manufactured or cultural products and services of a given area, whether presented in this state, the United States or its territories, or in a foreign country. [1975 1st ex.s. c 292 § 7; 1965 c 148 § 8.]

**Reviser's note:** Section 9 of chapter 292, Laws of 1975 1st ex.s. which would have changed the name of the "state trade fair fund" to the "state international trade fair fund" was vetoed.

**43.31.860 State trade fairs—Transfer of books, records, property, etc.—Validity of actions not affected—Completion of matters transferred.** Upon the effective date of the transfer of functions provided in RCW 43.31.790 through 43.31.860 and 67.16.100, the director of agriculture shall immediately deliver to the director of commerce and economic development all books, documents, records, papers, files, or other writings and all funds in his custody or under his control used or held for the purpose of assisting state trade fairs. The transfer of functions to the director of commerce and economic development shall not affect the validity of any acts performed by the director of agriculture relating to state trade fairs prior to the effective date of RCW 43.31.790 through 43.31.860 and 67.16.100. All matters relating to the functions transferred under the provisions of RCW 43.31.790 through 43.31.860 and 67.16.100 which at the time of transfer have not been completed may be undertaken and completed by the director of commerce and economic development who is authorized, empowered, and directed to promulgate any and all orders, rules, and regulations necessary to accomplish this purpose. [1965 c 148 § 10.]

**Effective date—1965 c 148:** RCW 43.31.790 through 43.31.860 and the 1965 amendment to RCW 67.16.100 became effective March 20, 1965.

**43.31.870 Business coordination act—Legislative intent—Policy.** It is the sense of the legislature that the heavy burdens placed upon persons proposing to

undertake certain types of businesses in this state through requirements to obtain numerous permits and related documents from various state agencies are undesirable and should be alleviated. The legislature further finds that present methods for obtaining such permits from state agencies are cumbersome and place undue hardships on persons attempting to go into business for themselves. The legislature further finds that multiple inspections related to these permits by the various state agencies is also a burden on many businesses which should be alleviated.

It is hereby declared to be the policy of the state that a pilot program be established to seek to alleviate these problems for one type of business, grocery stores, with the intent that additional businesses will be assisted as the mechanics of this pilot program are established and proven workable. [1975-'76 2nd ex.s. c 68 § 1.]

**Severability—1975-'76 2nd ex.s. c 68:** "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." [1975-'76 2nd ex.s. c 68 § 9.] This applies to RCW 43.31.870 through 43.31.910.

**43.31.875 Business coordination act—Definitions.** For purposes of RCW 43.31.870 through 43.31.910 the following words mean, unless the context clearly indicates otherwise:

(1) "Department" means the department of commerce and economic development.

(2) "Permit" means any license, permit, certificate, certification, approval, compliance schedule, or other similar document pertaining to regulation of businesses in general, and handling the products normally sold in grocery stores, plus all health, safety, and consumer protection regulations as required by any state agency. For the purposes of RCW 43.31.870 through 43.31.910, "permit" does not include "permits" issued by the department of ecology.

(3) "Person" means any individual, partnership, cooperative, or private corporation, attempting to establish a grocery operation in a new location, or seeking to continue an existing grocery operation.

(4) "Grocery" means any retail business engaged in the sale of food products (except fully prepared meals), beverages, and common household goods. Businesses offering other products and services are included but only covered under RCW 43.31.870 through 43.31.910 to the extent of the grocery related activities. [1975-'76 2nd ex.s. c 68 § 2.]

**Severability—1975-'76 2nd ex.s. c 68:** See note following RCW 43.31.870.

**43.31.880 Business coordination act—Grocery business—Master application—Form—Master permit—Total fee—Agencies covered—Renewals.** (1) Any person proposing a new grocery operation after June 30, 1976 shall submit a master application to the department requesting the issuance of all permits necessary prior to opening a new operation in the state of Washington. The master application shall be on a form furnished by the department and shall contain in consolidated form all information necessary for the various

state agencies to issue a permit. These provisions shall apply to persons seeking to continue an existing operation after January 1, 1977.

(2) Upon receipt of a properly completed master application the department shall immediately send a copy to each state agency with potential jurisdiction over the proposed operation. Each notified agency shall respond in writing to the department within a reasonable time, as determined by the department, advising the department and the applicant (a) that it approves the application; (b) that it approves with certain conditions as specified; or, (c) that it denies the application with reasons given for the denial.

The department will then issue a master permit covering all the approvals and conditions excluding any denials. It shall be the responsibility of the applicant to make appeals on conditions imposed or on permit denials through that normal appeal process established by the agency with jurisdiction for the issuances of such permit.

(3) A total fee based on the sum of fees for individual permits requested will accompany each master application and will be collected by the department and used to reimburse the various state agencies as per their schedules. The issuance of a master permit shall be in lieu of any permit, certificate, or similar document required by any agency listed in subsection (4) of this section.

(4) All permits and inspections related to grocery operations by the following state agencies are covered under RCW 43.31.870 through 43.31.910.

- (a) Department of revenue;
- (b) Department of labor and industries;
- (c) Department of employment security;
- (d) Department of agriculture;
- (e) Department of fisheries;
- (f) Liquor control board;
- (g) State pharmacy board;
- (h) Department of highways; and

(i) any other state agency, that may now or in the future issue permits or make inspections of grocery operations: *Provided*, That nothing in this section shall be construed to eliminate state or local governmental health or safety inspections.

(5) All individual permits covered by RCW 43.31.870 through 43.31.910 shall expire according to a staggered schedule to be specified by the department of commerce and economic development. Costs for permits issued in the interim will be prorated according to the time each permit is in force.

(6) Starting January 1, 1977, annual renewals for all individual permits will be replaced by a master permit issued by the department of commerce and economic development. Renewals will be automatically granted under conditions originally imposed unless one of the regulatory agencies informs the department of revised restrictions to be imposed prior to such issuance. [1975-'76 2nd ex.s. c 68 § 3.]

**Severability**—1975-'76 2nd ex.s. c 68: See note following RCW 43.31.870.

**43.31.885 Business coordination act—Coordination and consolidation of inspections.** The director of the department is authorized to establish a program for

coordinating all inspections by state agencies of grocery establishments. Where practicable under existing law, he is authorized to require that inspections with similar objectives or involving common expertise be consolidated and performed by one inspector at one time. The director shall be authorized to provide special training to inspectors where it is determined that such training will assure the consolidation of certain inspections. [1975-'76 2nd ex.s. c 68 § 4.]

**Severability**—1975-'76 2nd ex.s. c 68: See note following RCW 43.31.870.

**43.31.890 Business coordination act—Permit issuing centers.** The department shall establish permit issuing centers in its office at Olympia and in all of its regional offices. [1975-'76 2nd ex.s. c 68 § 5.]

**Severability**—1975-'76 2nd ex.s. c 68: See note following RCW 43.31.870.

**43.31.895 Business coordination act—Report to legislature.** The department, after consultation with other state agencies and affected businesses, shall submit to the legislature by January 1, 1977, a report setting forth the results of the experience under RCW 43.31.870 through 43.31.910 together with any recommendations for: (1) Consolidating inspections further by change in existing statutes; (2) expanding the program to include other types of business; and (3) further improving procedures. [1975-'76 2nd ex.s. c 68 § 6.]

**Severability**—1975-'76 2nd ex.s. c 68: See note following RCW 43.31.870.

**43.31.900 Business coordination act—Liberal construction.** The rule of strict construction shall have no application to this chapter and it shall be liberally construed in order to carry out its purposes. [1975-'76 2nd ex.s. c 68 § 7.]

**Severability**—1975-'76 2nd ex.s. c 68: See note following RCW 43.31.870.

**43.31.910 Business coordination act—Short title.** RCW 43.31.870 through 43.31.910 shall be known as the "Business Coordination Act". [1975-'76 2nd ex.s. c 68 § 8.]

**Severability**—1975-'76 2nd ex.s. c 68: See note following RCW 43.31.870.

## Chapter 43.31A ECONOMIC ASSISTANCE ACT OF 1972

### Sections

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**43.31A.010 Declarations.** It is declared to be the public policy of the state of Washington to direct financial resources of this state toward the fostering of economic development through the stimulation of investment and job opportunity in order that the general welfare of the inhabitants of the state is served. The legislature further finds that reducing unemployment as soon as possible is of major concern to the economic welfare of the state.

It is further declared that such economic development should be fostered through provision of investment tax deferrals, construction of public facilities, the insurance of industrial mortgages, and technical assistance; that expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and to constitute a proper use of public funds, and that an economic assistance authority is needed which shall effect such development of economic opportunity. [1972 ex.s. c 117 § 1.]

**43.31A.020 Economic assistance authority—Created—Membership—Chairman—Travel expenses—Rules and regulations.** The economic assistance authority of the state, hereafter designated

"authority", is hereby created to exercise those powers granted by this chapter.

The authority shall consist of eight members appointed by the governor, the director of the department of commerce and economic development, and two ex officio members as provided for herein. Of the appointive members two shall be city officials or representatives of cities, two shall be county officials or representatives of counties, and four shall be citizen members from the public. The appointive members shall be broadly representative of geographic areas of this state. These members shall initially be appointed as follows: Two members for one-year terms, two members for two-year terms, two members for three-year terms, and two members for four-year terms. Each succeeding term shall be for four years. The two ex officio members shall be the directors of the planning and community affairs agency, the department of ecology, or their designees. The director of the department of commerce and economic development shall serve as chairman of the authority. Staff support shall be provided by the department of commerce and economic development.

All appointive members of the authority in the performance of their duties shall receive travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

The authority shall adopt, promulgate, amend, or rescind suitable rules and regulations to carry out the provisions of this chapter, and the policies and practices of the authority in connection therewith. [1975-'76 2nd ex.s. c 34 § 111; 1972 ex.s. c 117 § 2.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.31A.030 Vacancies—Removal of members.** If a vacancy shall occur by death, resignation, or otherwise of appointive members of the authority, the governor shall fill the same for the unexpired term. Any member of the authority, appointive or otherwise, may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, according to the provisions of chapter 34.04 RCW. [1972 ex.s. c 117 § 3.]

**43.31A.040 Conflicts of interest—Code of ethics.** In addition to other applicable provisions of law pertaining to conflicts of interest of public officials, no authority member, appointive or otherwise, may participate in any decision on any authority contract in which he has any interests, direct or indirect, with any firm, partnership, corporation, or association which would be the recipient of any authority aid whether by way of grant, loan, insurance, or other authority assistance. In any instance where such participation occurs, the authority shall void the transaction, and the involved member shall be subject to whatever further sanctions may be provided by law. In addition, the authority shall frame and adopt a code of ethics for its members, which shall be designed to protect the state and its citizens from any unethical conduct by the authority. [1972 ex.s. c 117 § 4.]

**43.31A.050 General powers and duties.** In addition to powers and duties granted elsewhere in this chapter, the authority shall be authorized:

(1) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(2) To adopt an official seal and alter the same at its pleasure;

(3) To contract with such consultants as may be necessary or desirable for its purposes and to fix their compensation and to utilize the services of other governmental agencies;

(4) To accept from any federal agency loans or grants for the planning or financing of any project and to enter into an agreement with such agency respecting such loans or grants;

(5) To conduct examinations and investigations and take testimony at public or private hearings of any matter material for its information that will assist in determinations related to exercise of the authority's lawful powers;

(6) To accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on the terms and conditions thereof which are not in conflict with the provisions of this chapter;

(7) To establish such procedures, rules, and regulations consistent with the purposes of this chapter as necessary;

(8) To do all acts and things necessary or convenient to carry out the powers expressly granted or implied in this chapter. [1972 ex.s. c 117 § 5.]

**43.31A.060 Consistency with plans, programs and policies of other agencies condition to approval of project.** In all instances in which the authority shall consider providing public facilities construction grants or loans, investment tax deferrals, and industrial mortgage payment insurance as authorized in this chapter, the authority shall give its approval only when the project for which the economic assistance is sought will be consistent with the plans, programs, and policies of state agencies and/or local governmental units within whose jurisdiction the project is located. [1972 ex.s. c 117 § 6.]

**43.31A.070 Grants and loans to political subdivisions and Indian tribes—Authorized—Purposes.** The authority is authorized to make direct grants and/or loans to political subdivisions of the state and Indian tribes recognized as such by the federal government, for the purpose of assisting such organizations in financing the cost of public facilities, including the cost of acquisition and development of land and improvements for public facilities, as well as the acquisition, construction, rehabilitation, alteration, expansion, or improvement of such facilities. [1972 ex.s. c 117 § 7.]

**43.31A.080 Projects for which grants or loans may be used—Priority.** Public facilities grants or loans shall be used to fund those projects which will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities: *Provided*, That the

authority shall initially consider projects which (1) are scheduled to go to bid within three months of approval of the project by the authority, and (2) are scheduled to reach fifty percent of peak employment within six months from the date of letting the bid. [1972 ex.s. c 117 § 8.]

**43.31A.090 Amounts available for grants and loans—Economic assistance areas—Designation—Redefined areas—Criteria—Areas not designated.** (1) Not less than two-thirds of the amount to be available to the public facilities construction loan and grant revolving account within any biennium shall be made available by the authority for public facilities grants and loans to those areas which have been designated by the secretary of the United States department of commerce as redevelopment areas and to those counties in which the rate of increase in population is less than fifteen percent between the two prior decennial federal census figures available for the counties of this state. Such designated areas for the purposes of this chapter shall be known as economic assistance areas. Thereafter, the authority may from time to time redefine the initially designated economic assistance areas. The authority shall base its determination of redefined economic assistance areas on one or more of the following criteria:

(a) The rate of unemployment in the area, as determined by appropriate annual statistics for the most recent available calendar year, is six percent or more and has been at least (i) fifty percent above the national average for three of the preceding four calendar years, or (ii) seventy-five percent above the national average for two of the preceding three calendar years, or (iii) one hundred percent above the national average for one of the preceding two calendar years, and has averaged at least six percent for those qualifying time periods; or

(b) The rate of increase in population is less than fifteen percent between the two prior decennial federal census figures available for the counties of this state; or

(c) The area is a federal Indian reservation manifesting economic distress as based on unemployment, low income levels, and other evidence of economic underdevelopment.

(2) No more than one-third of the amount estimated to be available to the public facilities construction loan and grant revolving account within any biennium may be made available by the authority to areas not designated economic assistance areas for public facilities grants and loans when the project for which such funds are sought satisfy one or more of the following criteria:

(a) Provides for greater balance in the distribution of economic opportunity within that region; or

(b) Provides for greater equity in the distribution of economic opportunities for state residents relative to such factors as racial, ethnic, or social group, and educational or skill levels; or

(c) Provides for continued economic diversification leading to greater seasonal or cyclical stability. [1972 ex.s. c 117 § 9.]



**43.31A.100 Special impact areas.** In addition to economic assistance areas, the authority may declare any county, city, or community as a special impact area wherein the authority determines that the loss, removal, curtailment, or closing of a major source or sources of employment, including the loss, removal, curtailment, or closing of a major state institution, has caused or will cause an unusual and severe rise in unemployment. Such designation as a special impact area shall be for a period of two years from such time of designation. Special impact areas shall be eligible as an economic assistance area for public facilities grants and loans as provided in RCW 43.31A.090. The authority, through the department of commerce and economic development, further, shall with agencies of the federal government, appropriate agencies of state government and local city, county, and community officials develop projects and programs which will assist in alleviating such unemployment. [1972 ex.s. c 117 § 10.]

**43.31A.110 Public facilities grants and loans—Conditions.** Public facilities grants or loans by the authority shall be subject to the following conditions:

(1) The moneys in the public facilities construction loan and grant revolving account are to be used solely to fulfill commitments arising from loans and grants authorized in RCW 43.31A.070. The total outstanding amount which the authority may dispense at any time pursuant to this section shall not exceed the moneys available for grants and loans from said account;

(2) Financial assistance through such grants or loans may be used directly or indirectly for any facility for public purposes, including, but not limited to, sewer or other waste disposal facilities, arterials, bridges, access roads, port facilities, or water distribution and purification facilities;

(3) On contracts made for public facilities loans the authority shall determine the interest rate which advances shall bear, such interest rate not to exceed ten percent per annum, and the authority shall provide such reasonable terms and conditions for repayment of advances as it may determine; said loans not to exceed twenty years in duration. [1972 ex.s. c 117 § 11.]

**43.31A.120 Repayments of advances.** Repayments of advances made pursuant to such contracts for public facilities construction loans shall be paid into the public facilities construction loan and grant revolving account. [1972 ex.s. c 117 § 12.]

**43.31A.130 Investment projects—Definitions—Criteria.** As used in RCW 43.31A.140 through 43.31A.180:

(1) "Eligible investment project" shall mean construction of new buildings or major improvements to existing buildings and the machinery installed in such buildings in the course of such construction or major improvements, when said buildings and machinery are used or are to be used for activities defined in RCW 82.04.120 (the definition of the term "to manufacture"): *Provided*, That an investment project undertaken by a business as defined in RCW 82.16.010(5) (an electrical utility) shall

not be eligible: *Provided further*, That one or more [of] the following criteria must be met:

(a) The investment project is or will be located in an economic assistance area or special impact area;

(b) A minimum of twenty percent of the employees at the plant complex for which the deferral is requested shall be of a minority race;

(c) The plant complex shall be within an industry classification which is not currently a major employing industry in the county in which the plant complex is located. The industry classification of the plant complex shall be determined by the standard industrial classification as assigned by the department of employment security. The major employing industries in a county shall be the two manufacturing sectors, as defined by the two-digit standard industrial classification, which employed the greatest number of persons on an annual average basis in the most recent calendar year for which such information is available from the department of employment security.

(2) "Buildings" shall mean and include only those structures used or to be used to house or shelter manufacturing activities. The term shall include plant offices and warehouses or other facilities for the storage of raw material or finished goods when such facilities are an essential or an integral part of a factory, mill, or manufacturing plant and such factory, mill, or manufacturing plant is used or to be used in the business of manufacture for sale or commercial or industrial use of an article, substance, or commodity. Where a building is used partly for manufacturing and partly for other purposes the applicable tax deferral shall be determined by apportionment of the costs of construction under such rules as the department of revenue shall provide;

(3) "Machinery" shall mean all industrial fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing operation;

(4) "Major improvement" shall mean the expansion, modernization, or renovation of existing buildings wherein the costs are in excess of twenty-five percent of the true and fair value of the plant complex prior to the improvement;

(5) "Plant complex" shall mean land, machinery, and buildings adapted to industrial use as a single functional or operational unit for the assembling, processing, or manufacturing of finished or partially finished products from raw materials or fabricated parts. [1972 ex.s. c 117 § 13.]

**43.31A.140 Investment projects—Eligibility—Investment tax deferrals—Authorized—Amounts.** The authority shall certify the eligibility of investment projects, and the department of revenue shall grant investment tax deferrals for eligible investment projects in an amount not to exceed the state and local sales tax payable under chapters 82.08 and 82.14 RCW or the use tax payable under chapters 82.12 and 82.14 RCW on machinery, materials, labor, and services directly utilized in a certified eligible investment project undertaken by a firm engaged in or to be engaged in manufacturing. [1972 ex.s. c 117 § 14.]

**43.31A.150 Investment projects—Application for certification—Tax deferral certificate, issuance.** Application for certification of an investment project shall be made to the authority in such a form and manner as the authority may prescribe, but in no case shall an application be accepted after initiation of the construction of the investment project. The application shall contain information regarding the location of the investment project, the firm's average employment in the state for the prior year, estimated or actual new employment related to the project, estimated or actual costs, time schedules for completion and operation, and such other information as the authority may require. The authority shall rule on the application within sixty days, and the department of revenue shall issue an investment tax deferral certificate when the authority certifies that the criteria for an eligible investment project have been satisfied. [1972 ex.s. c 117 § 15.]

**43.31A.160 Investment projects—Audit—Repayment schedule.** The department of revenue shall conduct an audit of the project upon its completion in order to determine the total amount of tax deferral. Any tax found due on nonqualifying construction or purchases shall be immediately assessed and payable. The manufacturing firm will begin paying the deferred taxes three years after the date certified by the authority as the date on which the construction project has been operationally completed. The first payment will be due on December 31st of the third calendar year after such certified date, with subsequent annual payments due on December 31st of the following four years with amounts of payment scheduled as follows:

<i>Repayment Year</i>	<i>Percent of Deferred Tax Repaid</i>
1	10%
2	15%
3	20%
4	25%
5	30%

[1972 ex.s. c 117 § 16.]

**43.31A.170 Investment projects—Accelerated repayment schedule—Interest—Penalties—Insolvency.** The department of revenue may authorize an accelerated repayment schedule upon request of the manufacturing firm. No interest by the state of Washington will be charged on any taxes so deferred for the period of deferral, although all other penalties and interest available to the department of revenue may be assessed and imposed for delinquent payments as are otherwise provided by law. The debt for deferred taxes will not be extinguished by insolvency or other failure of the firm. [1972 ex.s. c 117 § 17.]

**43.31A.180 Investment projects—Rules and regulations.** The department of revenue may adopt such rules and regulations as it deems necessary for the administration of the investment tax deferral provisions of this chapter. [1972 ex.s. c 117 § 18.]

**43.31A.190 Investment projects—Reports by firm qualifying under RCW 43.31A.130 subsection(1)(b).** Where a firm qualifies for a tax deferral under RCW 43.31A.130, subsection 1(b), the firm shall submit a report to the department of revenue on December 31st of each of the first seven years of the tax deferral. Such report shall contain information upon which the department of revenue may determine whether the firm is meeting the requirements of that subsection. If, on the basis of the report or other information, the department of revenue finds that the firm is not meeting the requirements of that subsection, the amount of deferred taxes outstanding shall be immediately assessed and payable. If the firm fails to submit a report or submits an inadequate report, the department of revenue may declare the amount of deferred taxes outstanding to be immediately assessed and payable. [1972 ex.s. c 117 § 19.]

**43.31A.200 Independent study board.** The authority may establish an independent study board consisting of governmental and nongovernmental experts to investigate the effects of governmental programming, procurement, scientific, technical, and other related policies for economic assistance. Members of the board may be compensated in accordance with provisions for advisory councils to the department of commerce and economic development. The authority shall report the board's findings and recommendations to the governor and the legislature for the better coordination of such policies. [1972 ex.s. c 117 § 20.]

**43.31A.210 Industrial projects—Definitions.** For purposes of RCW 43.31A.220 through 43.31A.310:

(1) "Industrial project" means any building or other real estate improvement and the land upon which it may be located, machinery and equipment including installation thereof, and all real properties deemed necessary for this use, including all property rights, easements, and franchises relating thereto and deemed necessary or convenient for operation, by (a) and industry for the manufacturing, processing, or assembling of raw materials or manufactured products, (b) research and development facilities for discovery, perfection, and/or evaluation of new processes or products, or (c) the construction, acquisition, rehabilitation, or improvements of tourist industry facilities and other facilities used by tourists when such facilities fill an established need in the overall development for expansion of a municipality's, county's, or region's tourist industry and/or convention business;

(2) "Mortgagor" means the original borrower under a mortgage and his successors and assigns;

(3) "Mortgagee" means the original lender under a mortgage, and his successors and assigns authorized by federal or state law and approved by the authority, including but not limited to trust companies, banks, and any other classes of lending agencies and institutions;

(4) "Mortgage" means a mortgage or deed of trust on an industrial project, and the term "first mortgage" means such classes of first liens as are commonly given to secure advances such as real estate contracts or real estate under the laws of the state of Washington,

together with the credit instruments, if any, secured thereby;

(5) "Cost of project" means the cost of fair market value of construction, lands, property rights, easements, engineering, and any other necessary services. [1972 ex.s. c 117 § 21.]

**Effective date**—1972 ex.s. c 117: RCW 43.31A.210 through 43.31A.310 not effective until constitutional amendment approved. See RCW 43.31A.900.

**43.31A.220 Industrial projects—Insuring of mortgage payments authorized—Conditions.** The authority, upon application of a proposed mortgagee, may insure mortgage payments required by a first mortgage on any industrial project which at the date of application is located or is to be located within an economic assistance area or special impact area or meets criteria established in subsection (2) of RCW 43.31A.090, upon such terms and conditions as the authority may prescribe: *Provided*, That the aggregate amount of principal obligations of all mortgages so insured outstanding at any one time shall not exceed sixty million dollars. [1972 ex.s. c 117 § 22.]

**Effective date**—1972 ex.s. c 117: See RCW 43.31A.900.

**43.31A.230 Industrial projects—Mortgage payment insurance—Approval.** Mortgage payment insurance authorized under RCW 43.31A.220 may be approved where the authority finds that the establishment of the project will meet the general objectives of this chapter and that the project to which the mortgage shall apply is financially sound and there is a reasonable assurance of repayment. [1972 ex.s. c 117 § 23.]

**43.31A.240 Industrial projects—Eligibility criteria for industrial mortgage payment insurance contract.** To be eligible for industrial mortgage payment insurance contract under the provisions of this chapter, a mortgage:

(1) Shall be one which is to be made by a mortgagee approved by the authority as responsible and able to service the mortgage properly: *Provided*, That proprietary information required of an applicant to establish eligibility shall be considered privileged and confidential in nature;

(2) Shall not exceed three million dollars for any one previously delineated project, such amount not to exceed ninety percent of the reasonable cost of the project related to real property, and including initial service charges and appraisal, and inspection and other fees approved by the authority; and shall not exceed fifty percent of the cost of the project related to machinery and equipment without the approval of eighty percent of the members of the authority;

(3) Shall have a maturity satisfactory to the authority but not later than twenty-five years from the date of issuance of the insurance agreement, without the approval of eighty percent of the members of the authority, except in the case of machinery and equipment for which the maturity is to be no more than ten years from the date of the authority's insurance policy, without the approval of eighty percent of the members

of the authority, but not beyond the normal life of the machinery and equipment;

(4) Shall contain complete amortization provisions, requiring periodic mortgage payments by the mortgagor which may include principal and interest payments, cost of local property taxes and assessments for payments in lieu thereof, land lease rentals (if any), hazard insurance on the property, such mortgage insurance premiums as are required under RCW 43.31A.250, and such depreciation payments as may be necessary to maintain the integrity of the project until principal has been completely paid off, all as the authority from time to time may prescribe or approve;

(5) Shall contain such terms and provisions with respect to property insurance, repairs, alterations, payment of taxes and assessments, default reserves, delinquency charges, default remedies, anticipation of maturity, additional and secondary liens, and other matters as the authority may deem necessary;

(6) Shall have a maturity agreement that expires not later than six months after the initial term of the lease of the property on which the mortgage is granted: *Provided*, That this shall in no way preclude the prepayment of any mortgage so insured: *And further provided*, That such period is to permit the removal or dispensation of leasehold improvements. [1972 ex.s. c 117 § 24.]

**43.31A.250 Industrial projects—Mortgage insurance premiums.** The authority shall fix mortgage insurance premiums for each industrial project for the insurance of the first mortgage payments under the provisions of this chapter: *Provided*, That such premiums are to be computed as a percentage of the principal obligation of the mortgage outstanding at the beginning of each mortgage year. Such premiums shall be payable by the mortgagors or the mortgagees in such manner as shall be agreed to by the authority. The amount of such premiums shall be on the merits of an individual delineated project. The amount of such premiums need not be uniform among the various loans insured. If such premiums are not paid when due, such nonpayment shall constitute a default and mortgage insurance benefit shall terminate. [1972 ex.s. c 117 § 25.]

**43.31A.260 Industrial projects—Default in mortgage installment payments—Procedure.** Upon default in payment of any mortgage installment by the mortgagor of more than sixty days or as otherwise provided in the mortgage insurance agreement, the authority, after receiving notification, shall pay to or on behalf of the mortgagee or his order all installment sums required by the mortgage, exclusive of any acceleration provision, as and when such sums fall due, and not the agreement total amount of guaranteed mortgage for the entire policy period which might otherwise be construed to be due by reason of default. When a mortgagor does not meet mortgage payments insured by the authority by reason of vacancy of its industrial project, the authority for the purpose of safeguarding the mortgage insurance fund may grant the mortgagee permission to lease or rent the property to a tenant for a use other than that specified in

RCW 43.31A.220. Such lease or rental may be temporary in nature, and shall be subject to such conditions as the authority may prescribe. The mortgagee shall take responsible steps to correct any default. In the case of a default which will likely continue for more than ninety days, the mortgagee shall, in consultation with the authority, proceed to effect an orderly disposition of the property. [1972 ex.s. c 117 § 26.]

**43.31A.270 Loans, etc., legal investment for financial institutions, trustees, etc.—Title insurance—Security requirements.** Any loan secured by a first mortgage insured by the authority, any loan to a proposed mortgagor for the purpose of building or improving any industrial project owned by such proposed mortgagor, or any proposed mortgagee given advance commitment by the authority to insure mortgage payments required by a first mortgage upon a completed industrial project, shall be a legal investment for any trust company, bank, investment company, savings bank, savings and loan association, executor, administrator, guardian, conservator, trustee or other fiduciary, and pension, profit-sharing, or retirement fund: *Provided*, That such loans shall be in conformity with any laws, rules, or regulations governing banks, trust companies, mutual savings banks, or savings and loan associations, by any regulatory agency of the state of Washington or the federal government. When the real estate is mortgaged to secure real or personal property, security for such loans shall be unencumbered except for leases and easements.

A policy of title insurance shall be lodged with the mortgagee until the mortgage is paid. Loans to a proposed mortgagor for the purpose of building or improving industrial projects shall provide for advance at the discretion of the lender as the work progresses: *Provided*, That they shall not exceed the amount of the advance commitment to insure, shall have construction maturities of not more than twenty-four months unless eighty percent of the members of the authority approve a longer period, and shall be secured by a first mortgage. [1972 ex.s. c 117 § 27.]

**43.31A.280 Industrial mortgage payment insurance revolving account.** The industrial mortgage payment insurance revolving account shall be used by the authority for carrying out the industrial mortgage payment insurance provisions of this chapter. To this account shall be charged any and all expenses of the authority necessary to carry out the industrial mortgage payment insurance provisions of this chapter, including mortgage insurance payments required by loan defaults. To the account shall be credited all receipts of the account, including mortgage insurance premiums which the authority may receive under the industrial mortgage payment insurance provisions of this chapter. The mortgagor will be required to repay the state for all expenses incurred prior to loan closing and the finalizing of an insurance policy. These moneys shall be deposited in the industrial mortgage payment insurance account. The account shall be nonlapsing. [1972 ex.s. c 117 § 28.]

**43.31A.290 Expenditures from and charges upon industrial mortgage payment insurance revolving account.** The authority may expend out of the industrial mortgage payment insurance revolving account such moneys as may be necessary for any expenses of the authority required to carry out the industrial mortgage payment insurance provisions of this chapter, including administrative, legal, actuarial, and other services. All such expenses incurred by the authority shall be paid by the authority and shall be charged to the account or to the appropriate industrial project or projects. [1972 ex.s. c 117 § 29.]

**43.31A.300 Fidelity bonds.** A fidelity bond in an amount determined by the authority shall be required for each staff member or consultant handling any insurance transaction. Bond premiums for staff members will be paid from the industrial mortgage payment insurance revolving account. [1972 ex.s. c 117 § 30.]

**43.31A.310 Addition of moneys to the industrial mortgage payment insurance revolving account.** If in the opinion of the authority the addition of moneys to the industrial mortgage payment insurance revolving account shall be required, the authority in writing shall request the state finance committee to provide sufficient moneys to maintain the account at a level deemed adequate by the authority. The state finance committee is authorized to issue anticipatory or arbitrage notes or bonds, or limited obligation bonds to satisfy the request of the authority for funds: *Provided*, That the total outstanding shall not exceed sixty million dollars. [1972 ex.s. c 117 § 31.]

**43.31A.320 Accounts in general fund—Created or authorized—Investments—Reports.** The following accounts are hereby created and authorized within the general fund of the state treasury: (1) The public facilities construction loan and grant revolving account; (2) the industrial mortgage payment insurance revolving account; and (3) whatever additional accounts may be required from time to time for carrying out the purposes of this chapter. These accounts shall be exclusive to the authority and where designated are nonlapsing and revolving.

Moneys in these accounts not needed currently to meet the expenses and obligations of the authority shall be invested in such manner as is provided by law for such temporarily available funds, and any interest earned shall be deposited in the respective accounts and shall be used for the purposes specified in this chapter. The state treasurer shall render reports to the authority advising the members of the authority of the status of any funds invested, the market value of the assets as of the date such statement is rendered, and the income received from the investments during the period covered by the report. [1972 ex.s. c 117 § 32.]

**43.31A.330 Records of accounts—Audits—Reports.** The authority shall keep proper records of

accounts and shall be subject to audit by the state auditor. An annual accounting of the condition of the industrial mortgage payment insurance revolving account shall be made. Biennial reports on the activities of the authority shall be made by the chairman to the governor and the legislature. [1972 ex.s. c 117 § 33.]

**43.31A.900 RCW 43.31A.210 through 43.31A.310 not effective until constitutional amendment approved.** RCW 43.31A.210 through 43.31A.310 shall not be effective until the voters have approved a constitutional amendment authorizing the state to lend its credit for purposes as contemplated in this chapter. [1972 ex.s. c 117 § 34.]

**43.31A.910 Severability—1972 ex.s. c 117.** If any provision of this 1972 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. [1972 ex.s. c 117 § 35.]

**43.31A.920 Short title.** This act may be cited as the "Economic Assistance Act of 1972". [1972 ex.s. c 117 § 37.]

### Chapter 43.32 DESIGN STANDARDS COMMITTEE

#### Sections

- 43.32.010 Composition of committee.  
43.32.020 Duties of committee.

**43.32.010 Composition of committee.** There is created a state design standards committee of seven members, six of which shall be appointed by the executive committee of the Washington state association of counties to hold office at its pleasure and the seventh to be the assistant state director of highways in charge of state aid. The members to be appointed by the executive committee of the Washington state association of counties shall be restricted to the membership of such association or to those holding the office and/or performing the functions of chief engineer in any of the several counties of the state. [1971 ex.s. c 85 § 6; 1965 c 8 § 43.32.010. Prior: 1949 c 165 § 2; RRS § 6450-8.]

*Design standards committee for arterial streets: Chapter 35.78 RCW.*

**43.32.020 Duties of committee.** On or before January 1, 1950, and from time to time thereafter the design standards committee shall adopt uniform design standards for the county primary road systems. [1965 c 8 § 43.32.020. Prior: 1949 c 165 § 3; RRS § 6450-8j.]

*Design standards for county roads and bridges: Chapter 36.86 RCW.*

### Chapter 43.33 FINANCE COMMITTEE—INVESTMENT ADVISORY COMMITTEE

#### Sections

- 43.33.010 Composition of committee.  
43.33.020 Powers and duties.

- 43.33.022 Washington public deposit protection commission, state finance committee constitutes, powers, duties and functions.  
43.33.025 Investment of funds in farm, soil, water conservation loans.  
43.33.030 Records—Office.  
43.33.040 Rules and regulations—Chairman.  
43.33.050 Investment advisory committee—Created—Membership—Vacancies—Meetings—Compensation—Travel expenses.  
43.33.060 Investment advisory committee—Liability of members.  
43.33.070 Investment advisory committee—Powers and duties.  
43.33.080 Investment advisory committee—Review of state finance committee's investment transactions—Reports.  
43.33.090 Investment advisory committee—Examination of accounts, files and records.  
43.33.100 Authorized investments for state finance committee, boards and trustees—Power of trustees of funds to authorize state finance committee to make investments, etc.

*Acquisition of highway property in advance of programmed construction, committee duties relating to: Chapter 47.12 RCW.*

*Bond issue of 1974 for capital improvements for institutions of higher education, committee's powers and duties: Chapter 28B.13 RCW.*

*Bond issues for highway construction, committee powers and duties relating to: Chapter 47.10 RCW.*

*Bonds, notes and other evidences of indebtedness, finance committee duties: Chapter 39.42 RCW.*

*Capital improvement bond issues, duties concerning: Chapter 43.83 RCW.*

*Committee created: RCW 43.17.070.*

*1976 Community college capital projects bond act, committee duties relating to: Chapter 28B.59 RCW.*

*Community colleges*

*bonds for, finance committee advice and consent prerequisite to issuance: RCW 28B.50.409.*

*facilities aid—1972 bond issue: Chapter 28B.56 RCW.*

*1975 capital projects bond act: Chapter 28B.57 RCW.*

*1975 general capital projects bond act: Chapter 28B.58 RCW.*

*refunding bonds for, finance committee powers and duties: RCW 28B.50.360, 28B.50.403-28B.50.407.*

*County funds, surplus, investment: RCW 36.33.180.*

*County held United States bonds, disposal: RCW 36.33.190.*

*Fiscal agencies: Chapter 43.80 RCW.*

*Housing for state offices, departments and institutions, duties as to bond issues: RCW 43.82.040.*

*Industrial insurance, investments: RCW 51.44.100.*

*Institutions of higher education, 1975 bond issue for capital improvements for: Chapter 28B.14 RCW.*

*Intoxicating liquor warehouses, acquisition: RCW 66.08.160.*

*Investment of state funds in general: Chapter 43.84 RCW.*

*Judges' retirement fund, duties: RCW 2.12.050, 2.12.070.*

*Nuclear energy, perpetual maintenance fund, investments: RCW 43.31.300.*

*School buildings and plants, state aid, duties concerning: RCW 28A.47.420, 28A.47.430.*

*State depositories: Chapter 43.85 RCW.*

*State employees' retirement fund investments, duties: RCW 41.40.071, 41.40.075.*

*State patrol retirement fund investments, duties: RCW 43.43.170.*

*Steam electric generating plants bond issues, duties: RCW 43.21.310.*

*Teachers' retirement funds, investments, duties: RCW 41.32.200.*

*University of Washington hospital capital improvement project bonds: RCW 28B.20.750-28B.20.759.*

*Veterans' bonus, duties concerning: Chapter 73.32 RCW.*

*Volunteer firemen's relief and pension fund, investments by, duties: RCW 41.24.030(5).*

*Washington State University Tree Fruit Research Center office-laboratory facility, financing, finance committee powers and duties: RCW 28B.30.600-28B.30.619.*

**43.33.010 Composition of committee.** The state treasurer, the lieutenant governor, and the governor, ex officio, shall constitute the state finance committee. [1965 c 8 § 43.33.010. Prior: 1961 c 300 § 2; 1921 c 7 § 6, part; RRS § 10764, part.]

**43.33.020 Powers and duties.** The state finance committee shall exercise all the powers and perform all duties prescribed by law with respect to the investment and safekeeping of public funds. [1965 c 8 § 43.33.020. Prior: 1961 c 300 § 3; 1921 c 7 § 6, part; RRS § 10764, part.]

**43.33.022 Washington public deposit protection commission, state finance committee constitutes, powers, duties and functions.** See chapter 39.58 RCW.

**43.33.025 Investment of funds in farm, soil, water conservation loans.** The state finance committee is authorized to invest those funds which are not under constitutional prohibition in farm ownership and soil and water conservation loans fully guaranteed as to principal and interest under the Bankhead-Jones Farm Tenant Act administered by the United States department of agriculture. [1965 c 8 § 43.33.025. Prior: 1959 c 91 § 3.]

**43.33.030 Records—Office.** The state finance committee shall keep a full and complete public record of its proceedings in appropriate books of record, maintain appropriate offices, and employ such personnel as shall be necessary to perform its duties. [1965 c 8 § 43.33.030. Prior: 1961 c 300 § 4; 1907 c 12 § 2; RRS § 5537.]

**43.33.040 Rules and regulations—Chairman.** The state finance committee may make appropriate rules and regulations for the performance of its duties. The state treasurer shall act as chairman of the committee. [1965 c 8 § 43.33.040. Prior: 1907 c 12 § 3; RRS § 5538.]

**43.33.050 Investment advisory committee—Created—Membership—Vacancies—Meetings—Compensation—Travel expenses.** There is hereby created the investment advisory committee to consist of seven members to be appointed as hereinafter provided:

(1) One person shall be appointed annually by the Washington public employees' retirement board. One person shall be appointed annually by the board of trustees of the Washington state teachers' retirement system. The original members appointed pursuant to this subsection shall serve for one year, measured from July 1 of the year in which the appointment is made.

(2) Four persons shall be appointed by the state finance committee, who shall be considered experienced and qualified in the field of investments and shall not during the term of their appointment have a financial interest in or be employed by any investment brokerage or mortgage servicing firm doing business with the state finance committee or retirement board. The original members appointed by the state finance committee shall serve as follows: One member shall serve a one-year term; one member shall serve for a term of two years;

one member shall serve for a term of three years; and one member shall serve for a term of four years. All subsequent state finance committee appointees shall serve for terms of four years. All such appointive terms shall commence on July 1 of the year in which appointment is made.

(3) One member of the public pension commission or its successor who shall be one of the members appointed by the governor and who shall be appointed to the investment advisory committee by the members of the public pension commission for a two-year term from July 1 of each odd-numbered year.

All vacancies shall be filled for the unexpired term. Each member shall hold office until his successor has been appointed and any member may be reappointed for additional terms.

The investment advisory committee shall meet at least quarterly at such times as it may fix.

Each member shall receive fifty dollars for each day or portion thereof spent discharging his official duties as a member of the advisory committee and travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [1975-'76 2nd ex.s. c 34 § 112; 1973 1st ex.s. c 103 § 7.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**Severability—1973 1st ex.s. c 103:** See note following RCW 2.10.080.

**43.33.060 Investment advisory committee—Liability of members.** No member of the investment advisory committee shall be liable for the negligence, default, or failure of any other person or other member of the committee to perform the duties of his office and no member of the committee shall be considered or held to be an insurer of the funds or assets of any retirement system nor shall any member be liable for actions performed with the exercise of reasonable diligence within the scope of his duly authorized activities as a member of the committee. [1973 1st ex.s. c 103 § 8.]

**Severability—1973 1st ex.s. c 103:** See note following RCW 2.10.080.

**43.33.070 Investment advisory committee—Powers and duties.** In addition to its other powers and duties as may be prescribed by law, the investment advisory committee shall:

(1) Make recommendations as to general investment policies, practices, and procedures to the director of retirement systems regarding those retirement funds for which the various retirement boards are designated trustees;

(2) Make recommendations as to general investment policies, practices, and procedures regarding all other investment funds to the state finance committee.

The director of retirement systems and the state finance committee shall make the final decision regarding the advice and recommendations submitted by the investment advisory committee. [1975-'76 2nd ex.s. c 105 § 26; 1973 1st ex.s. c 103 § 9.]

**Severability—1975-'76 2nd ex.s. c 105:** See note following RCW 41.04.270.

**Severability**—1973 1st ex.s. c 103: See note following RCW 2.10.080.

**43.33.080 Investment advisory committee—Review of state finance committee's investment transactions—Reports.** The investment advisory committee, in addition to its other duties, shall review the investment transactions of the state finance committee four times each year and at such additional times as it determines.

The investment advisory committee shall prepare a written report of its activities during each quarter. Each report shall be submitted not more than thirty days after the end of the quarter to the state finance committee, each of the retirement systems, the public pension commission or its successor, the governor, and to any other person who has personally submitted a written request therefor. [1973 1st ex.s. c 103 § 10.]

**Severability**—1973 1st ex.s. c 103: See note following RCW 2.10.080.

**43.33.090 Investment advisory committee—Examination of accounts, files and records.** All accounts, files, and other records of the state finance committee and of each of the retirement systems are subject at any time or from time to time to such reasonable periodic, special, or other examinations by the investment advisory committee as the investment advisory committee deems necessary or appropriate. [1973 1st ex.s. c 103 § 11.]

**Severability**—1973 1st ex.s. c 103: See note following RCW 2.10.080.

**43.33.100 Authorized investments for state finance committee, boards and trustees—Power of trustees of funds to authorize state finance committee to make investments, etc.** See RCW 43.84.150.

### Chapter 43.34 CAPITOL COMMITTEE

#### Sections

- 43.34.010 Composition of committee.
- 43.34.015 Secretary of committee—Committee records.
- 43.34.040 Buildings—Erection—Improvements.

*Capitol building lands: Chapter 79.24 RCW.*

*Committee created: RCW 43.17.070.*

*East capitol site, powers and duties concerning: RCW 79.24.500.*

*Housing for state offices, duties: RCW 43.82.010.*

**43.34.010 Composition of committee.** The governor, the lieutenant governor, and the commissioner of public lands, ex officio, shall constitute the state capitol committee. [1965 c 8 § 43.34.010. Prior: 1961 c 300 § 5; 1921 c 7 § 8; RRS § 10766.]

**43.34.015 Secretary of committee—Committee records.** The commissioner of public lands shall be the secretary of the state capitol committee, but the committee may appoint a suitable person as acting secretary thereof, and fix his compensation: *Provided*, That all records of the committee shall be filed in the office of the commissioner of public lands. [1965 c 8 § 43.34.015.]

Prior: 1959 c 257 § 45; 1909 c 69 § 1; RRS § 7897. Formerly RCW 79.24.080.]

**43.34.040 Buildings—Erection—Improvements.** The state capitol committee may erect one or more permanent buildings; one or more temporary buildings; excavate or partially excavate for any such building or buildings; partially erect any such building or buildings; make other temporary or permanent improvements wholly or in part; upon the capitol grounds belonging to the state and known as the "Sylvester site" or "Capitol place" in Olympia, Washington. [1965 c 8 § 43.34.040. Prior: 1933 ex.s. c 34 § 1; RRS § 7915-1.]

### Chapter 43.37 WEATHER MODIFICATION

#### Sections

- 43.37.010 Definitions.
- 43.37.030 Powers and duties.
- 43.37.040 Promotion of research and development activities—  
Contracts and agreements.
- 43.37.050 Hearing procedure.
- 43.37.060 Acceptance of gifts, donations, etc.
- 43.37.080 License and permit required.
- 43.37.090 Exemptions.
- 43.37.100 Licenses—Requirements, duration, renewal, fees.
- 43.37.110 Permits—Requirements—Hearing as to issuance.
- 43.37.120 Separate permit for each operation—Filing and publishing notice of intention—Activities restricted by permit and notice.
- 43.37.130 Notice of intention—Contents.
- 43.37.140 Notice of intention—Publication.
- 43.37.150 Financial responsibility.
- 43.37.160 Fees—Sanctions for failure to pay.
- 43.37.170 Records and reports—Open to public examination.
- 43.37.180 Revocation, suspension, modification of license or permit.
- 43.37.190 Liability of state denied—Legal rights of private persons not affected.
- 43.37.200 Penalty.
- 43.37.900 Revolving account abolished.
- 43.37.910 Effective date—1973 c 64.

**Reviser's note:** The weather modification board was abolished by 1967 c 242 § 20 [RCW 43.27A.180] and its powers, duties, and functions were transferred to the department of water resources by 1967 c 242 § 8 [RCW 43.27A.080]. The department of water resources was abolished by 1970 ex.s. c 62 § 26 [RCW 43.21A.300] and its powers, duties, and functions were transferred to the department of ecology by 1970 ex.s. c 62 § 6 [RCW 43.21A.060].

**43.37.010 Definitions.** As used in this chapter, unless the context requires otherwise:

- (1) "Department" means the department of ecology;
- (2) "Operation" means the performance of weather modification and control activities pursuant to a single contract entered into for the purpose of producing or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding one year; or, in case the performance of weather modification and control activities is to be undertaken individually or jointly by a person or persons to be benefited and not undertaken pursuant to a contract, "operation" means the performance of weather modification and control activities entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding one year;

(3) "Research and development" means theoretical analysis exploration and experimentation, and the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes;

(4) "Weather modification and control" means changing or controlling, or attempting to change or control, by artificial methods, the natural development of any or all atmospheric cloud forms or precipitation forms which occur in the troposphere. [1973 c 64 § 1; 1965 c 8 § 43.37.010. Prior: 1957 c 245 § 1.]

**43.37.030 Powers and duties.** In the performance of its functions the department may, in addition to any other acts authorized by law:

(1) Establish advisory committees to advise with and make recommendations to the department concerning legislation, policies, administration, research, and other matters;

(2) Establish by regulation or order such standards and instructions to govern the carrying out of research or projects in weather modification and control as the department may deem necessary or desirable to minimize danger to health or property; and make such rules and regulations as are necessary in the performance of its powers and duties;

(3) Make such studies, investigations, obtain such information, and hold such hearings as the department may deem necessary or proper to assist it in exercising its authority or in the administration or enforcement of this chapter or any regulations or orders issued thereunder;

(4) Appoint and fix the compensation of such personnel, including specialists and consultants, as are necessary to perform its duties and functions;

(5) Acquire, in the manner provided by law, such materials, equipment, and facilities as are necessary to perform its duties and functions;

(6) Cooperate with public or private agencies in the performance of the department's functions or duties and in furtherance of the purposes of this chapter;

(7) Represent the state in any and all matters pertaining to plans, procedures, or negotiations for interstate compacts relating to weather modification and control. [1973 c 64 § 2; 1965 c 8 § 43.37.030. Prior: 1957 c 245 § 3.]

**43.37.040 Promotion of research and development activities—Contracts and agreements.** The department shall exercise its powers in such manner as to promote the continued conduct of research and development activities in the fields specified below by private or public institutions or persons and to assist in the acquisition of an expanding fund of theoretical and practical knowledge in such fields. To this end the department may conduct, and make arrangements, including contracts and agreements, for the conduct of, research and development activities relating to:

(1) The theory and development of methods of weather modification and control, including processes, materials, and devices related thereto;

(2) Utilization of weather modification and control for agricultural, industrial, commercial, and other purposes;

(3) The protection of life and property during research and operational activities. [1973 c 64 § 3; 1965 c 8 § 43.37.040. Prior: 1957 c 245 § 4.]

**43.37.050 Hearing procedure.** In the case of hearings pursuant to RCW 43.37.180 the department shall, and in other cases may, cause a record of the proceedings to be taken and filed with the department, together with its findings and conclusions. For any hearing, the director of the department or a representative designated by him is authorized to administer oaths and affirmations, examine witnesses, and issue, in the name of the department, notice of the hearing or subpoenas requiring any person to appear and testify, or to appear and produce documents, or both, at any designated place. [1973 c 64 § 4; 1965 c 8 § 43.37.050. Prior: 1957 c 245 § 5.]

**43.37.060 Acceptance of gifts, donations, etc.** (1) The department may, subject to any limitations otherwise imposed by law, receive and accept for and in the name of the state any funds which may be offered or become available from federal grants or appropriations, private gifts, donations, or bequests, or any other source, and may expend such funds, subject to any limitations otherwise provided by law, for the encouragement of research and development by a state, public, or private agency, either by direct grant, by contract or other cooperative means.

(2) All license and permit fees paid to the department shall be deposited in the state general fund. [1973 c 64 § 5; 1965 c 8 § 43.37.060. Prior: 1957 c 245 § 6.]

**43.37.080 License and permit required.** Except as provided in RCW 43.37.090, no person shall engage in activities for weather modification and control except under and in accordance with a license and a permit issued by the department authorizing such activities. [1973 c 64 § 6; 1965 c 8 § 43.37.080. Prior: 1957 c 245 § 8.]

**43.37.090 Exemptions.** The department, to the extent it deems practical, shall provide by regulation for exempting from license, permit, and liability requirements, (1) research and development and experiments by state and federal agencies, institutions of higher learning, and bona fide nonprofit research organizations; (2) laboratory research and experiments; (3) activities of an emergent character for protection against fire, frost, sleet, or fog; and (4) activities normally engaged in for purposes other than those of inducing, increasing, decreasing, or preventing precipitation or hail. [1973 c 64 § 7; 1965 c 8 § 43.37.090. Prior: 1957 c 245 § 9.]

**43.37.100 Licenses—Requirements, duration, renewal, fees.** (1) Licenses to engage in activities for weather modification and control shall be issued to applicants therefor who pay the license fee required and



who demonstrate competence in the field of meteorology to the satisfaction of the department, reasonably necessary to engage in activities for weather modification and control. If the applicant is an organization, these requirements must be met by the individual or individuals who will be in control and in charge of the operation for the applicant.

(2) The department shall issue licenses in accordance with such procedures and subject to such conditions as it may by regulation establish to effectuate the provisions of this chapter. Each license shall be issued for a period to expire at the end of the calendar year in which it is issued and, if the licensee possesses the qualifications necessary for the issuance of a new license, shall upon application be renewed at the expiration of such period. A license shall be issued or renewed only upon the payment to the department of one hundred dollars for the license or renewal thereof. [1973 c 64 § 8; 1965 c 8 § 43.37.100. Prior: 1957 c 245 § 10.]

**43.37.110 Permits—Requirements—Hearing as to issuance.** The department shall issue permits in accordance with such procedures and subject to such conditions as it may by regulation establish to effectuate the provisions of this chapter only:

(1) If the applicant is licensed pursuant to this chapter;

(2) If a sufficient notice of intention is published and proof of publication is filed as required by RCW 43.37.140;

(3) If the applicant furnishes proof of financial responsibility, as provided in RCW 43.37.150, in an amount to be determined by the department but not to exceed twenty thousand dollars;

(4) If the fee for a permit is paid as required by RCW 43.37.160;

(5) If the weather modification and control activities to be conducted under authority of the permit are determined by the department to be for the general welfare and public good;

(6) If the department has held an open public hearing in Olympia as to such issuance. [1973 c 64 § 9; 1965 c 8 § 43.37.110. Prior: 1961 c 154 § 2; 1957 c 245 § 11.]

**43.37.120 Separate permit for each operation—Filing and publishing notice of intention—Activities restricted by permit and notice.** A separate permit shall be issued for each operation. Prior to undertaking any weather modification and control activities the licensee shall file with the department and also cause to be published a notice of intention. The licensee, if a permit is issued, shall confine his activities for the permitted operation within the time and area limits set forth in the notice of intention, unless modified by the department; and his activities shall also conform to any conditions imposed by the department upon the issuance of the permit or to the terms of the permit as modified after issuance. [1973 c 64 § 10; 1965 c 8 § 43.37.120. Prior: 1961 c 154 § 3; 1957 c 245 § 12.]

**43.37.130 Notice of intention—Contents.** The notice of intention shall set forth at least all the following:

(1) The name and address of the licensee;

(2) The nature and object of the intended operation and the person or organization on whose behalf it is to be conducted;

(3) The area in which and the approximate time during which the operation will be conducted;

(4) The area which is intended to be affected by the operation;

(5) The materials and methods to be used in conducting the operation. [1965 c 8 § 43.37.130. Prior: 1957 c 245 § 13.]

**43.37.140 Notice of intention—Publication.** (1) The applicant shall cause the notice of intention, or that portion thereof including the items specified in RCW 43.37.130, to be published at least once a week for three consecutive weeks in a legal newspaper having a general circulation and published within any county in which the operation is to be conducted and in which the affected area is located, or, if the operation is to be conducted in more than one county or if the affected area is located in more than one county or is located in a county other than the one in which the operation is to be conducted, then in a legal newspaper having a general circulation and published within each of such counties. In case there is no legal newspaper published within the appropriate county, publication shall be made in a legal newspaper having a general circulation within the county;

(2) Proof of publication, made in the manner provided by law, shall be filed by the licensee with the department within fifteen days from the date of the last publication of the notice. [1973 c 64 § 11; 1965 c 8 § 43.37.140. Prior: 1961 c 154 § 4; 1957 c 245 § 14.]

**43.37.150 Financial responsibility.** Proof of financial responsibility may be furnished by an applicant by his showing, to the satisfaction of the department, his ability to respond in damages for liability which might reasonably be attached to or result from his weather modification and control activities in connection with the operation for which he seeks a permit. [1973 c 64 § 12; 1965 c 8 § 43.37.150. Prior: 1957 c 245 § 15.]

**43.37.160 Fees—Sanctions for failure to pay.** The fee to be paid by each applicant for a permit shall be equivalent to one and one-half percent of the estimated cost of such operation, the estimated cost to be computed by the department from the evidence available to it. The fee is due and payable to the department as of the date of the issuance of the permit; however, if the applicant is able to give to the department satisfactory security for the payment of the balance, he may be permitted to commence the operation, and a permit may be issued therefor, upon the payment of not less than fifty percent of the fee. The balance due shall be paid within three months from the date of the termination of the operation as prescribed in the permit. Failure to pay a permit fee as required shall be grounds for suspension or revocation of the license of the delinquent permit holder

and grounds for refusal to renew his license or to issue any further permits to such person. [1973 c 64 § 13; 1965 c 8 § 43.37.160. Prior: 1957 c 245 § 16.]

**43.37.170 Records and reports—Open to public examination.** (1) Every licensee shall keep and maintain a record of all operations conducted by him pursuant to his license and each permit, showing the method employed, the type of equipment used, materials and amounts thereof used, the times and places of operation of the equipment, the name and post office address of each individual participating or assisting in the operation other than the licensee, and such other general information as may be required by the department and shall report the same to the department at the time and in the manner required.

(2) The department shall require written reports in such manner as it provides but not inconsistent with the provisions of this chapter, covering each operation for which a permit is issued. Further, the department shall require written reports from such organizations as are exempted from license, permit, and liability requirements as provided in RCW 43.37.090.

(3) The reports and records in the custody of the department shall be open for public examination. [1973 c 64 § 14; 1965 c 8 § 43.37.170. Prior: 1957 c 245 § 17.]

**43.37.180 Revocation, suspension, modification of license or permit.** (1) The department may suspend or revoke any license or permit issued if it appears that the licensee no longer possesses the qualifications necessary for the issuance of a new license or permit. The department may suspend or revoke any license or permit if it appears that the licensee has violated any of the provisions of this chapter. Such suspension or revocation shall occur only after notice to the licensee and a reasonable opportunity granted such licensee to be heard respecting the grounds of the proposed suspension or revocation. The department may refuse to renew the license of, or to issue another permit to, any applicant who has failed to comply with any provision of this chapter.

(2) The department may modify the terms of a permit after issuance thereof if the licensee is first given notice and a reasonable opportunity for a hearing respecting the grounds for the proposed modification and if it appears to the department that it is necessary for the protection of the health or the property of any person to make the modification proposed. [1973 c 64 § 15; 1965 c 8 § 43.37.180. Prior: 1957 c 245 § 18.]

**43.37.190 Liability of state denied—Legal rights of private persons not affected.** Nothing in this chapter shall be construed to impose or accept any liability or responsibility on the part of the state, the department, or any state officials or employees for any weather modification and control activities of any private person or group, nor to affect in any way any contractual, tortious, or other legal rights, duties, or liabilities between any private persons or groups. [1973 c 64 § 16; 1965 c 8 § 43.37.190. Prior: 1957 c 245 § 19.]

**43.37.200 Penalty.** Any person violating any of the provisions of this chapter or any lawful regulation or order issued pursuant thereto, shall be guilty of a misdemeanor; and a continuing violation is punishable as a separate offense for each day during which it occurs. [1965 c 8 § 43.37.200. Prior: 1957 c 245 § 20.]

**43.37.900 Revolving account abolished.** The weather modification board revolving account is hereby abolished. Any funds remaining in such account shall be transferred to the general fund. [1973 c 64 § 17.]

**43.37.910 Effective date—1973 c 64.** The effective date of this 1973 amendatory act shall be July 1, 1973. [1973 c 64 § 18.]

### Chapter 43.38 TAX ADVISORY COUNCIL

#### Sections

43.38.010	Tax advisory council created—Appointment, travel expenses.
43.38.020	Powers and duties.
43.38.030	Examination of records.
43.38.040	Officers—Meetings—Executive secretary.
43.38.050	Expenditures.

**43.38.010 Tax advisory council created—Appointment, travel expenses.** There is hereby created a tax advisory council to consist of fifteen members to be appointed by the governor. Members shall be chosen who represent the major segments of the state's economy, and at least one member shall be chosen from each congressional district of the state. Members shall serve without pay at the pleasure of the governor but shall be paid travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended incurred in their travel to and from meetings of the council and while attending all meetings of the council. [1975-'76 2nd ex.s. c 34 § 113; 1965 c 8 § 43.38.010. Prior: 1957 c 291 § 1.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.38.020 Powers and duties.** The council shall survey and analyze all aspects of existing tax statutes and evaluate the administration, yield and effect thereof and shall make such recommendations to the governor relating to changes in administrative practices and existing laws concerning such taxes as the council shall agree upon. If the recommendations adopted by the council do not receive the unanimous approval of its members, the dissenting members shall have the privilege of submitting minority recommendations. [1965 c 8 § 43.38.020. Prior: 1957 c 291 § 2.]

**43.38.030 Examination of records.** Any member of the council or its staff designated by the chairman shall have the authority to examine, for official purposes, any records maintained by or in the possession of any official or agency which relate to matters of taxation. [1965 c 8 § 43.38.030. Prior: 1957 c 291 § 3.]

**43.38.040 Officers—Meetings—Executive secretary.** The governor shall designate one member to be chairman of the council. The council at its first meeting shall elect a vice chairman. Meetings shall be held at times and places determined by the chairman. The chairman shall appoint from the staff of the state department of revenue, an executive secretary, whose salary shall be paid by the department of revenue, who shall attend all meetings of the council and perform such duties as it shall direct. [1975 1st ex.s. c 278 § 24; 1965 c 8 § 43.38.040. Prior: 1957 c 291 § 4.]

**Construction—Severability—1975 1st ex.s. c 278:** See notes following RCW 11.08.160.

**43.38.050 Expenditures.** All expenditures of the council shall be paid upon vouchers approved by the chairman or vice chairman from the appropriation herein provided. [1965 c 8 § 43.38.050. Prior: 1957 c 291 § 5.]

### Chapter 43.41 DIRECTOR OF PROGRAM PLANNING AND FISCAL MANAGEMENT

#### Sections

- 43.41.030 Purpose.
- 43.41.040 Definitions.
- 43.41.050 Office of program planning created—Transfer of powers, duties and functions.
- 43.41.060 Director—Appointment—Salary—Vacancy—Delegation of powers and duties.
- 43.41.070 Personnel.
- 43.41.080 Deputy and assistant directors.
- 43.41.090 State civil service law—Certain personnel of office of program planning and fiscal management exempted.
- 43.41.100 Director's powers and duties.
- 43.41.110 Powers and duties of office of program planning and fiscal management.
- 43.41.120 Advisory or coordinating councils.
- 43.41.130 Passenger motor vehicles owned or operated by state agencies—Duty to establish policies as to acquisition, operation, authorized use, etc.
- 43.41.140 Employee commuting in state owned or leased vehicle—Policies and regulations.
- 43.41.900 Transfer of employees.
- 43.41.910 Transfer of documents, property, records, etc.
- 43.41.920 Continuation of contacts and services.
- 43.41.930 Appropriations.
- 43.41.940 Central budget agency abolished.
- 43.41.950 Saving—1969 ex.s. c 239.
- 43.41.960 Governor to determine questions concerning transfers of powers and duties—Allocations of funds.
- 43.41.970 Federal requirements for receipt of federal funds.
- 43.41.980 Severability—1969 ex.s. c 239.

*Budget and accounting system, powers and duties: Chapter 43.88 RCW.*

*Certification by director when apportionments of budgeted funds required because of transfer of powers, duties and functions of certain state agencies to department of social and health services: RCW 43.20A.525.*

*Checks and drafts, form prescribed by: RCW 43.88.160(2).*

*Classes and number of positions for agencies fixed by: RCW 43.88.160(1).*

*Corrective measures by agencies, duties to enforce: RCW 43.88.160(3).*

*Determination by director when question on property transfer of agencies whose functions were transferred to department of ecology: RCW 43.21A.320.*

*Determination by director when question on property transfer of agencies whose powers, duties and functions were transferred to department of social and health services: RCW 43.20A.515.*

*Efficiency surveys and analyses of agencies: RCW 43.88.160(1).*

*Employee training authorized: RCW 43.88.160(1).*

*Local and other improvements and assessments against public lands, duties: Chapter 79.44 RCW.*

*Moving expenses of state officers and employees, approval by: RCW 43.03.110.*

*Pay and classification plans, review of: RCW 43.88.160(1).*

*Personal service contracts, filing with office of program planning and fiscal management, duties: Chapter 39.29 RCW.*

*Printing and duplicating committee member: RCW 43.77.010.*

*Public printing, duties concerning: Chapter 43.78 RCW.*

*Regulations, duty to promulgate: RCW 43.88.160(1).*

*Reports of agencies, authority to require: RCW 43.88.160(1).*

*Reports to governor, duplication of effort or lack of coordination between agencies: RCW 43.88.160(1).*

*State employees' retirement system, duties: RCW 41.40.370(3).*

*Subsistence allowance for officials and employees, director to prescribe: RCW 43.03.050.*

*Thermal power plant site evaluation council, director a member: RCW 80.50.030.*

*Tort claims against state, duties: Chapter 4.92 RCW.*

*Truth in spending act of 1974, preparation of report of operating expenditures: RCW 43.01.130, 43.01.140.*

*Warrants or checks, form prescribed by: RCW 43.88.160(2).*

**Reviser's note:** Throughout this chapter the phrase "this 1969 amendatory act" or "this act" has been changed to "this chapter". The phrase also includes RCW 43.88.020, 43.88.025 and 41.06.075.

**43.41.030 Purpose.** The legislature finds that the need for long-range state program planning and for the short-range planning carried on through the budget process, complement each other. The biennial budget submitted to the legislature must be considered in the light of the longer-range plans and goals of the state. The effectiveness of the short-range plan presented as budget proposals, cannot be measured without being aware of these longer-range goals. Thus efficient management requires that the planning and fiscal activities of state government be integrated into a unified process. It is the purpose of this chapter to bring these functions together in a new division of the office of the governor to be called the office of program planning and fiscal management. [1969 ex.s. c 239 § 1.]

**43.41.040 Definitions.** As used in this chapter, unless the context indicates otherwise:

(1) "Office" means the office of program planning and fiscal management.

(2) "Director" means the director of program planning and fiscal management. [1969 ex.s. c 239 § 2.]

**43.41.050 Office of program planning created—Transfer of powers, duties and functions.** There is created in the office of the governor, the office of program planning and fiscal management which shall be composed of the present central budget agency and the state planning, program management, and population and research divisions of the present planning and community affairs agency. Any powers, duties and functions assigned to the central budget agency, or any state planning, program management, or population and research

functions assigned to the present planning and community affairs agency by the 1969 legislature, shall be transferred to the office of program planning and fiscal management. [1969 ex.s. c 239 § 3.]

**43.41.060 Director—Appointment—Salary—Vacancy—Delegation of powers and duties.** The executive head of the office of program planning and fiscal management shall be the director, who shall be appointed by the governor with the consent of the senate, and who shall serve at the pleasure of the governor. He shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in his position while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office. The director may delegate such of his powers, duties and functions to other officers and employees of the department as he may deem necessary to the fulfillment of the purposes of this chapter. [1969 ex.s. c 239 § 4.]

**43.41.070 Personnel.** The director shall have the power to employ such personnel as may be necessary for the general administration of the office: *Provided*, That, except as elsewhere specified in this chapter, such employment is in accordance with the rules of the state civil service law, chapter 41.06 RCW. [1969 ex.s. c 239 § 5.]

**43.41.080 Deputy and assistant directors.** The director may appoint such deputy directors and assistant directors as shall be needed to administer the office of program planning and fiscal management. The officers appointed under this section and exempt from the provisions of the state civil service law by the terms of RCW 41.06.075, shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law. [1969 ex.s. c 239 § 6.]

**43.41.090 State civil service law—Certain personnel of office of program planning and fiscal management exempted.** See RCW 41.06.075.

**43.41.100 Director's powers and duties.** The director of program planning and fiscal management shall:

- (1) Supervise and administer the activities of the office of program planning and fiscal management.
- (2) Exercise all the powers and perform all the duties prescribed by law with respect to the administration of the state budget and accounting system.
- (3) Advise the governor and the legislature with respect to matters affecting program management and planning.
- (4) Make efficiency surveys of all state departments and institutions, and the administrative and business methods pursued therein, examine into the physical needs and industrial activities thereof, and make confidential reports to the governor, recommending necessary betterments, repairs, and the installation of improved

and more economical administrative methods, and advising such action as will result in a greater measure of self-support and remedies for inefficient functioning.

The director may enter into contracts on behalf of the state to carry out the purposes of this chapter; he may act for the state in the initiation of or participation in any multi-governmental agency program relative to the purposes of this chapter; and he may accept gifts and grants, whether such grants be of federal or other funds. [1969 ex.s. c 239 § 8.]

**43.41.110 Powers and duties of office of program planning and fiscal management.** The office of program planning and fiscal management shall:

(1) Provide technical assistance to the governor and the legislature in identifying needs and in planning to meet those needs through state programs and a plan for expenditures.

(2) Perform the comprehensive planning functions and processes necessary or advisable for state program planning and development, preparation of the budget, inter-departmental and inter-governmental coordination and cooperation, and determination of state capital improvement requirements.

(3) Provide assistance and coordination to state agencies and departments in their preparation of plans and programs.

(4) Provide general coordination and review of plans in functional areas of state government as may be necessary for receipt of federal or state funds.

(5) Participate with other states or subdivisions thereof in interstate planning.

(6) Encourage educational and research programs that further planning and provide administrative and technical services therefor.

(7) Carry out the provisions of RCW 43.62.010 through 43.62.050 relating to the state census. [1969 ex.s. c 239 § 11.]

**43.41.120 Advisory or coordinating councils.** The director or the governor may establish such additional advisory or coordinating councils as may be necessary to carry out the purposes of this chapter. Members of such councils shall serve at the pleasure of the governor. They shall receive no compensation for their services, but shall be reimbursed for travel expenses while engaged in business of the councils in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [1975-'76 2nd ex.s. c 34 § 114; 1969 ex.s. c 239 § 12.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.41.130 Passenger motor vehicles owned or operated by state agencies—Duty to establish policies as to acquisition, operation, authorized use, etc.** The director of the office of program planning and fiscal management, after consultation with other interested or affected state agencies and approval of the automotive policy board established pursuant to RCW 43.19.580, shall establish overall policies governing the acquisition, operation, management, maintenance, repair, and disposal of, all passenger motor vehicles owned or operated by

any state agency. Such policies shall include but not be limited to a definition of what constitutes authorized use of a state owned or controlled passenger motor vehicle and other motor vehicles on official state business. Any use other than such defined use shall be considered as personal use. [1975 1st ex.s. c 167 § 5.]

**Severability**—1975 1st ex.s. c 167: See note following RCW 43.19.010.

*Motor vehicle transportation: RCW 43.19.560—43.19.635.*

**43.41.140 Employee commuting in state owned or leased vehicle—Policies and regulations.** Pursuant to policies and regulations promulgated by the office of program planning and fiscal management after consultation with and approval by the automotive policy board, an elected state officer or his delegate or a state agency director or his delegate may permit employee commuting in a state owned or leased vehicle only if such travel is on official business, as determined in accordance with RCW 43.41.130, and is determined to be economical and advantageous to the state. [1975 1st ex.s. c 167 § 15.]

**Severability**—1975 1st ex.s. c 167: See note following RCW 43.19.010.

**43.41.900 Transfer of employees.** All employees of the central budget agency and of the state planning, program management, and population and research divisions of the planning and community affairs agency, as well as any other employees of the planning and community affairs agency engaged in duties pertaining to the functions transferred by this chapter, shall be transferred to the jurisdiction of the office of program planning and fiscal management. All employees classified under chapter 41.06 RCW, the state civil service law, shall be assigned to the department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state merit system. [1969 ex.s. c 239 § 13.]

**43.41.910 Transfer of documents, property, records, etc.** All reports, documents, surveys, books, records, files, papers or other writings in the possession of the central budget agency and the planning and community affairs agency relating to the functions transferred by this chapter, shall be delivered to the custody of the office of program planning and fiscal management. All cabinets, furniture, office equipment, motor vehicles and other tangible property employed in carrying out the functions transferred by this chapter shall be made available to the office. All funds, credits or other assets held in connection with the functions herein transferred shall be assigned to the office. [1969 ex.s. c 239 § 14.]

**43.41.920 Continuation of contacts and services.** All state officials required to maintain contacts with or provide services to the central budget agency or the planning and community affairs agency in connection with any of the functions transferred by this chapter, shall continue to maintain contacts with and provide services

to the office of program planning and fiscal management, unless this or any concurrent act of the 1969 legislature shall indicate otherwise. [1969 ex.s. c 239 § 15.]

**43.41.930 Appropriations.** Any appropriations heretofore made to the planning and community affairs agency or the central budget agency for the purpose of carrying out the powers, duties and functions transferred by this chapter shall on August 11, 1969 be transferred and credited to the office of program planning and fiscal management for the purpose of carrying out such transferred powers, duties and functions. [1969 ex.s. c 239 § 16.]

**43.41.940 Central budget agency abolished.** On August 11, 1969, the central budget agency is abolished. [1969 ex.s. c 239 § 17.]

**43.41.950 Saving**—1969 ex.s. c 239. Nothing in this chapter shall be construed as affecting any existing rights acquired under the sections amended or repealed herein except as to the governmental agencies referred to and their officials and employees, nor as affecting any actions, activities or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation, resolution or order promulgated thereunder, nor any administrative action taken thereunder; nor shall the transfer of powers, duties and functions provided for herein affect the validity of any act performed by such agency or any officer thereof prior to August 11, 1969. [1969 ex.s. c 239 § 18.]

**43.41.960 Governor to determine questions concerning transfers of powers and duties—Allocations of funds.** Whenever any question arises as to the transfer of powers, duties and functions from the central budget agency or the state planning, program management, and population and research divisions of the present planning and community affairs agency to any other agency of state government, the governor shall make a determination thereon and certify the same to the agencies concerned. In connection with such determinations, the governor shall have the authority to make appropriate allocations of appropriated funds among the affected departments or agencies. [1969 ex.s. c 239 § 19.]

**43.41.970 Federal requirements for receipt of federal funds.** If any part of this chapter is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to the state, or to any departments or agencies thereof, such conflicting part of this chapter is declared to be inoperative solely to the extent of the conflict. No such ruling shall affect the operation of the remainder of this chapter. Any internal reorganization carried out under the terms of this chapter shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state. [1969 ex.s. c 239 § 20.]

**43.41.980 Severability**—1969 ex.s. c 239. If any provision of this chapter, or its application to any person

or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances shall not be affected. [1969 ex.s. c 239 § 21.]

### Chapter 43.43 WASHINGTON STATE PATROL

#### Sections

- 43.43.010 Patrol created.
- 43.43.020 Appointment of personnel.
- 43.43.030 Powers and duties—Peace officers.
- 43.43.035 Governor and governor-elect—Security and protection—Duty to provide.
- 43.43.037 Legislature—Security and protection—Duty to provide.
- 43.43.040 Disability of patrol officers.
- 43.43.050 Tenure of patrol officers.
- 43.43.060 Suspension—Demotion of probationary officers.
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- 43.43.090 Procedure at hearing.
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- 43.43.120 Patrol retirement system—Definitions.
- 43.43.130 Retirement fund created—Membership.
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- 43.43.340 Eligible list, and promotions therefrom.
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- 43.43.360 Probationary period.
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- 43.43.700 Identification section—Established—Powers and duties generally.
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- 43.43.720 Local identification and records systems—Assistance.
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- 43.43.735 Photographing and fingerprinting—Powers and duties of law enforcement agencies—Other data.
- 43.43.740 Furnishing of data to section—Time limitation—Retention of data.
- 43.43.745 Convicted persons, fingerprinting required, records—Furloughs, information to section, notice to local agencies—Arrests, disposition information—Convicts, information to section, notice to local agencies.
- 43.43.750 Use of force to obtain identification information—Liability.
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- 43.43.760 Personal identification—Requests—Purpose—Applicants—Fee.
- 43.43.765 Reports of transfer, release or changes as to committed or imprisoned persons—Records.
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- 43.43.775 Interagency contracts.
- 43.43.780 Transfer of records, data, equipment to section.
- 43.43.785 Criminal justice services—Consolidation—Establishment of program.
- 43.43.790 Criminal justice services—Advisory council—Created—Membership—Terms—Vacancies.
- 43.43.795 Criminal justice services—Advisory council—Meetings.
- 43.43.800 Criminal justice services—Advisory council—Duties—Technical advisory committees.
- 43.43.810 Obtaining information by false pretenses—Unauthorized use of information—Falsifying records—Penalty.
- 43.43.820 Stale records.
- 43.43.850 Crime intelligence unit—Created.
- 43.43.852 "Organized crime" defined.
- 43.43.854 Powers and duties of crime intelligence unit.
- 43.43.856 Divulging investigative information prohibited—Confidentiality—Security of records and files.
- 43.43.858 Organized crime intelligence advisory board—Created—Membership—Meetings—Travel expenses.
- 43.43.860 Organized crime intelligence advisory board—Terms of members.
- 43.43.862 Organized crime intelligence advisory board—Powers and duties.
- 43.43.864 Information to be furnished board—Security—Confidentiality.
- 43.43.900 Severability—1969 c 12.
- 43.43.910 Severability—1972 ex.s. c 152.
- 43.43.911 Severability—1973 1st ex.s. c 202.

*Abatement of certain structures, signs or devices on city streets, county roads or state highways as public nuisances, chief's duties relating to: RCW 47.36.180.*

*Abating as public nuisance signs erected or maintained contrary to highway advertising control act, chief's duties relating to: RCW 47.42.080.*

*All-terrain vehicles: Chapter 46.09 RCW.*

*Amateur radio operators with special license plates, list of furnished to: RCW 46.16.340.*

*Civil disorder, use of patrol: RCW 43.06.270.*

*Civil service, exemption, integration: RCW 41.06.070, 41.06.090.*

*Control of traffic on capitol grounds, chief enforcing officer: RCW 46.08.160.*

*Coroner's report of deaths by vehicle accidents, to be made to: RCW 46.52.050.*

*Driver license fees for use of state patrol: RCW 46.68.041.*

*Driver licensing functions transferred to department of motor vehicles: RCW 46.01.070.*

*Enforcement of laws on limited access facilities, state patrol to have independent and concurrent jurisdiction: RCW 47.52.200.*

*Gambling activities, as affecting: Chapter 9.46 RCW.*

*Index cross reference record of accidents of motor vehicle operators, chief to furnish: RCW 46.52.120.*

*Insurance, group life, generally: RCW 48.24.090.*

*Interstate commercial vehicles, single cab cards, state patrol duties as participating agency: Chapter 46.86 RCW.*

*Intoxicating liquor, report of seizure: RCW 66.32.090.*

*Motor vehicle accidents and reports, powers and duties relating to: Chapter 46.52 RCW.*

*Motor vehicle inspection duties: Chapter 46.32 RCW.*

*Motor vehicle operators' licenses, functions transferred to department of motor vehicles: RCW 46.01.070.*

*Motor vehicle size, weight and load limits, duties: Chapter 46.44 RCW.*

*Ocean beach highways, control of traffic on by: RCW 43.51.680.*

*Prohibited practices relating to motor vehicle inspection by members of: RCW 46.32.050.*

*School buses, regulations for design, marking and mode of operation, chief to advise on: RCW 46.61.380.*

*Single cab cards for interstate commercial vehicles, duty of state patrol to prepare rules and regulations: RCW 46.86.030.*

*Snowmobile act: Chapter 46.10 RCW.*

*State commission on equipment, chief as member of: RCW 46.37.005.*

*State law enforcement officers' training commission, membership: RCW 43.100.030.*

*Stolen, abandoned or recovered vehicles, reports, chief's powers and duties relating to: RCW 46.52.110.*

*Teletypewriter communications network, powers and duties of chief: Chapter 43.89 RCW.*

*Traffic safety commission, chief of state patrol member of: RCW 43.59.030.*

*Transportation of explosives and flammables safely, chief's powers and duties relating to: RCW 46.48.170-46.48.190.*

**43.43.010 Patrol created.** There shall be a department of state government known as the "Washington state patrol." The chief thereof shall be known as the chief of the Washington state patrol, and members thereof shall be known as Washington state patrol officers. [1965 c 8 § 43.43.010. Prior: 1933 c 25 § 1; RRS § 6362-59.]

**43.43.020 Appointment of personnel.** The governor shall appoint the chief of the Washington state patrol, determine his compensation, and may remove him at will.

The chief shall appoint a sufficient number of competent persons to act as Washington state patrol officers, may remove them for cause, as provided in this chapter, and shall make promotional appointments, determine their compensation, and define their rank and duties, as hereinafter provided.

The chief may appoint employees of the Washington state patrol to serve as special deputies, with such restricted police authority as the chief shall designate as being necessary and consistent with their assignment to duty. Such appointment and conferral of authority shall not qualify said employees for membership in the Washington state patrol retirement system, nor shall it grant tenure of office as a regular officer of the Washington state patrol. [1973 1st ex.s. c 80 § 1; 1965 c

8 § 43.43.020. Prior: 1949 c 192 § 1; 1933 c 25 § 3; Rem. Supp. 1949 § 6362-61.]

**43.43.030 Powers and duties—Peace officers.** The chief and other officers of the Washington state patrol shall have and exercise, throughout the state, such police powers and duties as are vested in sheriffs and peace officers generally, and such other powers and duties as are prescribed by law. [1965 c 8 § 43.43.030. Prior: 1933 c 25 § 2; RRS § 6362-60.]

**43.43.035 Governor and governor-elect—Security and protection—Duty to provide.** The chief of the Washington state patrol is directed to provide security and protection for the governor and the governor's family to the extent and in the manner the governor and the chief of the Washington state patrol deem adequate and appropriate.

In the same manner the chief of the Washington state patrol is directed to provide security and protection for the governor-elect from the time of the November election. [1965 ex.s. c 96 § 1.]

**43.43.037 Legislature—Security and protection—Duty to provide.** The chief of the Washington state patrol is directed to provide such security and protection for both houses of the legislative building while in session as in the opinion of the speaker of the house and the president of the senate may be necessary therefor upon the advice of the respective sergeant-at-arms of each legislative body. [1965 ex.s. c 96 § 2.]

**43.43.040 Disability of patrol officers.** The chief of the Washington state patrol shall relieve from active duty Washington state patrol officers who, while in the performance of their official duties, or while on standby or available for duty, have been or hereafter may be injured or incapacitated to such an extent as to be mentally or physically incapable of active service: *Provided*, That: (1) Benefits under this section for a disability that is incurred while in other employment will be reduced by any amount the officer receives or is entitled to receive from workmen's compensation, social security, group insurance, other pension plan, or any other similar source provided by another employer on account of the same disability: *And provided further*, That an officer injured while engaged in wilfully tortious or criminal conduct shall not be entitled to disability benefits under this section.

(2) Should a disability beneficiary whose disability was not incurred in line of duty, prior to attaining age fifty, engage in a gainful occupation, the chief shall reduce the amount of his retirement allowance to an amount which when added to the compensation earned by him in such occupation shall not exceed the basic salary currently being paid for the rank the retired officer held at the time he was disabled. All such disability beneficiaries under age fifty shall file with the chief every six months a signed and sworn statement of earnings and any person who shall knowingly swear falsely on such statement shall be subject to prosecution for perjury. Should the earning capacity of such beneficiary

be further altered, the chief may further alter his disability retirement allowance as indicated above. The failure of any officer to file the required statement of earnings shall be cause for cancellation of retirement benefits.

Such officers shall receive one-half of their compensation at the existing wage, during the time the disability continues in effect, less any compensation received through the department of labor and industries.

They shall be subject to mental or physical examination at any state institution or otherwise under the direction of the chief of the patrol at any time during such relief from duty to ascertain whether or not they are able to resume active duty. [1973 2nd ex.s. c 20 § 1; 1965 c 8 § 43.43.040. Prior: 1947 c 174 § 1; 1943 c 215 § 1; RRS § 6362-65.]

**43.43.050 Tenure of patrol officers.** Washington state patrol officers shall be entitled to retain their ranks and positions until death or resignation, or until suspended, demoted, or discharged in the manner hereinafter provided. [1965 c 8 § 43.43.050. Prior: 1943 c 205 § 1; Rem. Supp. 1943 § 6362-66.]

**43.43.060 Suspension—Demotion of probationary officers.** The chief of the Washington state patrol may discipline any Washington state patrol officer by suspending him without pay, for a period of not more than thirty days, and may demote any officer holding probationary rank, without preferring charges against him, and without a hearing. [1965 c 8 § 43.43.060. Prior: 1943 c 205 § 2; Rem. Supp. 1943 § 6362-67.]

**43.43.070 Complaint, hearing on nonprobationary officers.** Discharge or demotion of any officer holding nonprobationary rank, or suspension for more than thirty days of any officer, shall be only for cause, which shall be clearly stated in a written complaint, sworn to by the person preferring the charges, and served upon the officer complained of.

Upon being so served, any such officer shall be entitled to a public hearing before a trial board consisting of two Washington state patrol officers of the rank of captain, and one officer of equal rank with the officer complained of, who shall be selected by the chief of the Washington state patrol by lot from the roster of the patrol. In the case of complaint by an officer, such officer shall not be a member of the trial board. [1965 c 8 § 43.43.070. Prior: 1943 c 205 § 3; Rem. Supp. 1943 § 6362-68.]

**43.43.080 Resignation—Waiver of hearing.** Pending a hearing, the chief of the patrol may suspend the officer complained of, and the officer may, within ten days after being served with the complaint, either submit a written resignation or file written notice of his desire to waive a hearing.

In the event that a letter of resignation is submitted, it shall be accepted without prejudice. [1965 c 8 § 43.43.080. Prior: 1943 c 205 § 4; Rem. Supp. 1943 § 6362-69.]

**43.43.090 Procedure at hearing.** At the hearing, the chief of the patrol shall be the presiding officer, and shall make all necessary rulings in the course of the hearing, but shall not be entitled to vote.

The complainant and the officer complained of may submit evidence, and be represented by counsel, and a full and complete record of the proceedings, and all testimony, shall be taken down by a stenographer.

After hearing, the findings of the trial board shall be submitted to the chief. Such findings shall be final in the case of acquittal. In the event of conviction the chief may determine the proper disciplinary action and declare it by written order served upon the officer complained of. [1965 c 8 § 43.43.090. Prior: 1943 c 205 § 5; Rem. Supp. 1943 § 6362-70.]

**43.43.100 Review of order.** Any officer subjected to disciplinary action may, within ten days after the service of the order upon him, apply to the superior court of Thurston county for a writ of review to have the reasonableness and lawfulness of the order inquired into and determined.

The superior court shall review the determination of the chief of the Washington state patrol in a summary manner, based upon the record of the hearing before the trial board, and shall render its decision within ninety days, either affirming or reversing the order of the chief, or remanding the matter to him for further action. [1965 c 8 § 43.43.100. Prior: 1943 c 205 § 6; Rem. Supp. 1943 § 6362-71.]

**43.43.110 Reinstatement on acquittal.** If as a result of any trial board hearing, or review proceeding, an officer complained of is found not guilty of the charges against him, he shall be immediately reinstated to his former position, and be reimbursed for any loss of salary suffered by reason of the previous disciplinary action. [1965 c 8 § 43.43.110. Prior: 1943 c 205 § 7; Rem. Supp. 1943 § 6362-72.]

**43.43.120 Patrol retirement system—Definitions.** As used in the following sections:

(1) "Retirement system" means the Washington state patrol retirement system.

(2) "Retirement fund" means the Washington state patrol retirement fund.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) "Member" means any person included in the membership of the retirement fund.

(5) "Employee" means any commissioned employee of the Washington state patrol.

(6) "Beneficiary" means any person in receipt of retirement allowance or any other benefit allowed by this chapter.

(7) "Regular interest" means interest compounded annually at such rates as may be determined by the retirement board.

(8) "Retirement board" means the board provided for in this chapter.

(9) "Insurance commissioner" means the insurance commissioner of the state of Washington.



(10) "Lieutenant governor" means the lieutenant governor of the state of Washington.

(11) "Service" shall mean services rendered to the state of Washington or any political subdivisions thereof for which compensation has been paid. Full time employment for ten days or more in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for herein. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefit.

(12) "Prior service" shall mean all services rendered by a member to the state of Washington, or any of its political subdivisions prior to August 1, 1947, unless such service has been credited in another public retirement or pension system operating in the state of Washington.

(13) "Current service" shall mean all service as a member rendered on or after August 1, 1947.

(14) "Average final salary" shall mean the average monthly salary received by a member during his last two years of service or any consecutive two year period of service, whichever is the greater, as an employee of the Washington state patrol; or if he has less than two years of service, then the average monthly salary received by him during his total years of service.

(15) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality table as may be adopted and such interest rate as may be determined by the board.

(16) Unless the context expressly indicates otherwise, words importing the masculine gender shall be extended to include the feminine gender and words importing the feminine gender shall be extended to include the masculine gender. [1973 1st ex.s. c 180 § 1; 1969 c 12 § 1; 1965 c 8 § 43.43.120. Prior: 1955 c 244 § 1; 1953 c 262 § 1; 1951 c 140 § 1; 1947 c 250 § 1; Rem. Supp. 1947 § 6362-81.]

**Construction—1969 c 12:** "The provisions of this 1969 amendatory act are intended to be remedial and procedural and any benefits heretofore paid to recipients hereunder pursuant to any previous act are retroactively included and authorized as a part of this act." [1969 c 12 § 8.] This applies to RCW 43.43.120, 43.43.170, 43.43.250, 43.43.260, 43.43.267, 43.43.270, and 43.43.280.

#### **43.43.130 Retirement fund created—Membership.**

(1) A Washington state patrol retirement fund is hereby established for members of the Washington state patrol which shall include funds created and placed under the management of a retirement board for the payment of retirement allowances and other benefits under the provisions hereof.

(2) Any employee of the Washington state patrol, upon date of commissioning, shall be eligible to participate in the retirement plan and shall start contributing to the fund immediately. Any employee of the Washington state patrol employed by the state of Washington or any of its political subdivisions prior to August 1, 1947, unless such service has been credited in another public retirement or pension system operating in

the state of Washington shall receive full credit for such prior service but after that date each new commissioned employee must automatically participate in the fund. If a member shall terminate service in the patrol and later reenter, he shall be treated in all respects as a new employee: *Provided*, That a member who reenters or has reentered service within ten years from the date of his termination, shall upon completion of six months of continuous service and upon the restoration of all withdrawn contributions, plus earned interest, which restoration must be completed within four years after resumption of service, be returned to the status of membership he earned at the time of termination.

(3) A member of the retirement system who has served or shall serve on active federal service in the armed forces of the United States pursuant to and by reason of orders by competent federal authority, who left or shall leave the Washington state patrol to enter such service, and who within one year from termination of such active federal service, resumes employment as a state employee, shall have his service in such armed forces credited to him as a member of the retirement system: *Provided*, That no such service in excess of five years shall be credited unless such service was actually rendered during time of war or emergency. [1965 c 8 § 43.43.130. Prior: 1953 c 262 § 2; 1951 c 140 § 2; 1947 c 250 § 2; Rem. Supp. 1947 § 6362-82.]

**43.43.135 Membership in more than one retirement system.** In any case where the Washington state patrol retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, an employee holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who is by reason of his current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan, shall be allowed membership rights should the agreement so provide. [1965 c 8 § 43.43.135. Prior: 1951 c 140 § 10.]

**43.43.140 Management—Retirement board, composition, terms, elections, vacancies, business.** The general administration and management of the retirement fund and the making effective of the provisions hereof are hereby vested in the retirement board which shall have the authority to make all necessary rules and regulations, not inconsistent with the provisions hereof to carry into effect the provisions of this chapter.

The board shall consist of seven members as follows: Chief of the Washington state patrol, insurance commissioner, lieutenant governor and four members known as employee members, who shall be elected by ballot by members of the retirement fund in a manner to be approved by the retirement board. Two of said employee members shall be from and represent eastern Washington and two of said employee members shall be from and represent western Washington.

The chief of the Washington state patrol shall act at all times as chairman of the retirement board. A majority of the members of the board shall constitute a quorum for the transaction of business and any action taken shall be approved by five or more of its members. The board shall hold such meetings as are necessary to transact its business and in any event shall meet not less than once each year and sufficient notice shall be given the members thereof.

The election of employee members of the board shall be conducted by and under the supervision of the chief of the Washington state patrol. The chief of the Washington state patrol shall designate election dates and shall define election procedures: *Provided*, That the first election shall be held within thirty days after May 15, 1958. At the first election, each person eligible to participate in the retirement fund shall have the right to vote for two qualified employee members, each person to vote only upon those members from his geographical division of the state. At the first election, the employee member receiving the greatest number of votes shall be deemed elected for a four year term; the employee member receiving the second greatest number of votes shall be deemed elected for a three year term; the employee member receiving the third greatest number of votes shall be deemed elected for a two year term; and the employee member receiving the fourth greatest number of votes shall be deemed elected for a one year term. Terms of office of the first members shall commence July 1, 1958. Upon expiration of the term of each of the employee members, each succeeding member shall be elected by general election and shall hold office for a term of four years. After the first election, those persons eligible to participate in the retirement fund and who are from the same geographical division as that of the employee member whose term of office has expired or whose office has become vacant shall have the right to vote for one qualified employee member to fill that office. Any vacancy occurring in the term of any qualified employee member of the retirement board shall be filled by a general election. The qualified employee member elected shall fill the unexpired term. [1965 c 8 § 43.43.140. Prior: 1961 c 300 § 6; 1957 c 162 § 1; 1947 c 250 § 3; Rem. Supp. 1947 § 6362-83.]

**43.43.150 Employees of board.** The retirement board may employ a secretary and secure the services of such technical and administrative employees as may be necessary for the transaction of business of the retirement fund. The compensation of all persons engaged by the board and all other expenses necessary for the proper operation of the retirement fund shall be paid at such rates and in such amounts as the board shall approve. The board shall perform such other functions as are required for the proper execution of the provisions hereof and shall have authority to make all rules and regulations necessary therefor. [1965 c 8 § 43.43.150. Prior: 1947 c 250 § 4; Rem. Supp. 1947 § 6362-84.]

**43.43.160 Oath of members—Compensation.** Each member of the retirement board, upon appointment or election, shall take an oath of office that he will support

the Constitution of the United States, the Constitution of the state of Washington, and that he will diligently and honestly administer the affairs of the board and that he will not knowingly violate or wilfully permit to be violated any of the provisions of law applicable to this chapter. Such oath shall be subscribed to by the member making it and certified by the officer before whom it is taken and shall immediately be filed in the office of the secretary of state. The members of the board shall serve without compensation but shall suffer no loss because of absence from their regular employment and shall be reimbursed from the expense fund. [1965 c 8 § 43.43.160. Prior: 1947 c 250 § 5; Rem. Supp. 1947 § 6362-85.]

**43.43.165 Board may receive contributions from any source.** Contributions may be received by the Washington state patrol retirement board from any public or private source for deposit into the Washington state patrol retirement fund, and said contributions shall be dealt with in the same manner as other state patrol retirement funds and subject to the terms of the contribution. [1965 c 8 § 43.43.165. Prior: 1955 c 244 § 4.]

**43.43.170 Investment of funds.** Whenever the state patrol retirement board determine that the state patrol retirement fund contains moneys in excess of current needs, they shall authorize the state finance committee to invest such surplus in such bonds or other obligations as are or may be in the future authorized for the investment of the funds of the state employees' retirement system. [1969 c 12 § 2; 1965 c 8 § 43.43.170. Prior: 1955 c 222 § 1; 1947 c 250 § 6; Rem. Supp. 1947 § 6362-86.]

**Construction—1969 c 12:** See note to RCW 43.43.120.

**43.43.175 Custody, sale, of securities—Disposition of proceeds.** All bonds or other obligations purchased according to RCW 43.43.170 shall be forthwith placed in the custody of the state treasurer, and he shall collect the principal thereof and interest thereon when due.

The state finance committee may sell any of the bonds or obligations so acquired and the proceeds thereof shall be paid to the state treasurer.

The interest earned and proceeds from the sale or redemption of any bonds or other obligations held by the fund shall be credited to and form a part of the fund.

All amounts credited to the fund shall be available for making the payments required by RCW 43.43.120 through 43.43.330. [1965 c 8 § 43.43.175. Prior: 1955 c 222 § 2.]

**43.43.180 Duty of state treasurer.** The state treasurer shall be the custodian of the funds of the retirement fund. He shall deposit any portion of the funds of the retirement fund not needed for immediate use in the same manner as and subject to all the provisions of law respecting the deposit of state funds, and all interest earned by such portions of the retirement fund as may be deposited by the state treasurer in pursuance hereof shall be collected by him and placed to the credit of the retirement fund. The custodian shall furnish annually to

the retirement board a sworn statement of the amount of funds in his custody belonging to the retirement fund. The records of the retirement fund shall be open to public inspection and any member of the fund shall be furnished with a statement of the amount of his credit upon written request of such member: *Provided*, That the retirement board shall not be required to answer more than one such request of a member in any one year. [1965 c 8 § 43.43.180. Prior: 1947 c 250 § 7; Rem. Supp. 1947 § 6362-87.]

**43.43.190 Limitation on interest of board member.** Except as herein provided, no member and no employee of the retirement board shall have any interest, direct or indirect, in the gains or profits of any investment made by the board, nor as such directly or indirectly receive any pay or emolument for services and no member or employee of the board, directly or indirectly for himself or as agent or party for others, shall borrow any of its funds or deposits or in any manner use the same except to make such current and necessary payments as are authorized by the board, nor shall any member or employee of the board become an endorser or surety or become in any manner an obligor for moneys owned or borrowed by the board. [1965 c 8 § 43.43.190. Prior: 1947 c 250 § 8; Rem. Supp. 1947 § 6362-88.]

**43.43.200 Actuarial valuations, investigations.** At such times as the retirement board may deem it necessary and at least once within the first three years of the operation hereof and once in each five year period thereafter, the board shall have prepared by a competent actuary a report showing a complete valuation of the present and prospective assets and liabilities of the various funds created hereby. The actuary shall make an investigation of the mortality and service experience of the members of the system and shall report fully upon the totals of the retirement fund, together with such recommendations as he deems advisable for the information of the retirement board in the proper operation of the retirement fund. [1965 c 8 § 43.43.200. Prior: 1947 c 250 § 9; Rem. Supp. 1947 § 6362-89.]

**43.43.220 Retirement fund—Expenses—Contributions by state.** (1) The Washington state patrol retirement fund shall be the fund from which shall be paid all retirement allowances or benefits in lieu thereof which are payable as provided herein. The expenses of operating the retirement system shall be paid from appropriations made for the operation of the Washington state patrol.

(2) The "fundable employer liability" at any date shall be the present value of:

(a) All future pension benefits payable in respect of all members in the retirement system at that date, and

(b) All future benefits in respect of beneficiaries then receiving retirement allowances or pensions.

(3) The contributions by the state for benefits under the retirement system shall consist of the sum of a percentage of the compensation of members to be known as the "normal contribution", and a percentage of such compensation to be known as the "unfunded liability

contribution". The rates of such contributions shall be determined by the retirement board on the basis of assets and liabilities as shown by actuarial valuation.

(4) After the completion of each actuarial valuation, the retirement board shall determine or redetermine the normal contribution rate and such contribution rate shall become effective in the ensuing biennium. Until the unfunded liability contribution shall have been discontinued, such normal contribution rate shall be computed to be sufficient, when applied to the present value of the future compensation of the average new member entering the system, to provide for the payment of all prospective pension benefits in respect of such member. After the unfunded liability contributions have been discontinued, such normal contribution rate shall be determined as the uniform and constant percentage of the prospective compensation of all members in the retirement system at the date of such valuation which is equivalent to the excess of the fundable employer liability over the amount of funds currently standing to the credit of the retirement fund.

(5) After the completion of each actuarial valuation, the retirement board shall determine or redetermine the unfunded liability contribution rate, and such rate shall become effective in the ensuing biennium. The unfunded liability contribution rate shall not be less than the uniform and constant percentage of the prospective compensation of all members in the retirement system for the forty-year period following the date of such valuation which is equivalent to the unfunded liability. The unfunded liability shall be determined at such date as the excess of the fundable employer liability over the sum of the present value of the future normal contributions payable in respect of all members in the retirement system at that date, and the amount of all funds currently standing to the credit of the retirement fund. The unfunded liability contributions shall continue until there remains no unfunded liability.

(6) The retirement board shall estimate biennially the amount required to maintain the retirement fund for the ensuing biennium. [1973 1st ex.s. c 180 § 2; 1965 c 8 § 43.43.220. Prior: 1961 c 93 § 1; 1957 c 162 § 2; 1951 c 140 § 3; 1947 c 250 § 11; Rem. Supp. 1947 § 6362-91.]

**43.43.230 Total service credit.** Subject to the provisions of RCW 43.43.260, at retirement, the total service credited to a member shall consist of all his current service and certified prior service. [1965 c 8 § 43.43.230. Prior: 1953 c 262 § 3; 1947 c 250 § 12; Rem. Supp. 1947 § 6362-92.]

**43.43.240 Legal adviser.** The attorney general shall be the legal adviser of the retirement board. [1965 c 8 § 43.43.240. Prior: 1947 c 250 § 13; Rem. Supp. 1947 § 6362-93.]

**43.43.250 Retirement of members.** (1) Any member who has attained the age of sixty years shall be retired on the first day of the calendar month next succeeding that in which said member shall have attained the age of sixty: *Provided*, That the requirement to retire at age

sixty shall not apply to a member serving as chief of the Washington state patrol.

(2) Any member who has completed twenty-five years of credited service or has attained the age of fifty-five may retire as provided in RCW 43.43.260, on his retirement application to the retirement board, setting forth at what time, not less than thirty days subsequent to the execution and filing thereof, he desires to be retired.

(3) Any member who has ceased making contributions to the retirement fund because of having reached the maximum percentage of average final salary provided by a previous act may repay to the retirement fund those contributions which he would normally have made, if such restriction on service credit had not existed, by making these payments prior to retirement. The payment of these contributions will entitle the member to service credit as provided in RCW 43.43.260(2). [1975-'76 2nd ex.s. c 116 § 1; 1969 c 12 § 3; 1965 c 8 § 43.43.250. Prior: 1963 c 175 § 1; 1957 c 162 § 3; 1951 c 140 § 4; 1947 c 250 § 14; Rem. Supp. 1947 § 6362-94.]

**Construction**—1969 c 12: See note to RCW 43.43.120.

**43.43.260 Benefits.** Upon retirement from service as provided in RCW 43.43.250, a member shall be granted a retirement allowance which shall consist of:

(1) A prior service annuity which shall be equal to two percent of the member's average final salary multiplied by the number of years of prior service rendered by the member.

(2) A current service annuity which shall be equal to two percent of the member's average final salary multiplied by the number of years of service rendered while a member of the retirement system.

(3) Any member with twenty-five years service in the Washington state patrol may have his service in the armed forces credited to him as a member whether or not he left the employ of the Washington state patrol to enter such armed forces: *Provided*, That in no instance shall military service in excess of five years be credited: *And provided further*, That in each instance, a member must restore all withdrawn accumulated contributions, which restoration must be completed on the date of his retirement, or within five years of membership service following his first resumption of employment, whichever occurs first: *And provided further*, That this section shall not apply to any individual, not a veteran within the meaning of RCW 41.06.150, as now or hereafter amended: *And provided further*, That in no instance shall military service be credited to any member who is receiving full military retirement benefits pursuant to Title 10 United States Code, as now or hereafter amended.

(4) In no event shall the total retirement benefits from subsections (1), (2) and (3) of this section, of any member exceed seventy-five percent of the member's average final salary.

(5) A yearly increase in retirement allowance which shall amount to two percent of the retirement allowance computed at the time of retirement. This yearly increase shall be added to the retirement allowance on July 1st of each calendar year.

The provisions of this section shall apply to all members presently retired and to all members who shall retire in the future. The retirement allowance of all members presently retired shall be recomputed and shall in the future be paid in accordance with the benefits provided in this section. [1973 1st ex.s. c 180 § 3; 1971 ex.s. c 278 § 1; 1969 c 12 § 4; 1965 c 8 § 43.43.260. Prior: 1963 c 175 § 2; 1957 c 162 § 4; 1955 c 244 § 2; 1951 c 140 § 5; 1947 c 250 § 15; Rem. Supp. 1947 § 6362-95.]

**Effective date**—1971 ex.s. c 278: "This 1971 amendatory act shall have an effective date of July 1, 1971." [1971 ex.s. c 278 § 2.]

**43.43.265 Recomputation of average final salary.** The average final salary of members now retired shall be recomputed in accordance with RCW 43.43.120(14) and from the effective date of this act (1959 c 8, effective date was January 29, 1959; 1955 c 244, effective date was June 8, 1955) the retirement allowance of such members shall be paid under RCW 43.43.260 upon the basis of the average final salary as recomputed. [1965 c 8 § 43.43.265. Prior: 1959 c 8 § 1; 1955 c 244 § 5.]

**43.43.266 Recomputation of average final salary**—**Construction.** The provisions of this act [1959 c 8] are intended to be remedial and procedural and any benefits heretofore paid to recipients hereunder pursuant to any previous act are retroactively included and authorized as a part of this act [1959 c 8]. [1965 c 8 § 43.43.266. Prior: 1959 c 8 § 2.]

**43.43.267 Recomputation of average final salary**—**1969 c 12.** The average final salary of members already retired upon June 12, 1969, shall be recomputed in accordance with RCW 43.43.120(14) and from June 12, 1969. The retirement allowance of such members shall be paid under RCW 43.43.260, upon the basis of the average final salary as recomputed. [1969 c 12 § 5.]

**Construction**—1969 c 12: See note to RCW 43.43.120.

**43.43.270 Annuities.** (1) The normal form of retirement allowance shall be an annuity which shall continue as long as the member lives.

(2) If a member should die while in service his lawful spouse shall be paid an annuity which shall be equal to fifty percent of the average final salary of the member. If the member should die after retirement his lawful spouse shall be paid an annuity which shall be equal to the retirement allowance then payable to the member or fifty percent of the final average salary used in computing his retirement allowance, whichever is less. The annuity paid to the lawful spouse shall continue as long as she lives or until she remarries. To be eligible for an annuity the lawful surviving spouse of a retired member shall have been married to the member prior to his retirement and continuously thereafter until the date of his death or shall have been married to the retired member at least two years prior to his death.

(3) If a member should die, either while in service or after retirement, his surviving children under the age of eighteen years shall be provided for in the following manner:

(a) Each unmarried child under eighteen years of age shall be entitled to a benefit equal to five percent of the final average salary of the member or retired member. The combined benefits to the surviving spouse and all children shall not exceed sixty percent of the final average salary of the member or retired member.

(4) If a member should lose or has lost his life in the line of duty while employed by the Washington state patrol, his surviving children under the age of twenty years and eleven months if attending any high school, college, university, or vocational or other educational institution accredited or approved by the state of Washington shall hereafter be entitled to a benefit equal to five percent of the final average salary of the member. The combined benefits to the surviving spouse and all children shall not exceed sixty percent of the final average salary of the member: *Provided*, That if a beneficiary under this section shall reach the age of twenty-one years during the middle of a term of enrollment the benefit shall continue until the end of said term.

(5) The provisions of this section shall apply to members who have been retired on disability as provided in RCW 43.43.040 if the officer was a member of the Washington state patrol retirement system at the time of such disability retirement and if all contributions paid to the retirement fund have been left in the retirement fund. In the event that contributions have been refunded to a member on disability retirement, he may regain eligibility for survivor's benefits by repaying to the retirement fund the total amount refunded to him plus two and one-half percent interest, compounded annually, covering the period during which the refund was held by him. [1973 2nd ex.s. c 14 § 3; 1973 1st ex.s. c 180 § 4. Prior: 1969 c 12 § 6; 1965 c 8 § 43.43.270; prior: 1963 c 175 § 3; 1961 c 93 § 2; 1951 c 140 § 6; 1947 c 250 § 16; Rem. Supp. 1947 § 6362-96.]

**Construction**—1969 c 12: See note to RCW 43.43.120.

**43.43.280 Repayment of contributions on death or termination of employment—Election to receive reduced retirement allowance at age fifty-five.** (1) If a member dies before retirement, and has no surviving spouse or children under the age of eighteen years, all contributions made by him with interest at two and one-half percent compounded annually shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, then to his legal representative.

(2) If a member should cease to be an employee before attaining age sixty for reasons other than his death, or retirement, he shall thereupon cease to be a member except as provided under RCW 43.43.130 (2) and (3) and, he may withdraw his contributions to the retirement fund, with interest at two and one-half percent compounded annually, by making application therefor to the retirement board, except that: A member who ceases to be an employee after having completed at least five years of service shall remain a member during the period of his absence from employment for the exclusive purpose only of receiving a retirement allowance to begin at attainment of age sixty, however such a

member may upon thirty days written notice to the board elect to receive a reduced retirement allowance on or after age fifty-five which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty: *Provided*, That if such member should withdraw all or part of his accumulated contributions, he shall thereupon cease to be a member and this subsection shall not apply. [1973 1st ex.s. c 180 § 5; 1969 c 12 § 7; 1965 c 8 § 43.43.280. Prior: 1961 c 93 § 3; 1951 c 140 § 7; 1947 c 250 § 17; Rem. Supp. 1947 § 6363-97.]

**Construction**—1969 c 12: See note to RCW 43.43.120.

**43.43.290 Status in case of disablement.** Should a member become permanently and totally disabled, as a direct and proximate result of injury received in the course of employment he shall receive benefits under RCW 43.43.040 and during such period will be a non-active member. If any nonactive member returns to active duty with the Washington state patrol, he shall be eligible to become an active member by paying into the retirement fund all contributions accumulated during the period of his disability. [1965 c 8 § 43.43.290. Prior: 1947 c 250 § 18; Rem. Supp. 1947 § 6362-98.]

**43.43.300 Contributions by members—State contributions remain in fund if member leaves patrol.** Beginning on July 1, 1963, every Washington state patrol employee who is a member of the retirement fund shall contribute seven percent of his monthly salary, which shall be deducted from the compensation of each member on each and every payroll.

In event a member severs his connection with the Washington state patrol or is dismissed, the amount paid by the state of Washington shall remain in the retirement fund. [1965 c 8 § 43.43.300. Prior: 1963 c 175 § 4; 1961 c 93 § 4; 1955 c 244 § 3; 1951 c 140 § 9; 1947 c 250 § 19; Rem. Supp. 1947 § 6362-99.]

**43.43.310 Benefits exempt from taxation and legal process.** The right of any person to a retirement allowance or optional retirement allowance under the provisions hereof and all moneys and investments and income thereof are exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or the insolvency laws, or other processes of law whatsoever and shall be unassignable except as herein specifically provided. [1965 c 8 § 43.43.310. Prior: 1951 c 140 § 8; 1947 c 250 § 20; Rem. Supp. 1947 § 6362-100.]

**43.43.320 Penalty for falsification.** Any person who knowingly makes any false statement or falsifies or permits to be falsified any record or records of the Washington state patrol retirement fund in any attempt to defraud such fund shall be guilty of a gross misdemeanor. [1965 c 8 § 43.43.320. Prior: 1947 c 250 § 21; Rem. Supp. 1947 § 6362-101.]

**43.43.330 Examinations for promotion.** Appropriate examinations shall be conducted for the promotion of commissioned patrol officers to the rank of sergeant and

lieutenant. The examinations shall be prepared and conducted under the supervision of the chief of the Washington state patrol, who shall cause at least thirty days written notice thereof to be given to all patrol officers eligible for such examinations. Examinations shall be given once every three years, or whenever the eligible list becomes exhausted as the case may be. After the giving of each such examination a new eligible list shall be compiled replacing any existing eligible list for such rank. Only grades attained in the last examination given for a particular rank shall be used in compiling each eligible list therefor. The chief, or in his discretion a committee of three individuals appointed by him, shall prepare and conduct the examinations, and thereafter grade and evaluate them in accordance with the following provisions, or factors: For promotion to the rank of lieutenant; (1) Service rating forty percent; (2) written examination thirty percent; (3) oral examination and interview twenty percent; (4) personnel record ten percent: For promotion to the rank of sergeant; (1) Service rating fifty percent; (2) written examination fifty percent. [1969 ex.s. c 20 § 1; 1965 c 8 § 43.43.330. Prior: 1959 c 115 § 1; 1949 c 192 § 2; Rem. Supp. 1949 § 6362-61a.]

**43.43.340 Eligible list, and promotions therefrom.** The names of all officers who have passed examinations satisfactorily shall be placed on an eligible list in the order of the grade attained in the examinations. The chief, or the committee mentioned in RCW 43.43.330 at his request, may determine the lowest examination grade which will qualify an officer for inclusion of his name on an eligible list. Examination papers shall be graded promptly and an eligible list shall be made up immediately thereafter. All officers taking an examination shall be informed of the grade earned.

After an eligible list is made up all promotions shall be made from the three top names on the applicable list, and each officer shall be informed in writing as his name is included in the top three on an eligible list. No officer whose name appears within the top three on any eligible list shall be passed over for promotion more than three times.

After having qualified for promotion hereunder an officer must pass a medical examination and must be certified as to physical fitness to perform the duties of the advanced position by one of three doctors designated by the chief of the Washington state patrol. [1965 c 8 § 43.43.340. Prior: 1949 c 192 § 3; Rem. Supp. 1949 § 6362-61b.]

**43.43.350 Determination of eligibility for examination or promotion.** Eligibility for examination or promotion shall be determined as follows:

Patrol officers with one year of probationary experience, in addition to three years experience as a regular patrolman, shall be eligible for examination for the rank of sergeant; patrol officers with one year of probationary experience in the rank of sergeant, in addition to two years as a regular sergeant, shall be eligible for examination for the rank of lieutenant. [1969 ex.s. c 20 § 2;

1965 c 8 § 43.43.350. Prior: 1949 c 192 § 4, part; Rem. Supp. 1949 § 6362-61c, part.]

**43.43.360 Probationary period.** All newly appointed or promoted officers shall serve a probationary period of one year after appointment or promotion, whereupon their probationary status shall terminate, and they shall acquire regular status in the particular grade, unless given notice in writing to the contrary by the chief prior to the expiration of the probationary period.

During his one year probationary period any newly appointed officer may be removed, or any officer promoted through examinations may be demoted to his previous rank by the chief without charges being preferred and without benefit of a hearing, as might otherwise be required under this chapter. [1965 c 8 § 43.43.360. Prior: 1949 c 192 § 4, part; Rem. Supp. 1949 § 6362-61c, part.]

**43.43.370 Staff or technical officers.** The chief of the Washington state patrol may appoint such staff or technical officers as he deems necessary for the efficient operation of the patrol, and he may assign whatever rank he deems necessary to such staff or technical officers for the duration of their service as such.

Staff or technical officers may be returned to their line rank or position whenever the chief so desires. Staff or technical officers without line command assignment and whose duties are of a special or technical nature shall hold their staff or technical rank on a continuing probationary basis; however, such staff or technical officers, if otherwise eligible, shall not be prevented from taking the line promotion examinations, and qualifying for promotion whenever the examinations may be held.

If a staff or technical officer returns to line operations he shall return in the rank that he holds in the line command, unless promoted to a higher rank through examination and appointment as herein provided: *Provided*, Nothing contained herein shall be construed as giving the chief the right to demote or to reduce the rank of any officer of the patrol who was holding such office on April 1, 1949. [1965 c 8 § 43.43.370. Prior: 1949 c 192 § 5; Rem. Supp. 1949 § 6362-61d.]

**43.43.380 Minimum salaries.** The minimum monthly salary paid to state patrol officers shall be as follows: Officers, three hundred dollars; staff or technical sergeants, three hundred twenty-five dollars; line sergeants, three hundred fifty dollars; lieutenants, three hundred seventy-five dollars; captains, four hundred twenty-five dollars. [1965 c 8 § 43.43.380. Prior: 1949 c 192 § 6; Rem. Supp. 1949 § 6362-61e.]

**43.43.500 Crime information center—Established—Purpose—Functions.** There is established the Washington state crime information center to be located in the records division of the Washington state patrol and to function under the direction of the chief of the Washington state patrol. The center shall serve to coordinate crime information, by means of data processing, for all law enforcement agencies in the state. It shall make such use of the facilities of the law enforcement

teletype system as is practical. It shall provide access to the national crime information center, to motor vehicle and driver license information and to such other public records as may be accessed by data processing and which are pertinent to law enforcement. [1967 ex.s. c 27 § 1.]

**43.43.510 Crime information center—Files listing stolen vehicles, outstanding warrants, etc., to be established.** As soon as is practical and feasible there shall be established, by means of data processing, files listing stolen and wanted vehicles, outstanding warrants, identifiable stolen property and such other files as may be of general assistance to law enforcement agencies. [1967 ex.s. c 27 § 2.]

**43.43.530 Crime information center—Cost of terminal facilities.** The cost of additional terminal facilities necessary to gain access to the Washington state crime information center shall be borne by the respective agencies operating the terminal facilities. [1967 ex.s. c 27 § 4.]

**43.43.600 Drug control assistance unit—Created.** There is hereby created in the Washington state patrol a drug control assistance unit. [1970 ex.s. c 63 § 1.]

**43.43.610 Drug control assistance unit—Duties.** The drug control assistance unit shall:

(1) Provide investigative assistance for the purpose of enforcement of the provisions of chapters 69.32 and 69.40 RCW.

(2) Provide laboratory services for the purpose of analyzing and scientifically handling any physical evidence relating to any crime.

(3) Provide training assistance for local law enforcement personnel. [1970 ex.s. c 63 § 2.]

**43.43.620 Drug control assistance unit—Additional duties—Information system on violations—Inter-unit communications network.** The drug control assistance unit shall:

(1) Establish a record system to coordinate with all law enforcement agencies in the state a comprehensive system of information concerning violations of the narcotic and drug laws.

(2) Provide a communications network capable of interconnecting all offices and investigators of the unit. [1970 ex.s. c 63 § 3.]

**43.43.630 Drug control assistance unit—Use of existing facilities and systems.** In order to maximize the efficiency and effectiveness of state resources, the drug control assistance unit shall, where feasible, use existing facilities and systems. [1970 ex.s. c 63 § 4.]

**43.43.640 Drug control assistance unit—Certain investigators exempt from state civil service act.** Any investigators employed pursuant to RCW 43.43.610(1) shall be exempt from the state civil service act, chapter 41.06 RCW. [1970 ex.s. c 63 § 5.]

**43.43.650 Drug control assistance unit—Employment of necessary personnel.** The chief of the Washington state patrol may employ such criminalists, chemists, clerical and other personnel as are necessary for the conduct of the affairs of the drug control assistance unit. [1970 ex.s. c 63 § 6.]

**43.43.700 Identification section—Established—Powers and duties generally.** There is hereby established within the Washington state patrol a section on identification hereafter referred to as the section.

In order to aid the administration of justice the section shall install systems for the identification of individuals, including the fingerprint system and such other systems as the chief deems necessary. The section shall keep a complete record and index of all information received in convenient form for consultation and comparison.

The section shall obtain from whatever source available and file for record the fingerprints, palmprints, photographs, or such other identification data as it deems necessary, of persons who have been or shall hereafter be lawfully arrested and charged with, or convicted of any criminal offense. The section may obtain like information concerning persons arrested for or convicted of crimes under the laws of another state or government. [1972 ex.s. c 152 § 1.]

**43.43.705 Receipt of data—Furnishing of information—Procedure—Definitions—Appeals.** Upon the receipt of identification data from criminal justice agencies within this state, the section shall immediately cause the files to be examined and upon request shall promptly return to the contributor of such data a transcript of the record of previous arrests and dispositions of the persons described in the data submitted.

Upon application, the section shall furnish to criminal justice agencies a transcript of the criminal offender record information available pertaining to any person of whom the section has a record.

For the purposes of RCW 43.43.700 through 43.43.800 the following words and phrases shall have the following meanings:

"Criminal offender record information" includes, and shall be restricted to identifying data and public record information recorded as the result of an arrest or other initiation of criminal proceedings and the consequent proceedings related thereto. "Criminal offender record information" shall not include intelligence, analytical, or investigative reports and files.

"Criminal justice agencies" are those public agencies within or outside the state which perform, as a principal function, activities directly relating to the apprehension, prosecution, adjudication or rehabilitation of criminal offenders.

Applications for information shall be by a data communications network used exclusively by criminal justice agencies or in writing and information applied for shall be used solely in the due administration of the criminal laws or for the purposes enumerated in RCW 43.43.760(3).

Any person who, in violation of \*this 1972 act, furnishes to any person or other agency information obtained from the section shall be civilly liable, as provided in RCW 72.50.170.

The section may refuse to furnish any information pertaining to the identification or history of any person or persons of whom it has a record, or other information in its files and records, to any applicant if the chief determines that the applicant has previously misused information furnished to such applicant by the section or the chief believes that the applicant will not use the information requested solely for the purpose of due administration of the criminal laws or for the purposes enumerated in RCW 43.43.760(3). The applicant may appeal such determination and denial of information to the advisory council created in RCW 43.43.785 and the council may direct that the section furnish such information to the applicant. [1972 ex.s. c 152 § 2.]

**Reviser's note:** (1) RCW 72.50.170 referred to in the above section was repealed by 1972 ex.s. c 152 § 24.

\* (2) "this 1972 act" or "this act" [1972 ex.s. c 152] consists of RCW 43.43.700–43.43.820, 43.43.910, and to the repeal of RCW 43.43.520, 43.43.660, 43.89.020, and 72.50.120–72.50.170.

**43.43.710 Availability of information.** Information contained in the files and records of the section relative to the commission of any crime by any person shall be considered privileged and shall not be made public or disclosed for any personal purpose or in any civil court proceedings except upon a written order of the judge of a court wherein such civil proceedings are had. All information contained in the files of the section relative to criminal records and personal histories of persons arrested for the commission of a crime shall be available to all criminal justice agencies, upon the filing of an application as provided in RCW 43.43.705.

Although no application for information has been made to the section as provided in RCW 43.43.705, the section may transmit such information in the chief's discretion, to such agencies as are authorized by RCW 43.43.705 to make application for it. [1972 ex.s. c 152 § 3.]

**43.43.715 Cooperation with other criminal justice agencies.** The section shall, consistent with the procedures set forth in \*this 1972 act, cooperate with all other criminal justice agencies, within or without the state, in an exchange of information regarding convicted criminals and those suspected of or wanted for the commission of crimes, to the end that proper identification may rapidly be made and the ends of justice served. [1972 ex.s. c 152 § 4.]

**\*Reviser's note:** "this 1972 act" [1972 ex.s. c 152], see note following RCW 43.43.705.

**43.43.720 Local identification and records systems—Assistance.** At the request of any criminal justice agency within this state, the section may assist such agency in the establishment of local identification and records systems. [1972 ex.s. c 152 § 5.]

**43.43.725 Records as evidence.** Any copy of a criminal offender record, photograph, fingerprint, or other

paper or document in the files of the section, certified by the chief or his designee to be a true and complete copy of the original or of information on file with the section, shall be admissible in evidence in any court of this state pursuant to the provisions of RCW 5.44.040. [1972 ex.s. c 152 § 6.]

**43.43.730 Records—Destruction—Inspection—Requests for purge or modification—Appeals.**

(1) When any person, having no prior criminal record, whose fingerprints and/or other identifying data were submitted to and filed at the section, shall be found not guilty of the offense for which the fingerprints and/or other identifying data were sent to the section, or be released without a conviction being obtained, his fingerprints and/or other identifying data and all copies thereof on file at the section shall be destroyed by the section, provided such person requests said destruction after the finding of not guilty or after the release. The section shall, upon destruction of the record pursuant to this section, notify said person of the destruction.

(2) Any individual shall have the right to inspect criminal offender record information on file with the section which refers to him. If an individual believes such information to be inaccurate or incomplete, he may request the section to purge, modify or supplement it and to advise such persons or agencies who have received his record and whom the individual designates to modify it accordingly. Should the section decline to so act, or should the individual believe the section's decision to be otherwise unsatisfactory, the individual may appeal such decision to the superior court in the county in which he is resident, or the county from which the disputed record emanated or Thurston county. The court shall in such case conduct a de novo hearing, and may order such relief as it finds to be just and equitable.

(3) The section may prescribe reasonable hours and a place for inspection, and may impose such additional restrictions, including fingerprinting, as are reasonably necessary both to assure the record's security and to verify the identities of those who seek to inspect them: *Provided*, That the section may charge a reasonable fee for fingerprinting. [1972 ex.s. c 152 § 7.]

**43.43.735 Photographing and fingerprinting—Powers and duties of law enforcement agencies—Other data.**

(1) It shall be the duty of the sheriff or director of public safety of every county, and the chief of police of every city or town, and of every chief officer of other law enforcement agencies duly operating within this state, to cause the photographing and fingerprinting of all persons lawfully arrested for the commission of any criminal offense constituting a felony or gross misdemeanor: *Provided*, That an exception may be made when the arrest is for a violation punishable as a gross misdemeanor and the arrested person is not taken into custody.

(2) It shall be the right, but not the duty, of the sheriff or director of public safety of every county, and the chief of police of every city or town, and every chief officer of other law enforcement agencies operating within this state to photograph and record the fingerprints of all persons lawfully arrested.



(3) Such sheriffs, directors of public safety, chiefs of police, and other chief law enforcement officers, may record, in addition to photographs and fingerprints, the palmprints, soleprints, toeprints, or any other identification data of all persons lawfully arrested for the commission of any criminal offense, when in the discretion of such law enforcement officers it is necessary for proper identification of the arrested person or the investigation of the crime with which he is charged. [1972 ex.s. c 152 § 8.]

**43.43.740 Furnishing of data to section—Time limitation—Retention of data.** Except as provided in RCW 43.43.755 relating to the fingerprinting of juveniles:

(1) It shall be the duty of the sheriff or director of public safety of every county, and the chief of police of every city or town, and of every chief officer of other law enforcement agencies duly operating within this state to furnish within seventy-two hours from the time of arrest to the section the required sets of fingerprints together with other identifying data as may be prescribed by the chief, of any person lawfully arrested, fingerprinted, and photographed pursuant to RCW 43.43.735.

(2) Law enforcement agencies may retain and file copies of the fingerprints, photographs, and other identifying data and information obtained pursuant to RCW 43.43.735. Said records shall remain in the possession of the law enforcement agency as part of the identification record and are not returnable to the subjects thereof. [1972 ex.s. c 152 § 9.]

**43.43.745 Convicted persons, fingerprinting required, records—Furloughs, information to section, notice to local agencies—Arrests, disposition information—Convicts, information to section, notice to local agencies.**

(1) It shall be the duty of the sheriff or director of public safety of every county, of the chief of police of each city or town, or of every chief officer of other law enforcement agencies operating within this state, to record the fingerprints of all persons held in or remanded to their custody when convicted of any crime as provided for in RCW 43.43.735 for which the penalty of imprisonment might be imposed and to disseminate and file such fingerprints in the same manner as those recorded upon arrest pursuant to RCW 43.43.735 and 43.43.740.

(2) Every time the secretary authorizes a furlough as provided for in RCW 72.66.012 the department of social and health services shall notify, forty-eight hours prior to the beginning of such furlough, the section that the named prisoner has been granted a furlough, the place to which furloughed, and the dates and times during which the prisoner will be on furlough status. In the case of an emergency furlough the forty-eight hour time period shall not be required but notification shall be made as promptly as possible and before the prisoner is released on furlough. Upon receipt of furlough information pursuant to the provisions of this subsection the section shall notify the sheriff or director of public safety of the county to which the prisoner is being furloughed, the nearest attachment of the Washington state patrol in the county wherein the furloughed prisoner shall be

residing and such other criminal justice agencies as the section may determine should be so notified.

(3) Disposition of the charge for which the arrest was made shall be reported to the section at whatever stage in the proceedings a final disposition occurs by the arresting law enforcement agency, county prosecutor, city attorney, or court having jurisdiction over the offense: *Provided*, That the chief shall promulgate rules pursuant to chapter 34.04 RCW to carry out the provisions of this subsection.

(4) Whenever a person serving a sentence for a term of confinement in a state correctional facility for convicted felons, pursuant to court commitment, is released on an order of the state board of prison terms and paroles, or is discharged from custody on expiration of sentence, the department of social and health services shall promptly notify the section that the named person has been released or discharged, the place to which such person has been released or discharged, and the conditions of his release or discharge, and shall additionally notify the section of change in residence or conditions of release or discharge of persons on active parole supervision, and shall notify the section when persons are discharged from active parole supervision.

No city, town, county, or local law enforcement authority or other agency thereof may require that a convicted felon entering, sojourning, visiting, in transit, or residing in such city, town, county, or local area report or make himself known as a convicted felon or make application for and/or carry on his person a felon identification card or other registration document. Nothing herein shall, however, be construed to prevent any local law enforcement authority from recording the residency and other information concerning any convicted felon or other person convicted of a criminal offense when such information is obtained from a source other than from such requirement which source may include any officer or other agency or subdivision of the state. [1973 c 20 § 1; 1972 ex.s. c 152 § 10.]

**Construction—Prior rules and regulations—1973 c 20:** See note following RCW 72.66.010.

**43.43.750 Use of force to obtain identification information—Liability.** In exercising their duties and authority under RCW 43.43.735 and 43.43.740, the sheriffs, directors of public safety, chiefs of police, and other chief law enforcement officers, may, consistent with constitutional and legal requirements, use such reasonable force as is necessary to compel an unwilling person to submit to being photographed, or fingerprinted, or to submit to any other identification procedure, except interrogation, which will result in obtaining physical evidence serving to identify such person. No one having the custody of any person subject to the identification procedures provided for in \*this act, and no one acting in his aid or under his direction, and no one concerned in such publication as is provided for in RCW 43.43.740, shall incur any liability, civil or criminal, for anything lawfully done in the exercise of the provisions of \*this act. [1972 ex.s. c 152 § 11.]

\*Reviser's note: "this act" [1972 ex.s. c 152], see note following RCW 43.43.705.

**43.43.755 Persons under age of eighteen years.** (1) The recording of fingerprints, photographs and other identification data of any person under the age of eighteen shall be accomplished pursuant to Title 13 RCW as now or hereafter revised or supplemented.

(2) For the purpose of \*this act, any person eighteen years or older shall be considered an adult when charged with the commission of any criminal offense, and his records shall not be subject to the restrictions in subsection (1) of this section. [1972 ex.s. c 152 § 12.]

**\*Reviser's note:** "this act" [1972 ex.s. c 152], see note following RCW 43.43.705.

**43.43.760 Personal identification—Requests—Purpose—Applicants—Fee.** (1) Whenever a resident of this state appears before any law enforcement agency and requests an impression of his fingerprints to be made, such agency may comply with his request and make the required copies of the impressions on forms marked "Personal Identification". The required copies shall be forwarded to the section and marked "for personal identification only"

(2) The section shall accept and file such fingerprints submitted voluntarily by such resident, for the purpose of securing a more certain and easy identification in case of death, injury, loss of memory, or other similar circumstances. Upon the request of such person, the section shall return his identification data.

(3) Whenever any person is an applicant for appointment to any position or is an applicant for employment or is an applicant for a license to be issued by any governmental agency, and the law or a regulation of such governmental agency requires that the applicant be of good moral character or not have been convicted of a crime, or is an applicant for appointment to or employment with a criminal justice agency, the applicant may request any law enforcement agency to make an impression of his fingerprints to be submitted to the section. The law enforcement agency may comply with such request and make copies of the impressions on forms marked "applicant", and submit such copies to the section.

The section shall accept such fingerprints and shall cause its files to be examined and shall promptly send to the appointing authority, employer, or licensing authority indicated on the form of application, a transcript of the record of previous crimes committed by the person described on the data submitted, or if there is no record of his commission of any crimes, a statement to that effect.

Any law enforcement agency may charge a fee not to exceed five dollars for the purpose of taking fingerprint impressions or searching its files of identification for noncriminal purposes. [1972 ex.s. c 152 § 13.]

**43.43.765 Reports of transfer, release or changes as to committed or imprisoned persons—Records.** The principal officers of the jails, correctional institutions, state mental institutions and all places of detention to which a person is committed under chapter 10.76 RCW or chapter 71.06 RCW for treatment or under a sentence of imprisonment for any crime as provided for in

RCW 43.43.735 shall within seventy-two hours, report to the section, any interinstitutional transfer, release or change of release status of any person held in custody pursuant to the rules promulgated by the chief.

The principal officers of all state mental institutions to which a person has been committed under chapter 10.76 RCW or chapter 71.06 RCW shall keep a record of the photographs, description, fingerprints, and other identification data as may be obtainable from the appropriate criminal justice agency. [1972 ex.s. c 152 § 14.]

**Reviser's note:** RCW 10.76.010–10.76.080 were repealed by 1973 1st ex.s. c 117 § 29; RCW 10.76.090 was repealed by 1965 ex.s. c 9 § 7. For later enactment see chapter 10.77 RCW (1973 1st ex.s. c 117).

**43.43.770 Unidentified deceased persons.** It shall be the duty of the sheriff or director of public safety of every county, or the chief of police of every city or town, or the chief officer of other law enforcement agencies operating within this state, coroners or medical examiners, to record whenever possible the fingerprints and such other identification data as may be useful to establish identity, of all unidentified dead bodies found within their respective jurisdictions, and to furnish to the section all data so obtained. The section shall search its files and otherwise make a reasonable effort to determine the identity of the deceased and notify the contributing agency of the finding.

In all cases where there is found to exist a criminal record for the deceased, the section shall notify the federal bureau of investigation and each criminal justice agency, within or outside the state in whose jurisdiction the decedent has been arrested, of the date and place of death of decedent. [1972 ex.s. c 152 § 15.]

**43.43.775 Interagency contracts.** The legislative authority of any county, city or town may authorize its sheriff, director of public safety or chief of police to enter into any contract with another public agency which is necessary to carry out the provisions of \*this act. [1972 ex.s. c 152 § 16.]

**\*Reviser's note:** "this act" [1972 ex.s. c 152], see note following RCW 43.43.705.

**43.43.780 Transfer of records, data, equipment to section.** All fingerprint cards, photographs, file cabinets, equipment, and other records collected and filed by the bureau of criminal identification, and now in the department of social and health services shall be transferred to the Washington state patrol for use by the section on identification created by \*this act. [1972 ex.s. c 152 § 17.]

**\*Reviser's note:** "this act" [1972 ex.s. c 152], see note following RCW 43.43.705.

**43.43.785 Criminal justice services—Consolidation—Establishment of program.** The legislature finds that there is a need for the Washington state patrol to establish a program which will consolidate existing programs of criminal justice services within its jurisdiction so that such services may be more effectively utilized by the criminal justice agencies of this state. The chief, with the advice of the state advisory council on criminal

justice services created in RCW 43.43.790, shall establish such a program which shall include but not be limited to the identification section, all auxiliary systems including the Washington crime information center and the teletypewriter communications network, the drug control assistance unit, and any other services the chief deems necessary which are not directly related to traffic control. [1972 ex.s. c 152 § 18.]

**43.43.790 Criminal justice services—Advisory council—Created—Membership—Terms—Vacancies.** There is hereby created the Washington state advisory council on criminal justice services. The advisory council shall consist of eleven members, nine to be appointed by the governor. The chief of the Washington state patrol shall be a member and shall act as chairman and the secretary of the department of social and health services or his designee shall be an ex officio member.

The members of the initial council shall be appointed within thirty days of the effective date of this act. Of the members of the initial council, three shall be appointed for terms ending June 30, 1976, three shall be appointed for terms ending June 30, 1975 and three shall be appointed for terms ending June 30, 1973. Thereafter, each member of the council shall be appointed for a term of four years. Vacancies shall be filled within ninety days for the remainder of the unexpired term by appointment of the governor in the same manner as the original appointments. Each member of the council shall continue in office until his successor is appointed. [1972 ex.s. c 152 § 19.]

**Reviser's note:** The effective date of 1972 ex.s. c 152 was February 25, 1972.

**43.43.795 Criminal justice services—Advisory council—Meetings.** The council shall meet not less than quarterly at a date and place of its choice, and at such other times as shall be designated by the chairman or upon the written request of a majority of the council. [1972 ex.s. c 152 § 20.]

**43.43.800 Criminal justice services—Advisory council—Duties—Technical advisory committees.** The advisory council shall review the provisions of RCW 43.43.700 through 43.43.785 and the administration thereof and shall consult with and advise the chief of the state patrol on matters pertaining to the policies of criminal justice services program.

The council shall appoint technical advisory committees comprised of members of criminal justice agencies having demonstrated technical expertise in the various fields of specialty within the program. [1972 ex.s. c 152 § 21.]

**43.43.810 Obtaining information by false pretenses—Unauthorized use of information—Falsifying records—Penalty.** Any person who wilfully requests, obtains or seeks to obtain criminal offender record information under false pretenses, or who wilfully communicates or seeks to communicate criminal offender record information to any agency or person except in accordance with \*this act, or any member,

officer, employee or agent of the section, the council or any participating agency, who wilfully falsifies criminal offender record information, or any records relating thereto, shall for each such offense be fined not more than five thousand dollars, or imprisoned not more than one year or both. [1972 ex.s. c 152 § 23.]

**\*Reviser's note:** "this act" [1972 ex.s. c 152], see note following RCW 43.43.705.

**43.43.820 Stale records.** Stale records shall be destroyed in a manner to be prescribed by the chief. [1972 ex.s. c 152 § 25.]

**43.43.850 Crime intelligence unit—Created.** There is hereby created in the Washington state patrol an organized crime intelligence unit which shall be under the direction of the chief of the Washington state patrol. [1973 1st ex.s. c 202 § 1.]

**43.43.852 "Organized crime" defined.** For the purposes of RCW 43.43.850 through 43.43.864 "organized crime" means those activities which are conducted and carried on by members of an organized, disciplined association, engaged in supplying illegal goods and services and/or engaged in criminal activities in contravention of the laws of this state or of the United States. [1973 1st ex.s. c 202 § 2.]

**43.43.854 Powers and duties of crime intelligence unit.** The organized crime intelligence unit shall collect, evaluate, collate, and analyze data and specific investigative information concerning the existence, structure, activities and operations of organized crime and the participants involved therein; coordinate such intelligence data into a centralized system of intelligence information; furnish and exchange pertinent intelligence data with law enforcement agencies and prosecutors with such security and confidentiality as the chief of the Washington state patrol may determine; develop intelligence data concerning the infiltration of organized crime into legitimate businesses within the state of Washington and furnish pertinent intelligence information thereon to law enforcement agencies and prosecutors in affected jurisdictions; and may assist law enforcement agencies and prosecutors in developing evidence for purposes of criminal prosecution of organized crime activities upon request. [1973 1st ex.s. c 202 § 3.]

**43.43.856 Divulging investigative information prohibited—Confidentiality—Security of records and files.** (1) On and after April 26, 1973 it shall be unlawful for any person to divulge specific investigative information pertaining to activities related to organized crime which he has obtained by reason of public employment with the state of Washington or its political subdivisions unless such person is authorized or required to do so by operation of state or federal law. Any person violating this subsection shall be guilty of a felony.

(2) Except as provided in RCW 43.43.854, or pursuant to the rules of the supreme court of Washington, all of the information and data collected and processed by

the organized crime intelligence unit shall be confidential and not subject to examination or publication pursuant to chapter 42.17 RCW (Initiative Measure No. 276).

(3) The chief of the Washington state patrol shall prescribe such standards and procedures relating to the security of the records and files of the organized crime intelligence unit, as he deems to be in the public interest with the advice of the governor and the board. [1973 1st ex.s. c 202 § 4.]

**43.43.858 Organized crime intelligence advisory board—Created—Membership—Meetings—Travel expenses.** There is hereby created the organized crime intelligence advisory board of the legislature of the state of Washington. The board shall consist of eight members.

The lieutenant governor shall appoint four members of the senate to the board. Two members shall be from the senate ways and means committee. Two members shall be from the senate judiciary committee. The appointments shall include one member of each major political party represented on each committee.

The speaker of the house shall appoint four members of the house to the board. Two members shall be from the house ways and means committee. Two members shall be from the house judiciary committee. The appointments shall include one member of each major political party represented on each committee.

The members of the board shall be qualified on the basis of knowledge and experience in matters relating to crime prevention and security or with such other abilities as may be expected to contribute to the effective performance of the board's duties. The members of the board shall meet with the chief of the Washington state patrol at least twice a year to perform the duties enumerated in RCW 43.43.862 and to discuss any other matters related to organized crime. Members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 44.04.120 as now existing or hereafter amended. [1975-'76 2nd ex.s. c 34 § 115; 1973 1st ex.s. c 202 § 5.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.43.860 Organized crime intelligence advisory board—Terms of members.** The term of each member shall be two years and shall be conditioned upon such member retaining membership on the committee on which he was serving at the time of appointment and retaining membership in the same political party of which he was a member at the time of appointment. [1973 1st ex.s. c 202 § 6.]

**43.43.862 Organized crime intelligence advisory board—Powers and duties.** The board shall:

(1) Advise the governor on the objectives, conduct, management, and coordination of the various activities encompassing the overall state-wide organized crime intelligence effort;

(2) Conduct a continuing review and assessment of organized crime and related activities in which the organized crime intelligence unit of the Washington state patrol is engaged;

(3) Receive, consider and take appropriate action with respect to matters related to the board by the organized crime intelligence unit of the Washington state patrol in which the support of the board will further the effectiveness of the state-wide organized crime intelligence effort; and

(4) Report to the governor concerning the board's findings and appraisals, and make appropriate recommendations for actions to achieve increased effectiveness of the state's organized crime intelligence effort in meeting state and national organized crime intelligence needs. [1973 1st ex.s. c 202 § 7.]

**43.43.864 Information to be furnished board—Security—Confidentiality.** In order to facilitate performance of the board's functions, the chief of the Washington state patrol shall make available to the board all information with respect to organized crime and related matters which the board may require for the purpose of carrying out its responsibilities to the governor in accordance with the provisions of RCW 43.43.850 through 43.43.864. Such information made available to the board shall be given all necessary security protection in accordance with the terms and provisions of applicable laws and regulations and shall not be revealed or divulged publicly or privately by members of the board. [1973 1st ex.s. c 202 § 8.]

**43.43.900 Severability—1969 c 12.** If any provision of this chapter or its application to any person or circumstance is held invalid the remainder of the chapter, or its application of the provision to any other person or circumstances is not affected. [1969 c 12 § 9.]

**43.43.910 Severability—1972 ex.s. c 152.** 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. [1972 ex.s. c 152 § 22.]

**43.43.911 Severability—1973 1st ex.s. c 202.** 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. [1973 1st ex.s. c 202 § 9.]

## Chapter 43.46 ARTS COMMISSION

### Sections

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**43.46.010 Declaration of purpose.** It is hereby declared that the preservation and development of beauty is essential to the progress and growth of the state of Washington. The growth and development of the arts provides for the general welfare and is hereby declared to be an appropriate matter of concern to the government of the state of Washington. This growth and development has enabled the state of Washington, although comparatively young in years, to produce many artists and writers of national and international fame. [1965 c 8 § 43.46.010. Prior: 1961 c 301 § 1.]

**43.46.020 Commission established—Composition.** There is hereby established a Washington state arts commission. The commission shall be composed of twenty-one members appointed by the governor. Two members shall be members of the legislature, one to be appointed from the senate and one to be appointed from the house of representatives. The legislative members so appointed shall be from opposite major political parties. The remaining members shall be appointed representing the various categories of the arts including architecture, painting, sculpture, music, landscape architecture, crafts, literature, graphic arts, theatre arts and dance. The governor shall consider nominations for membership from architectural, art, music, literary and other cultural organizations. Members shall be selected where practicable from the various geographical areas of the state. [1967 ex.s. c 125 § 3; 1965 c 8 § 43.46.020. Prior: 1961 c 301 § 2.]

**43.46.030 Terms—Vacancies.** Initial appointments shall be seven members for one year terms, seven members for two year terms and seven members for three year terms. The office of a legislative member shall become vacant whenever he ceases to be a member of the senate or house of representatives from which he was appointed. Subsequent appointments shall be for three year terms except appointments for vacancies which shall be for unexpired terms. [1967 ex.s. c 125 § 4; 1965 c 8 § 43.46.030. Prior: 1961 c 301 § 3.]

**43.46.040 Compensation—Organization—Officers—Rules—Quorum.** Members of the commission shall serve without compensation. The commission shall organize, elect a chairman annually, and adopt its own rules and regulations. A majority of its members shall constitute a quorum. [1965 c 8 § 43.46.040. Prior: 1961 c 301 § 4.]

**43.46.045 Executive secretary—Employees.** The commission may select and employ a full time executive secretary, who shall receive no other salary and shall not be otherwise gainfully employed. Subject to the provisions of chapter 41.06 RCW, the commission may also employ such clerical and other assistants as may be reasonably required to carry out its functions and shall fix their compensation. [1967 ex.s. c 125 § 2.]

**43.46.050 Powers and duties generally.** The commission shall meet, study, plan, and advise the governor, the various departments of the state and the state legislature and shall make such recommendations as it deems proper for the beautification and cultural development of the state of Washington. [1965 c 8 § 43.46.050. Prior: 1961 c 301 § 5.]

**43.46.055 Development of arts and humanities.** The commission may develop, promote and administer any activity, project, or program within or without this state which is related to the growth and development of the arts and humanities in the state of Washington and may cooperate with any person or public or private agency to this end. [1967 ex.s. c 125 § 1.]

**43.46.060 Gifts and grants.** The commission may accept gifts and grants upon such terms as the commission shall deem proper. [1965 c 8 § 43.46.060. Prior: 1961 c 301 § 6.]

**43.46.070 Annual reports.** The commission shall make an annual report of its proceedings and recommendations to the governor. [1965 c 8 § 43.46.070. Prior: 1961 c 301 § 7.]

**43.46.080 Designation of poet laureate authorized.** The commission shall have the authority to designate a poet laureate for the state of Washington. [1965 c 8 § 43.46.080. Prior: 1961 c 301 § 9.]

**43.46.090 Commission as reflecting state's responsibility—Acquisition of works of art for use in public buildings.** The legislature recognizes this state's responsibility to foster culture and the arts and its interest in the viable development of her artists and craftsmen by the establishment of the Washington state arts commission. The legislature declares it to be a policy of this state that a portion of appropriations for capital expenditures be set aside for the acquisition of works of art to be used for public buildings. [1974 ex.s. c 176 § 1.]

*Agencies to expend moneys for acquisition of works of art—Conditions: RCW 43.17.200.*

*Colleges and universities, purchases of works of art—Procedure: RCW 28B.10.025.*

*Purchase of works of art—Procedure: RCW 43.19.455.*

*School districts, purchases of works of art—Procedure: RCW 28A.58.055.*

## Chapter 43.49

### COLUMBIA BASIN COMMISSION

Sections	
43.49.010	Commission created—Composition.
43.49.020	Commission divided into sections.
43.49.030	General powers—Quorum—Meetings.
43.49.040	Powers of reclamation section.
43.49.050	Powers of resources section.
43.49.060	Secretary and employees—Out-of-state expenses.
43.49.070	Cooperation of state departments—Reports—Hearings.

**Reviser's note:** The Columbia basin commission was abolished by 1967 c 242 § 20 [RCW 43.27A.180] and its powers, duties, and functions were transferred to the department of water resources by 1967 c 242 § 8 [RCW 43.27A.080], which also authorized the creation of a

Columbia basin division in that department. The department of water resources was abolished by 1970 ex.s. c 62 § 26 [RCW 43.21A.300] and its powers, duties, and functions were transferred to the department of ecology by 1970 ex.s. c 62 § 6 [RCW 43.21A.060].

*Reclamation district commission, membership: RCW 89.30.055.*

#### **43.49.010 Commission created—Composition.**

There shall be a nonsalaried commission to be known as the Columbia Basin commission, which shall consist of seven members, namely: One member designated by and from among the directors of the Quincy-Columbia Basin irrigation district, one designated by and from among the directors of the East Columbia Basin irrigation district, one designated by and from among the directors of the South Columbia Basin irrigation district; three members appointed by the governor, and removable by him at his pleasure; and the director of conservation who shall be chairman of the commission.

Not later than the first day of February each year, each of the respective irrigation district boards shall select one of its members to serve on the Columbia Basin commission for the ensuing year, and shall thereupon forthwith certify such selection to the governor. The term of any member designated by an irrigation district shall terminate when his successor has been certified to the governor or upon the expiration of his term as irrigation district director.

Each member of the commission, except the director of conservation shall receive fifteen dollars per day and transportation while actually engaged in the performance of his duties within the state. [1965 c 8 § 43.49.010. Prior: 1943 c 283 § 1; 1933 c 81 § 1; RRS § 3017-1.]

#### **43.49.020 Commission divided into sections.** The commission shall be divided into two groups known as the reclamation section and the resources section which shall function jointly and separately as hereinafter provided.

The membership of the reclamation section shall consist of the three members representing the three Columbia Basin irrigation districts and the director of conservation, who shall be chairman of the section.

The membership of the resources section shall consist of the three members appointed by the governor and the director of conservation, who shall be chairman of the section. [1965 c 8 § 43.49.020. Prior: 1943 c 283 § 2; RRS § 3017-1a.]

#### **43.49.030 General powers—Quorum—Meetings.**

The Columbia Basin commission shall study and promote the development and utilization of the agricultural, water, power, mineral, timber, recreational, and other natural resources of the Columbia river basin, with special reference to those parts embracing the Columbia Basin irrigation project, Grand Coulee power project, and tributary areas. A majority of the commission shall constitute a quorum. The commission shall meet at the call of the chairman, and in no event less than twice a year. [1965 c 8 § 43.49.030. Prior: 1943 c 283 § 3; 1935 c 132 § 1; 1933 c 81 § 2; RRS § 3017-2.]

#### **43.49.040 Powers of reclamation section.** The reclamation section of the Columbia Basin commission shall advise and assist the board of directors of the Columbia Basin irrigation districts in matters relating to the construction and development of the Columbia Basin irrigation project by the federal government to the end that full benefits may be realized at the earliest feasible time to the nation, state, and region.

None of the powers and duties of the commission shall be construed to interfere or conflict with or supersede the powers and duties of the boards of directors of said districts, but in order to effectively advise and assist the districts, landowners, and settlers, the reclamation section shall:

(1) Formulate and promote the passage of state and national legislation prescribing the basis for repayment contracts between the federal government and the irrigation districts, for appraisal of lands and the disposition of excess land holdings, and for the selection of settlers and the settlement and development of project lands;

(2) Review studies heretofore made and undertake studies of its own in order to determine the amount of irrigation construction costs which can be safely assumed and repaid by the project farmers under the terms of the national reclamation act; aid in securing a sufficient allocation of power revenues from the Coulee Dam power development to cover any portion of construction costs which cannot be safely assumed and repaid by the project farmers, and aid the irrigation districts in securing repayment contracts that are safe and equitable to both contracting parties;

(3) Give broad study to the relative merits of the various plans for delivery and distribution of irrigation water to the several portions of the project area, and suggest and advocate the adoption of that plan which appears to most adequately satisfy future and present requirements;

(4) At proper and opportune times urge upon congress the appropriation of funds for commencement of construction of the irrigation project and for its progressive prosecution at rates commensurate with the rate of settlement and development of the project lands;

(5) Study methods and plans for settlement and development of the project lands and actively cooperate with and render aid to federal and other agencies engaged therein;

(6) Engage in a general educational program to gain general recognition of the benefits which will accrue from the project to the state and nation through creation of new wealth, and provide data and information for members of congress, any committee thereof, and for federal officials as an aid in securing needed legislation, contracts, and timely appropriations for the project; and the reclamation section shall be charged with responsibility for studying and obtaining state-wide and national recognition of the potentialities of this project for immediate postwar employment;

(7) Study and further the establishment of such industrial enterprises within or adjacent to the project as will utilize electric energy developed at Coulee Dam and food and fiber crops grown upon the project; and the

reclamation section may study and make recommendations with respect to any major matters or plans affecting the economic and social aspect of the project and its present and prospective inhabitants. [1965 c 8 § 43.49-.040. Prior: 1943 c 283 § 4; RRS § 3017-2a.]

**43.49.050 Powers of resources section.** The resources section of the Columbia Basin commission shall study and promote the development of the hydroelectric resources of the Columbia river and further promote the discovery and use of all mineral, agricultural, and industrial resources of the Columbia river basin. [1965 c 8 § 43.49.050. Prior: 1943 c 283 § 5; RRS § 3017-2b.]

**43.49.060 Secretary and employees—Out-of-state expenses.** The Columbia Basin commission may employ secretaries and such other persons as may be necessary to carry out its functions, fix the compensation to be paid to such employees, and expend funds allocated under the provisions of law as may be necessary for such purposes.

Whenever the commission finds it necessary or desirable, in the interest of the attainment of any of its lawful objectives, to delegate its members, officers, or employees to temporary duties at points outside the state, such representatives, in addition to any other compensation provided for, may be reimbursed in full for actual and necessary traveling, lodging, and subsistence expenses incurred while so engaged. [1965 c 8 § 43.49.060. Prior: 1943 c 283 § 6; 1933 c 81 § 3; RRS § 3017-3.]

**43.49.070 Cooperation of state departments—Reports—Hearings.** The records and data of all state officials and departments shall be available to the commission and its sections, and all officers and departments are directed to cooperate with the commission and its sections.

The commission shall report to all regular and special sessions of the legislature and present statements in detail of all activities, expenditures, and developments, and may recommend such legislation as may be required to promote the construction and development of the project. The commission may hold hearings and subpoena and serve compulsory process to compel the attendance of witnesses before it. [1965 c 8 § 43.49.070. Prior: 1943 c 283 § 7; 1933 c 81 § 4; RRS § 3017-4.]

**Chapter 43.51**

**PARKS AND RECREATION COMMISSION**

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*Categories of trails—Policy statement as to certain state lands: RCW 67.32.080.*

*Disposition of ATV registration fees: RCW 46.09.110.*

*Distribution of snowmobile registration fees: RCW 46.10.080.*

*Ecological commission, commission representation at meetings of: RCW 43.21A.170.*

*Natural area preserves: Chapter 79.70 RCW.*

*Penalty for violation of rules, etc., of parks and recreation commission relating to conveyances for recreational activities: RCW 70.88.040.*

*Port district must submit park or recreational facility plans to commission: RCW 53.08.270.*

*Public land acts of special or historical nature (including state park acts) not codified in RCW: See subject index, Title 79 RCW.*

*"Public place" not to include certain parks: RCW 66.04.011.*

*Refunds from motor vehicle fund of amounts taxed as ATV fuel—Distribution—Use: RCW 46.09.170.*

*Scenic and recreational highway act, powers and duties of parks and recreation commission: RCW 47.39.030, 47.39.040.*

*State lands used for state parks, payment of rental value: RCW 79.08.1062.*

*State recreation trails system: Chapter 67.32 RCW.*

*Thermal nuclear plant site evaluation council, director a member: RCW 80.50.030.*

*Treasurer's duty to refund snowmobile fuel tax to general fund—Crediting—Use: RCW 46.10.150.*

**43.51.010 Definitions.** For purposes of this chapter, "recreation" means those activities of a voluntary and leisure time nature which aid in promoting entertainment, pleasure, play, relaxation, or instruction.

"Commission" means state parks and recreation commission. [1965 c 8 § 43.51.010. Prior: 1947 c 271 § 2; RRS § 10768-1.]

**43.51.020 Commission created—Composition—Compensation and expenses.** There is hereby created a "state parks and recreation commission" consisting of seven electors of the state. The members of the commission shall be appointed by the governor by and with the advice and consent of the senate and shall serve for a term of six years, expiring on December 31st of even-numbered years, and until their successors are appointed. In case of a vacancy, the governor shall fill the vacancy for the unexpired term of the commissioner whose office has become vacant.

The commissioners incumbent as of August 11, 1969 shall serve as follows: Those commissioners whose terms expire December 31, 1970, shall serve until December

31, 1970; the elector appointed to succeed to the office, the term for which expired December 31, 1968, shall serve until December 31, 1974; the terms of three of the four remaining commissioners shall each expire on December 31, 1972.

To assure that no more than the terms of three members will expire simultaneously on December 31st in any one even-numbered year, the term of not more than one commissioner incumbent on August 11, 1969, as designated by the governor, who was either appointed or reappointed to serve until December 31, 1972, shall be increased by the governor by two years, and said term shall expire December 31, 1974.

In making the appointments to the commission, the governor shall choose electors who understand park and recreation needs and interests. No person shall serve if he holds any elective or full time appointive state, county, or municipal office. Members of the commission shall be entitled to be paid twenty-five dollars for each day actually spent on duties pertaining to the commission, and in addition shall be allowed their travel expenses incurred while absent from their usual places of residence in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Payment of expenses pertaining to the operation of the commission, shall be made upon vouchers certified to by such persons as shall be designated by the commission. [1975-'76 2nd ex.s. c 34 § 116; 1969 ex.s. c 31 § 1; 1965 ex.s. c 132 § 1; 1965 c 8 § 43.51.020. Prior: 1947 c 271 § 1; 1945 c 36 § 1; 1921 c 7 § 10; RRS § 10768.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.51.030 Chairman—Meetings—Quorum.** The commission shall elect one of its members as chairman. The commission may be convened at such times as the chairman deems necessary, and a majority shall constitute a quorum for the transaction of business. [1965 c 8 § 43.51.030. Prior: 1947 c 271 § 3; RRS § 10768-2.]

**43.51.040 Powers and duties—Mandatory.** The commission shall:

(1) Have the care, charge, control, and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes.

(2) Adopt, promulgate, issue, and enforce rules and regulations pertaining to the use, care, and administration of state parks and parkways, which shall become effective ten days after adoption. The commission shall cause a copy of the rules and regulations to be kept posted in a conspicuous place in every state park to which they are applicable, but failure to post or keep any rule or regulation posted shall be no defense to any prosecution for the violation thereof.

(3) Permit the use of state parks and parkways by the public under such rules and regulations as shall be prescribed.

(4) Clear, drain, grade, seed, and otherwise improve or beautify parks and parkways, and erect structures, buildings, fireplaces, and comfort stations and build and maintain paths, trails, and roadways through or on parks and parkways.



(5) Grant concessions in state parks and parkways, upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than twenty years, and upon such conditions as shall be approved by the commission: *Provided*, That the commission may, by unanimous consent of its members grant such concessions for terms not to exceed forty years in state parks and parkways lying within the Columbia basin area in Douglas, Grant, Franklin, and Walla Walla counties and within Mount Spokane state park. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway.

(6) Employ such assistance as it deems necessary.

(7) By majority vote of its authorized membership select and purchase or obtain options upon, lease, or otherwise acquire for and in the name of the state such tracts of land, including shore and tide lands, for park and parkway purposes as it deems proper. If the commission cannot acquire any tract at a price it deems reasonable, it may, by majority vote of its authorized membership, obtain title thereto, or any part thereof, by condemnation proceedings conducted by the attorney general as provided for the condemnation of rights of way for state highways. Option agreements executed under authority of this subdivision shall be valid only if:

(a) The cost of the option agreement does not exceed one dollar; and

(b) Moneys used for the purchase of the option agreement are from (i) funds appropriated therefor, or (ii) funds appropriated for undesignated land acquisitions, or (iii) funds deemed by the commission to be in excess of the amount necessary for the purposes for which they were appropriated; and

(c) The maximum amount payable for the property upon exercise of the option does not exceed the appraised value of the property.

(8) Cooperate with the United States, or any county or city of this state, in any matter pertaining to the acquisition for park and parkway purposes of any area not within the limits of any city, and in the care, control, or supervision of any park or parkway, and enter into contracts in writing to that end. All parks or parkways, to the acquisition or improvement of which the state shall have contributed or in whose care, control, or supervision the state shall participate pursuant to the provisions of this section, shall be governed by the provisions hereof.

(9) Investigate and report to the governor on or before the first day of January next preceding the regular session of the legislature regarding any proposed park or parkway, and make recommendations respecting other regions in the state desirable for state park or parkway purposes. [1967 ex.s. c 90 § 1; 1965 c 8 § 43.51.040. Prior: 1959 c 317 § 1; 1955 c 391 § 1; 1929 c 148 § 1; 1923 c 157 § 1; 1921 c 149 § 2; RRS § 10942.]

*Inspection of recreational devices: Chapter 70.88 RCW.*

**43.51.050 Additional powers and duties.** The commission may: (1) Study and appraise parks and recreational needs of the state and assemble and disseminate information relative to parks and recreation;

(2) Make provisions for the publication and sale in state parks of recreational and historical literature; and

(3) Coordinate the parks and recreational functions of the various state departments, and cooperate with state and federal agencies in the promotion of parks and recreational opportunities. [1965 c 8 § 43.51.050. Prior: 1955 c 391 § 2; 1947 c 271 § 4; RRS § 10768-3.]

**43.51.060 Further powers—Director of parks and recreation—Salaries.** The commission may: (1) Make rules and regulations for the proper administration of its duties;

(2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes;

(3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;

(4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;

(5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;

(6) Charge such fees for services, utilities, and use of facilities as the commission shall deem proper. All fees received by the commission shall be deposited with the state treasurer in the state general fund;

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed ten years; and

(8) Determine the qualifications of and employ a director of parks and recreation who shall receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040, and upon his recommendation, a supervisor of recreation, and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof;

(9) Without being limited to the powers hereinbefore enumerated, the commission shall have such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter: *Provided*, That the commission shall not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose. [1969 c 99 § 1; 1965 c 8 § 43.51.060. Prior: 1961 c 307 § 12; 1955 c 391 § 3; 1947 c 271 § 5; RRS § 10768-4.]

**Effective date—1969 c 99:** "This 1969 amendatory act shall take effect July 1, 1969." [1969 c 99 § 12.] This applies to RCW 43.51.060, 43.51.090, 43.51.210, 43.79.405, 46.16.060, 46.20.161, 46.20.181, 46.68.030, 46.68.041, 46.68.050 and 46.68.060.

*Interagency committee for outdoor recreation, director as member:* RCW 43.99.110.

**43.51.061 Delegation of commission's powers and duties to director.** Notwithstanding any other provisions of this chapter or of other laws relating to the commission, the commission may delegate to the director of parks and recreation such powers and duties of the commission as they may deem proper. [1969 ex.s. c 31 § 2.]

**43.51.062 Lease of park lands for television stations.** The state parks and recreation commission is hereby authorized to lease the use of such areas in Mount Spokane state park, Steptoe Butte state park, Kamiak Butte state park or any other state park for television stations as the commission may decide are suitable for that purpose: *Provided*, That this authority shall not extend to school lands or lands held by the state of Washington for educational purposes. [1965 c 8 § 43.51.062. Prior: 1953 c 39 § 1.]

**Validating**—1953 c 39: "Any lease authorizing the use of any portion of Mount Spokane state park for a television station which the state parks and recreation commission has already made is hereby validated and confirmed, and the parties thereto are bound by the terms thereof." [1953 c 39 § 2.]

**Construction**—1953 c 39: "The authority conferred by this act is in addition to the powers and authority now conferred upon the state parks and recreation commission, and this act shall not be construed to repeal or limit, by implication or otherwise, any authority or power now conferred by law upon the state parks and recreation commission." [1953 c 39 § 3.] The two foregoing annotations apply to RCW 43.51.062.

**43.51.063 Lease of park lands for television stations—Lease rental rates, terms—Attachment of antennae.** The commission shall determine the fair market value for television station leases based upon independent appraisals and existing leases for television stations shall be extended at said fair market rental for at least one period of not more than twenty years: *Provided*, That the rates in said leases shall be renegotiated at five year intervals: *Provided further*, That said stations shall permit the attachment of antennae of publicly operated broadcast and microwave stations where electronically practical to combine the towers: *Provided further*, That notwithstanding any term to the contrary in any lease, this section shall not preclude the commission from prescribing new and reasonable lease terms relating to the modification, placement or design of facilities operated by or for a station, and any extension of a lease granted under this section shall be subject to this proviso: *Provided further*, That notwithstanding any other provision of law the director in his discretion may waive any requirement that any environmental impact statement or environmental assessment be submitted as to any lease negotiated and signed between January 1, 1974 and December 31, 1974. [1974 ex.s. c 151 § 1.]

**43.51.070 Donations of land for park purposes.** The commission may receive and accept donations of lands for state park purposes, and shall have the management and control of all lands so acquired. It may from time to time recommend to the legislature the acquisition of lands for park purposes by purchase or condemnation. [1965 c 8 § 43.51.070. Prior: 1913 c 113 § 2; RRS § 10940.]

**43.51.080 Parks in island counties.** Whenever any tract of land not exceeding one hundred acres in area considered as a whole regardless of ownership, situated in a county composed entirely of islands and bounded on two or more sides by an established state park, shall in the judgment of the commission be desirable for state park purposes, the commission may lease, purchase, or condemn said tract for park purposes and incorporate it within the adjoining established park: *Provided*, That nothing in this act [1925 ex.s. c 92] shall in any manner abridge the full effect of any existing powers heretofore granted to the state parks and recreation commission. [1965 c 8 § 43.51.080. Prior: 1925 ex.s. c 92 § 1; RRS § 10942-1.]

**43.51.090 Bequests and donations of money.** The commission may receive in trust any money donated or bequeathed to it, and carry out the terms of such donation or bequest, or, in the absence of such terms, expend the same as it may deem advisable for park or parkway purposes.

Money so received shall be deposited in the state general fund. [1969 c 99 § 2; 1965 c 8 § 43.51.090. Prior: 1923 c 157 § 2; 1921 c 149 § 3; RRS § 10943.]

**43.51.100 Withdrawal of granted lands on public highways.** Inasmuch as the value of land with standing timber is increasing and will continue to increase from year to year and no loss will be caused to the common school fund or other fund into which the proceeds of the sale of any land held by the state would be paid by postponing the sale thereof, the commissioner of public lands may, upon his own motion, and shall, when directed so to do by the state parks and recreation commission, withdraw from sale any land held by the state abutting on any public highway and certify to the commission that such land is withheld from sale pursuant to the terms of this section.

Such lands shall not be sold until directed by the legislature, and shall in the meantime be under the care, charge, control, and supervision of the commission. [1965 c 8 § 43.51.100. Prior: 1921 c 149 § 4; RRS § 10944.]

**43.51.110 Withdrawal of other lands—Exchange for lands on highway.** The commissioner of public lands may, upon his own motion, and shall, when directed so to do by the state parks and recreation commission, withdraw from sale any land held by the state and not acquired directly from the United States with reservations as to the manner of sale thereof and the purposes for which it may be sold, and certify to the commission that such land is withheld from sale pursuant to the terms of this section.

All such land shall be under the care, charge, control, and supervision of the state parks and recreation commission, and after appraisal in such manner as the commission directs may be exchanged for land of equal value abutting upon a public highway, and to this end the chairman and secretary of the commission may execute deeds of conveyance in the name of the state. [1965 c 8 § 43.51.110. Prior: 1921 c 149 § 5; RRS § 10945.]

**43.51.120 Dedication as parks and parkways.** All state parks and parkways, subject to the provisions of this chapter are set apart and dedicated as public parks and parkways for the benefit and enjoyment of all the people of this state. [1965 c 8 § 43.51.120. Prior: 1921 c 149 § 6; RRS § 10946.]

**43.51.130 Permits for improvement of parks.** The state parks and recreation commission may grant permits to improvement clubs or voluntary associations, or committees representing such clubs or associations, to improve, without expense to the state, any state park or parkway, or any lands belonging to the state and withdrawn from sale under the provisions of this chapter. [1965 c 8 § 43.51.130. Prior: 1929 c 83 § 1; RRS § 10946-1.]

**43.51.140 Application for permit.** Any such club, association, or committee, desiring to obtain such permit, shall make application therefor in writing to the commission, describing the lands proposed to be improved and stating the nature of the proposed improvement, and the name and general purpose of the club or association, and the names and places of residence of its officers, and, in case the application is made by a committee, the names and places of residence of the members thereof.

Such application shall be accompanied by a certificate of a judge of the superior court of the county in which the lands are situated, to the effect that he is acquainted with the officers of the club or association, or the members of the committee, making the application, and that he knows them to be persons of good repute in the community in which they reside. [1965 c 8 § 43.51.140. Prior: 1929 c 83 § 2; RRS § 10946-2.]

**43.51.150 Plans and specifications.** If the state parks and recreation commission determines that the proposed improvement will be of benefit to the public, it shall require the applicant to submit detailed plans and specifications of the proposed improvement, which, as submitted, or as modified by the state parks commission, shall be incorporated in the permit when granted. [1965 c 8 § 43.51.150. Prior: 1929 c 83 § 3; RRS § 10946-3.]

**43.51.160 Surety bond.** Before any permit shall be granted, the applicant shall execute and file with the secretary of state a bond payable to the state, in such penal sum as the commission shall require, with good and sufficient sureties to be approved by the commission, conditioned that the grantee of the permit will make the improvement in accordance with the plans and specifications contained in the permit, and will pay all cost of the improvement and the claims of all laborers and materialmen employed in making or furnishing material for such improvement, and, in case the improvement is made upon lands withdrawn from sale under the provisions of RCW 43.51.100, will pay into the state treasury to the credit of the fund to which the proceeds of the sale of such lands would belong, the appraised value of all merchantable timber and material on the land,

destroyed, or used in making such improvement. [1965 c 8 § 43.51.160. Prior: 1929 c 83 § 4; RRS § 10946-4.]

**43.51.170 Police powers vested in commission and employees.** The members of the state parks and recreation commission and such of its employees as the commission may designate shall be vested with police powers to enforce the laws of this state. [1965 c 8 § 43.51.170. Prior: 1921 c 149 § 7; RRS § 10947.]

**43.51.180 Penalties.** Every person who:

(1) Cuts, breaks, injures, destroys, takes or removes any tree, shrub, timber, plant, or natural object in any park or parkway; or

(2) Kills, or pursues with intent to kill, any bird or animal in any park or parkway; or

(3) Takes any fish from the waters of any park or parkway, except in conformity with such general rules and regulations as the commission may prescribe; or

(4) Wilfully mutilates, injures, defaces, or destroys any guidepost, notice, tablet, fence, inclosure, or work for the protection or ornamentation of any park or parkway; or

(5) Lights any fire upon any park or parkway, except in such places as the commission has authorized, or wilfully or carelessly permits any fire which he has lighted or which is under his charge, to spread or extend to or burn any of the shrubbery, trees, timber, ornaments, or improvements upon any park or parkway, or leaves any campfire which he has lighted or which has been left in his charge, unattended by a competent person, without extinguishing it; or

(6) Places within any park or parkway or affixes to any object therein contained, without a written license from the commission, any word, character, or device designed to advertise any business, profession, article, thing, exhibition, matter, or event; or

(7) Violates any rule or regulation adopted, promulgated, or issued by the commission pursuant to the provisions of this chapter; shall be guilty of a misdemeanor. [1965 c 8 § 43.51.180. Prior: 1921 c 149 § 8; RRS § 10948.]

*Depositing glass, debris, etc., on parks or beaches, penalty, removal: RCW 46.61.650.*

**43.51.210 Disposal of land not needed for park purposes.** Whenever the state parks and recreation commission finds that any land under its control cannot advantageously be used for park purposes, it is authorized to dispose of such land. If such lands are school or other grant lands, control thereof shall be relinquished by resolution of the commission to the proper state officials. If such lands were acquired under restrictive conveyances by which the state may hold them only so long as they are used for park purposes, they may be returned to the donor or grantors by the commission. All other such lands may be either sold by the commission to the highest bidder or exchanged for other lands of equal value by the commission, and all conveyance documents shall be executed by the governor. Sealed bids on all sales shall be solicited at least twenty days in advance of the sale date by an advertisement appearing at least in

three consecutive issues of a newspaper of general circulation in the county in which the land to be sold is located. If the commission feels that no bid received adequately reflects the fair value of the land to be sold, it may reject all bids, and may call for new bids. All proceeds derived from the sale of such park property shall be paid into the state general fund. All land considered for exchange shall be evaluated by the commission to determine its adaptability to park usage. The equal value of all lands exchanged shall first be determined by the appraisals to the satisfaction of the commission: *Provided*, That no sale or exchange of state park lands shall be made without the unanimous consent of the commission. [1971 ex.s. c 246 § 1; 1969 c 99 § 3; 1965 c 8 § 43.51.210. Prior: 1953 c 64 § 1; 1947 c 261 § 1; RRS § 10951a.]

*Exchange of lands to secure state park lands: RCW 79.08.108.*

**43.51.215 Exchange of state land by commission—Public notice—News release—Hearing—Procedure.** At least ten days but not more than twenty-five days before the director of parks and recreation presents a proposed exchange to the parks and recreation commission involving an exchange of state land pursuant to this chapter, the director shall hold a public hearing on the proposal in the county where the state lands or the greatest proportion thereof is located. Ten days but not more than twenty-five days prior to such hearing, the director shall publish a paid public notice of reasonable size in display advertising form, setting forth the date, time, and place of the hearing, at least once in one or more daily newspapers of general circulation in the county and at least once in one or more weekly newspapers circulated in the area where the state owned land is located. A news release pertaining to the hearing shall be disseminated among printed and electronic media in the area where the state land is located. The public notice and news release also shall identify lands involved in the proposed exchange and describe the purposes of the exchange and proposed use of the lands involved. A summary of the testimony presented at the hearings shall be prepared for the commission's consideration when reviewing the director's exchange proposal. If there is a failure to substantially comply with the procedures set forth in this section, then the exchange agreement shall be subject to being declared invalid by a court. Any such suit must be brought within one year from the date of the exchange agreement. [1975 1st ex.s. c 107 § 1.]

*Exchange of land under control of department of natural resources, procedure: RCW 79.08.015.*

**43.51.220 Small boat facilities for Puget Sound authorized.** To encourage the development of the Puget Sound country as a recreational boating area, the commission is authorized to establish landing and other facilities for small pleasure boats at places on Puget Sound frequented by such boats and where the commission shall find such facilities will be of greatest advantage to the users of pleasure boats. The commission is authorized to acquire land or to make use of lands belonging to the state for such purposes, and to construct the necessary floats and other desirable structures

and to make such further development of any area used in connection therewith as in the judgment of the commission is best calculated to facilitate the public enjoyment thereof. [1965 c 8 § 43.51.220. Prior: 1949 c 154 § 1; RRS § 10768-4d.]

**43.51.230 Lease with option to purchase parental school facilities.** The commission may execute leases with options to purchase and then subsequently purchase but not before July 1, 1961, the parental school facilities now or hereafter owned or operated by school districts. Leases with options to purchase shall include such terms and conditions as the commission deems reasonable and necessary to acquire the facilities. Notwithstanding any provisions of law to the contrary, the board of directors of each school district now or hereafter owning or operating parental school facilities may, without submission for approval to the voters of the school district, sell or execute leases with options to purchase such parental school facilities. Leases with options to purchase shall include such terms and conditions as the board of directors deems reasonable and necessary to dispose of the facilities in a manner beneficial to the school district. The commission, if it enters into a lease with option to purchase parental school facilities, may exercise its option and purchase such parental school facilities; and a school district may, if it enters into a lease with an option to purchase parental school facilities, upon exercise of the option to purchase by the commission, sell such parental school facilities and such sale may be accomplished without first obtaining a vote of approval from the electorate of the school district. [1965 c 8 § 43.51.230. Prior: 1959 c 215 § 1.]

*Parental schools—Leases, purchases—Powers of school districts: RCW 72.05.300.*

**43.51.240 Certain tidelands transferred to commission.** The powers, functions, and duties heretofore exercised by the department of fisheries, or its director, respecting the management, control, and operation of the following enumerated tidelands, which are presently suitable for public recreational use, are hereby transferred to the parks and recreation commission which shall also have respecting such tidelands all the powers conferred by chapter 43.51 RCW, as now or hereafter amended, respecting parks and parkways:

Parcel No. 1. (Toandos Peninsula) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 1, 2, and 3, section 5, lots 1, 2, and 3, section 4, and lot 1, section 3, all in township 25 north, range 1 west, W.M., with a frontage of 158.41 lineal chains, more or less.

Parcel No. 2. (Shine) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 1, 2, 3 and that portion of lot 4 lying north of the south 8.35 chains thereof as measured along the government meander line, all in section 35, township 28 north, range 1 east, W.M., with a frontage of 76.70 lineal chains, more or less.

Subject to an easement for right of way for county road granted to Jefferson county December 8, 1941

under application No. 1731, records of department of public lands.

Parcel No. 3. (Mud Bay – Lopez Island) The tidelands of the second class, owned by the state of Washington situate in front of, adjacent to, or abutting upon lots 5, 6 and 7, section 18, lot 5, section 7 and lots 3, 4, and 5, section 8, all in township 34 north, range 1 west, W.M., with a frontage of 172.11 lineal chains, more or less.

Excepting, however, any tideland of the second class in front of said lot 3, section 8 conveyed through deeds issued April 14, 1909 pursuant to the provisions of chapter 24, Laws of 1895 under application No. 4985, records of department of public lands.

Parcel No. 4. (Spencer Spit) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 1, 3, and 4, section 7, and lot 5, section 18 all in township 35 north, range 1 west, W.M., with a frontage of 118.80 lineal chains, more or less.

Parcel No. 5. (Lilliwaup) The tidelands of the second class, owned by the state of Washington, lying easterly of the east line of vacated state oyster reserve plat No. 133 produced southerly and situate in front of, adjacent to or abutting upon lot 9, section 30, lot 8, section 19 and lot 5 and the south 20 acres of lot 4, section 20, all in township 23 north, range 3 west, W.M., with a frontage of 62.46 lineal chains, more or less. [1967 ex.s. c 96 § 1.]

**Severability**—1967 ex.s. c 96: "If any provision of this 1967 act, or its application to any person or circumstance is held invalid, the remainder of this 1967 act, or the application of the provision to other persons or circumstances is not affected." [1967 ex.s. c 96 § 3.] This applies to RCW 43.51.240 and 43.51.250.

*Certain tidelands reserved for recreational use: RCW 79.16.175.*

**43.51.250 Certain tidelands transferred to commission—Access to and from tidelands.** The state parks and recreation commission may take appropriate action to provide public and private access, including roads and docks, to and from the tidelands described in RCW 43.51.240. [1967 ex.s. c 96 § 2.]

**43.51.260 Acquisition of Wallace Falls property authorized.** In addition to all other powers and duties provided by law, the state parks and recreation commission is hereby directed to acquire such real property upon which Wallace Falls on the Wallace River in Snohomish county is located together with such real property in the vicinity thereof as it deems necessary for park purposes.

The state parks and recreation commission shall acquire such property in any manner authorized by law for the acquisition of lands for park and parkway purposes. [1969 c 41 § 1; 1965 c 146 § 2.]

**43.51.270 Purchase of withdrawn state trust lands—Authorized—Terms and conditions.** (1) The board of natural resources and the state parks and recreation commission shall negotiate a sale to the state parks and recreation commission, for park and outdoor recreation purposes, of the trust lands withdrawn as of August 9, 1971 pursuant to law for park purposes and

included within the state parks listed in subsection (2) of this section: *Provided*, That the sale shall be by contract with a pay-off period of not less than ten years, a price of eleven million twenty-four thousand seven hundred forty dollars or the fair market value, whichever is higher, for the land value, and interest not to exceed six percent. All fees collected by the commission beginning in the 1973–1975 biennium shall be applied to the purchase price of the trust lands listed in subsection (2) of this section and any cost of collection pursuant to appropriations from the trust land purchase account created in RCW 43.51.280. The department of natural resources shall not receive any management fee pursuant to the sale. Timber on the trust lands which are the subject of this section shall continue to be under the management of the department of natural resources until such time as the legislature appropriates funds to the parks and recreation commission for purchase of said timber. The legislature hereby requests that the governor include funds for the purchase of said timber in the 1973–1975 biennial budget. The state parks which include trust lands which shall be the subject of this sale pursuant to this section are:

- (2) (a) Penrose Point
- (b) Kopachuck
- (c) Long Beach
- (d) Leadbetter Point
- (e) Nason Creek
- (f) South Whidbey
- (g) Blake Island
- (h) Rockport
- (i) Mt. Pilchuck
- (j) Ginkgo
- (k) Lewis & Clark
- (l) Rainbow Falls
- (m) Bogachiel
- (n) Sequim Bay
- (o) Federation Forest
- (p) Moran
- (q) Camano Island
- (r) Beacon Rock
- (s) Bridle Trails
- (t) Chief Kamiakin (formerly Kamiak Butte)
- (u) Lake Wenatchee
- (v) Fields Springs
- (w) Sun Lakes
- (x) Scenic Beach. [1971 ex.s. c 210 § 1.]

*Withdrawal of state trust lands for park and recreational purpose: RCW 79.08.1072–79.08.1078.*

**43.51.280 Purchase of withdrawn state trust lands—Trust land purchase account.** There is hereby created the trust land purchase account in the state general fund. Any revenues accruing to this account shall be used exclusively for the purchase of a fee interest or such other interest in state trust lands presently used for park purposes as the state parks and recreation commission shall determine and to reimburse the state parks and recreation commission for the cost of collecting such fees beginning with the 1973–75 fiscal biennium. [1971 ex.s. c 210 § 2.]

**43.51.290 Winter recreational parking areas—Establishment, permits, snow removal, maps.** In addition to its other powers, duties, and functions the state parks and recreation commission may:

(1) Plan, construct, and maintain suitable parking areas for winter recreational activities on lands administered or acquired by the commission or as authorized on lands administered by other public agencies by agreement;

(2) Provide and issue upon payment of the proper fee, with the assistance of such authorized agents as may be necessary for the convenience of the public, a permit to park in designated winter recreational area parking spaces;

(3) Administer the snow removal operations for all designated winter recreational area parking spaces; and

(4) Compile, publish, and distribute maps indicating such parking spaces and adjacent trails and areas suitable for winter recreational activities.

The commission may contract with any public or private agency for the actual conduct of such duties, but shall remain responsible for the proper administration thereof. [1975 1st ex.s. c 209 § 1.]

**Severability—1975 1st ex.s. c 209:** "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." [1975 1st ex.s. c 209 § 9.] This applies to RCW 43.51.290 through 43.51.340, 46.61.585, and 46.61.587.

**43.51.300 Winter recreational area parking permit—Fee, duration.** The fee for the issuance of the special winter recreational area parking permit for each winter season commencing on October 1st of each year shall be five dollars annually, unless the person making application therefor is also the owner of a snowmobile registered pursuant to chapter 46.10 RCW, in which case there shall be no fee for the issuance of the permit. All special winter recreational area parking permits shall expire on the last day of September following the issuance of such permit. [1975 1st ex.s. c 209 § 2.]

**Severability—1975 1st ex.s. c 209:** See note following RCW 43.51.290.

**43.51.310 Winter recreational parking account.** There is hereby created the winter recreational parking account in the general fund. All moneys from special winter recreational area parking permits shall be credited to such account and, after the costs of administration, shall be used for the planning, construction, publicity, and maintenance, including snow removal, of winter recreational parking areas and enforcement of laws and rules relating thereto.

The commission may accept gifts, grants, donations, or moneys from any source for deposit in the winter recreational parking account. [1975 1st ex.s. c 209 § 3.]

**Severability—1975 1st ex.s. c 209:** See note following RCW 43.51.290.

**43.51.320 Winter recreational parking areas—Restriction of overnight parking.** The commission may adopt rules and regulations prohibiting or restricting overnight parking at any special state winter recreational

parking areas owned or administered by it. Where such special state winter recreational parking areas are administered by the commission pursuant to an agreement with other public agencies, such agreement may provide for prohibition or restriction of overnight parking. [1975 1st ex.s. c 209 § 4.]

**Severability—1975 1st ex.s. c 209:** See note following RCW 43.51.290.

**43.51.321 Penalty for violation of RCW 43.51.320 or 46.61.585.** See RCW 46.61.587.

**43.51.330 Winter recreational parking areas—Rules.** The commission may adopt such rules as are necessary to implement and enforce RCW 43.51.290 through 43.51.320 and 46.61.585 after consultation with the advisory committee created pursuant to RCW 43.51.340. [1975 1st ex.s. c 209 § 7.]

**Severability—1975 1st ex.s. c 209:** See note following RCW 43.51.290.

**43.51.340 Winter recreation advisory committee.** The parks and recreation commission is hereby directed to form a winter recreation advisory committee to advise in the administration of RCW 43.51.290 through 43.51.330, 46.61.585, and 46.61.587. The advisory committee shall consist of nine persons representing all aspects of winter recreation activities. [1975 1st ex.s. c 209 § 8.]

**Severability—1975 1st ex.s. c 209:** See note following RCW 43.51.290.

## YOUTH DEVELOPMENT AND CONSERVATION CORPS

**43.51.500 Declaration of purpose.** The purpose of RCW 43.51.500 through 43.51.570 is to provide: (1) The opportunity for healthful employment of youths in programs of conservation, developing, improving, and maintaining natural and artificial recreational areas for the welfare of the general public; (2) the opportunity for our youths to learn vocational and work skills, develop good work habits and a sense of responsibility and contribution to society, improvement in personal physical and moral well being, and an understanding and appreciation of nature. [1969 ex.s. c 96 § 1; 1965 c 8 § 43.51.500. Prior: 1961 c 215 § 1.]

**43.51.510 Youth development and conservation division established—Supervisory personnel.** There is hereby created and established a youth development and conservation division within the state parks and recreation commission (hereafter referred to as the "commission"). The commission shall appoint such supervisory personnel as necessary to carry out the purposes of RCW 43.51.500 through 43.51.570. [1965 c 8 § 43.51.510. Prior: 1961 c 215 § 2.]

**43.51.520 Youth development and conservation committee.** There is established a committee of advisors to be known as the youth development and conservation committee (hereinafter referred to as the "committee"). The committee shall be composed of nine members as

follows: A member of the state parks and recreation commission, representatives of the: Department of commerce and economic development, state board of education, department of fisheries, department of game, employment security department, commissioner of public lands, department of water resources, and one member to be appointed by the governor. The members of the committee shall serve without compensation for their time and expenses in fulfilling their duties, except that public employees shall be eligible for their normal compensation as in the performance of regular duties. The committee shall name one of its members as chairman. The committee shall meet on call by the chairman, or as needed to review the operations of the program and recommend in general: The kind of work performed, the training and development provided the enrollers, the public lands designated as project areas, and improvements in the general program. [1969 ex.s. c 96 § 2; 1965 c 8 § 43.51.520. Prior: 1961 c 215 § 3.]

**43.51.530 Composition of youth corps—Qualifications, conditions, period of enrollment, etc.** Composition of the corps shall consist of youths who are citizens of the United States and residents of the state of Washington of good character and health, and who are not more than twenty-one years of age. In order to enroll, an individual must agree to comply with rules and regulations promulgated by the commission. The period of enrollment shall be for thirty, sixty or ninety days or for such shorter period as determined by the commission. If permitted by the commission an individual may reenroll. Enrollment shall basically be allocated on a percentage basis to each of the forty-nine legislative districts on the basis of the ratio that the population of each district bears to the total population of the state of Washington, but the commission may also take into account problems of substantial unemployment in certain areas. [1975 c 7 § 1; 1969 ex.s. c 96 § 3; 1965 c 8 § 43.51.530. Prior: 1961 c 215 § 3.]

**43.51.540 Compensation—Quarters—Hospital services, etc.** (1) The base compensation shall be at the rate of twenty-five dollars per week, except that up to an additional twenty-five dollars per week may be paid on the basis of assigned leadership responsibilities or special skills.

(2) Enrollees shall be furnished quarters, subsistence, medical and hospital services, transportation, equipment, as the commission may deem necessary and appropriate for their needs. Such quarters, subsistence, and equipment may be furnished by any governmental or public agency. [1975 c 7 § 2; 1965 c 8 § 43.51.540. Prior: 1961 c 215 § 5.]

**43.51.545 Compensation—Biweekly payment of compensation authorized.** The compensation of enrollees of any program under RCW 43.51.500 through 43.51.570 may be paid biweekly. [1965 ex.s. c 48 § 3.]

**43.51.550 Laws relating to hours, conditions of employment, civil service, etc., not applicable.** Existing provisions of law with respect to hours of work, rate of

compensation, sick leave, vacation, civil service and unemployment compensation shall not be applicable to enrollees or temporary employees working under the provisions of RCW 43.51.500 through 43.51.570. [1965 c 8 § 43.51.550. Prior: 1961 c 215 § 6.]

**43.51.560 Expenditures, gifts, government surplus materials.** The commission may expend such amounts as necessary for supplies, material and equipment to be used by enrollees in connection with their work, recreation, health, or welfare; the commission shall purchase government surplus materials, supplies and equipment when available and as needed.

The commission may accept any gifts, grants or contributions of money, material, lands, or personal property as it deems appropriate and may administer and dispose of them as it determines to be in the interests of the general public. [1965 c 8 § 43.51.560. Prior: 1961 c 215 § 7.]

**43.51.570 Agreements with private persons to enroll additional people—Commercial activities prohibited—Authorized closures of area.** The commission may, by agreement with an individual or company enroll and supervise additional young persons, who shall be furnished compensation, subsistence, quarters, supplies and materials by the cooperating private company or individual, to develop, maintain or improve natural and artificial recreational areas for the health and happiness of the general public. The corps shall not be engaged in the development, improvement or maintenance of a commercial recreational area or resort, and the individual or corporation entering such agreement with the commission shall make such improved areas available to the general public without cost for a period of at least five years. Private individuals may reserve the right to close the area during periods of fire hazard or during periods when excess damage would be caused by public use. [1975 c 7 § 3; 1973 1st ex.s. c 154 § 85; 1965 c 8 § 43.51.570. Prior: 1961 c 215 § 8.]

**Severability—1973 1st ex.s. c 154:** See note following RCW 2.12.030.

**43.51.580 Agreements with and acceptance of grants from federal government authorized.** The state parks and recreation commission is authorized to enter into agreements with and accept grants from the federal government for the support of any program within the purposes of RCW 43.51.500 through 43.51.570. [1965 ex.s. c 48 § 1.]

**43.51.590 Agreements with and acceptance of grants from federal government authorized—Length of enrollment and compensation in accordance with federal standards authorized.** Notwithstanding the provisions of RCW 43.51.530 and 43.51.540, the commission may determine the length of enrollment and the compensation of enrollees in accordance with the standards of any federal act or regulation under which an agreement is made with, or a grant is received from the federal government pursuant to RCW 43.51.580. [1965 ex.s. c 48 § 2.]

## SEASHORE CONSERVATION AREA

**43.51.650 Declaration of principles.** The beaches bounding the Pacific Ocean from the Straits of Juan de Fuca to Cape Disappointment at the mouth of the Columbia River constitute some of the last unspoiled seashore remaining in the United States. They provide the public with almost unlimited opportunities for recreational activities, like swimming, surfing and hiking; for outdoor sports, like hunting, fishing, clamming, and boating; for the observation of nature as it existed for hundreds of years before the arrival of white men; and for relaxation away from the pressures and tensions of modern life. In past years, these recreational activities have been enjoyed by countless Washington citizens, as well as by tourists from other states and countries. The number of people wishing to participate in such recreational activities grows annually. This increasing public pressure makes it necessary that the state dedicate the use of the ocean beaches to public recreation and to provide certain recreational and sanitary facilities. Non-recreational use of the beach must be strictly limited. Even recreational uses must be regulated in order that Washington's unrivaled seashore may be saved for our children in much the same form as we know it today. [1967 c 120 § 1.]

**Repeal:** "Chapter 78, Laws of 1929 (uncodified) is hereby repealed: *Provided*, That the title of anyone who has purchased property under this act shall not be affected." [1967 c 120 § 10.]

**43.51.655 Seashore conservation area—Established.** There is established for the recreational use and enjoyment of the public the Washington State Seashore Conservation Area. It shall include all lands now or hereafter under state ownership or control lying between Cape Disappointment and Leadbetter Point; between Toke Point and the South jetty on Point Chehalis; and between Damon Point and the Makah Indian Reservation and occupying the area between the line of ordinary high tide and the line of extreme low tide, as these lines now are or may hereafter be located, and, where applicable, between the Seashore Conservation Line, as established by survey of the Washington state parks and recreation commission and the line of extreme low tide, as these lines now are or may hereafter be located; and shall also include all state-owned nontrust accreted lands along the ocean: *Provided*, That no such conservation area shall include any lands within the established boundaries of any Indian reservation. [1969 ex.s. c 55 § 1; 1967 c 120 § 2.]

**Construction—**1969 ex.s. c 55: "No provision of this 1969 amendatory act shall be construed as affecting any private or public property rights." [1969 ex.s. c 55 § 8.] This applies to RCW 43.51.655–43.51.675, 43.51.685, and to the repeal of RCW 43.51.690–43.51.705.

**43.51.660 Jurisdiction over and administration of area.** Except as otherwise provided in RCW 43.51.650 through 43.51.685, the Washington State Seashore Conservation Area shall be under the jurisdiction of the Washington state parks and recreation commission, which shall administer RCW 43.51.650 through 43.51.685 in accordance with the powers granted it herein and

under the appropriate provisions of chapter 43.51 RCW. [1969 ex.s. c 55 § 2; 1967 c 120 § 3.]

**43.51.665 Principles and purposes to be followed in administering area.** The Washington state parks and recreation commission shall administer the Washington State Seashore Conservation Area in harmony with the broad principles set forth in RCW 43.51.650. Where feasible, the area shall be preserved in its present state; everywhere it shall be maintained in the best possible condition for public use. All forms of public outdoor recreation shall be permitted and encouraged in the area, unless specifically excluded or limited by the commission. While the primary purpose in the establishment of the area is to preserve the coastal beaches for public recreation, other uses shall be allowed as provided in RCW 43.51.650 through 43.51.685, or when found not inconsistent with public recreational use by the Washington state parks and recreation commission. [1969 ex.s. c 55 § 3; 1967 c 120 § 4.]

**43.51.670 Cooperation and assistance of federal, state and local agencies.** In administering the Washington State Seashore Conservation Area, the Washington state parks and recreation commission shall seek the cooperation and assistance of federal agencies, other state agencies, and local political subdivisions. All state agencies, and the governing officials of each local subdivision shall cooperate with the commission in carrying out its duties. Except as otherwise provided in RCW 43.51.650 through 43.51.685, and notwithstanding any other provision of law, other state agencies and local subdivisions shall perform duties in the Washington State Seashore Conservation Area which are within their normal jurisdiction, except when such performance clearly conflicts with the purposes of RCW 43.51.650 through 43.51.685. [1969 ex.s. c 55 § 4; 1967 c 120 § 5.]

**43.51.675 Powers and authority of department of fisheries and department of game not interfered with.** Nothing in RCW 43.51.650 through 43.51.685 shall be construed to interfere with the powers, duties and authority of the department of fisheries to regulate the conservation or taking of food fish and shellfish. Nor shall anything in RCW 43.51.650 through 43.51.685 be construed to interfere with the powers, duties and authority of the state department of game or the state game commission to regulate, manage, conserve, and provide for the harvest of wildlife within such area, notwithstanding the provisions of RCW 9.61.040: *Provided*, however, That no hunting shall be permitted in any state park. [1969 ex.s. c 55 § 5; 1967 c 120 § 6.]

**43.51.680 Control of traffic on ocean beach highways—Regulation.** For the protection and conservation of natural resources, and for the safety and enjoyment of the public using the beaches, the Washington state parks and recreation commission, after agreement with the Washington state highway commission, shall establish reasonable regulations for the use and control of vehicular traffic on and along the ocean beach highways as designated and established under



RCW 79.16.130, 79.16.160, and 79.16.170. The Washington state parks and recreation commission shall cooperate with county sheriffs and the state patrol in enforcing such traffic regulations: *Provided*, That automobile driving shall be permitted on the beaches subject to the authority of the department of fisheries to prohibit driving over clam beds. [1967 c 120 § 7; 1961 c 12 § 46.08.180. Prior: 1951 c 271 § 46. Formerly RCW 46.08.180.]

**43.51.685 Accreted lands—Jurisdiction—Oil, gas and mining leases on accreted or conservation area lands—Sale of sand—Lease and removal permits.** Jurisdiction over the accreted nontrust lands in which the state has an interest along the ocean is hereby transferred from the department of natural resources to the state parks and recreation commission. No such accreted lands shall be sold, leased, or otherwise disposed of, except as herein provided. The department of natural resources may lease the lands within the Washington State Seashore Conservation Area as well as the accreted lands along the ocean in state ownership for the exploration and production of oil and gas: *Provided*, That oil drilling rigs and equipment will not be placed on the seashore conservation area or state-owned accreted lands. Sale of sand from accretions shall be made to supply the needs of cranberry growers for cranberry bogs in the vicinity and shall not be prohibited if found by the state parks and recreation commission to be reasonable, and not generally harmful or destructive to the character of the land: *Provided further*, That the state parks and recreation commission may grant mining leases for the removal of "black sands" (minerals) from any state-owned nontrust accreted lands and tidelands between the north jetty at the mouth of the Columbia River and a line due west from the North Head Lighthouse: *Provided further*, That the state parks and recreation commission may grant leases and permits for the removal of sands for construction purposes from any lands within the Washington State Seashore Conservation Area: *Provided further*, That net income from such leases shall be deposited in the general fund. [1969 ex.s. c 55 § 6; 1967 c 120 § 8.]

#### PRESERVATION OF HISTORIC PROPERTIES

**43.51.750 Definitions.** As used in RCW 43.51.750 through 43.51.820:

(1) The term "public agencies" includes all political subdivisions of the state of Washington.

(2) The term "project" means programs of state and local governments and other public bodies and private organizations and individuals for the acquisition of title or interests in, and for the development of any district, site, building, structure, or object that is significant in American and the state of Washington history, architecture, archeology, and culture, or property used in connection therewith, and for its development in order to assure the preservation for public benefit of any such historical properties.

(3) The term "historic preservation" includes the protection, rehabilitation, restoration, and reconstruction of

districts, sites, buildings, structures, and objects significant in American and Washington history, architecture, archeology, or culture.

(4) The term "director" means the director of the Washington state parks and recreation commission. [1967 ex.s. c 19 § 1.]

**Severability—1967 ex.s. c 19:** "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." [1967 ex.s. c 19 § 12.] This applies to RCW 43.51.750-43.51.820 and to the repeal of RCW 27.52.010-27.52.060.

**43.51.760 Participation in federal act programs authorized.** The director of the Washington state parks and recreation commission is hereby authorized and empowered to take whatever action is necessary to enable the state to participate in the programs set forth in the federal act entitled "An Act to establish a program for the preservation of additional historic properties throughout the nation, and for other purposes" (Public Law 89-665; 80 Stat. 915). The director is also authorized and empowered to accept and disburse federal grants or federal matching or other funds or donations from any source when made, granted or donated for a purpose covered by said federal act. [1967 ex.s. c 19 § 2.]

**43.51.770 Powers and duties of director.** In addition to other powers and duties, the director of the Washington state parks and recreation commission is authorized—

(1) To promulgate and maintain a state register of districts, sites, buildings, structures, and objects significant in American or Washington state history, architecture, archeology, and culture, hereinafter referred to as the state register, and to expend funds for the purpose of preparing comprehensive state-wide historic surveys and plans, in accordance with criteria established by the advisory council established pursuant to RCW 43.51.790, which shall comply with any standards and regulations promulgated by the secretary of interior for the preservation, acquisition, and development of such properties.

(2) To establish in accordance with criteria established by the secretary of the interior, a program of matching grants-in-aid to public agencies for projects having as their purpose the preservation for public benefit of properties that are significant in American or Washington history, architecture, archeology, and culture; and

(3) To accept grants from any and all public and/or private sources including, though not limited to, those provided pursuant to Public Law 89-665, 80 Stat. 915. [1967 ex.s. c 19 § 3.]

**43.51.780 Apportionment of grants.** The amounts made available for grants to the public agencies for projects under RCW 43.51.750 through 43.51.820 for each fiscal year shall be apportioned among the public agencies by the director in accordance with needs as disclosed in approved state-wide historic preservation plans. [1967 ex.s. c 19 § 4.]

**43.51.790 Advisory council on historic preservation—Membership—Terms—Vacancies—**

**Quorum.** (1) There is hereby established an advisory council on historic preservation (herein referred to as the "council") which shall be composed of eleven members as follows:

(a) The director of the Washington state parks and recreation commission;

(b) The director of the department of general administration;

(c) The director of the Washington state historical society;

(d) The director of the Eastern Washington state historical society;

(e) The director of the state capitol historical society; and

(f) Six persons to be appointed by the governor who are not officers or employees of the state government.

In making his appointments the governor shall give due consideration to the selection of officers of local governments and individuals who are significantly interested and experienced in the matters to be considered by the council.

(2) Each member of the council specified in paragraphs (a) through (e) of subsection (1) may designate another officer of his department or agency to serve on the council in his stead.

(3) Each member of the council appointed under paragraph (f) of subsection (1) shall serve for a term of five years from the expiration of his predecessor's term; except that the members first appointed under that paragraph shall serve for terms of from one to five years as designated by the governor at the time of appointment.

(4) A vacancy in the council shall not affect its powers, but shall be filled in the same manner as the original appointment for the balance of the unexpired term.

(5) The chairman of the council shall be designated by the governor.

(6) Six members of the council shall constitute a quorum. [1967 ex.s. c 19 § 5.]

**43.51.800 Powers and duties of advisory council.** (1) The council shall—

(a) Advise the governor and the Washington state parks and recreation commission on matters relating to historic preservation; recommend measures to coordinate activities of state, and local agencies and private institutions and individuals relating to historic preservation; and advise on the dissemination of information pertaining to such activities;

(b) Encourage public interest and participation in historic preservation;

(c) Advise as to guidelines for the assistance of local governments in drafting ordinances relating to historic preservation; and

(d) Encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation.

(2) The council shall submit annually a comprehensive report of its activities and the results of its studies to

the governor and the Washington state parks and recreation commission and shall from time to time submit such additional and special reports as it deems advisable. Each report shall propose such legislative enactments and other actions as in the judgment of the council, are necessary and appropriate to carry out its recommendations. [1967 ex.s. c 19 § 6.]

**43.51.810 Travel expenses of council members.** The members of the council specified in paragraphs (a) through (e) of RCW 43.51.790(1) shall serve without additional compensation. The members of the council appointed under paragraph (f) of RCW 43.51.790(1) shall receive reimbursement for travel expenses incurred by them in the performance of the duties of the council in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [1975-'76 2nd ex.s. c 34 § 117; 1967 ex.s. c 19 § 7.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.51.820 Executive director of council—Financial and administrative services.** The director of the Washington state parks and recreation commission or his designee shall be the executive director of the council. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the council by the Washington state parks and recreation commission, for which payments shall be made in advance, or by reimbursement, from funds of the council in such amounts as may be agreed upon by the chairman of the council and the director of the Washington state parks and recreation commission. [1967 ex.s. c 19 § 8.]

**GREEN RIVER GORGE CONSERVATION AREA**

**43.51.900 Declaration.** The Green River Gorge, between the town of Kanasket and the Kummer bridge in King county, is a twelve mile spectacularly winding gorge with steep to overhanging rock walls reaching heights of from one hundred fifty to three hundred feet. The beauty and natural features of the gorge are generally confined within the canyon rim. This twelve mile gorge area contains many examples of unique biological and geological features for educational and recreational interpretation, almost two miles of Eocene sediment rocks and fossils are exposed revealing one of the most complete stratigraphic sections to be found in the region. The area, a unique recreational attraction with more than one million seven hundred thousand people living within an hour's driving time, is presently used by hikers, geologists, fishermen, kayakers and canoeists, picnickers and swimmers, and those seeking the solitude offered by this unique area. Abutting and adjacent landowners generally have kept the gorge lands in their natural state; however, economic and urbanization pressures for development are rapidly increasing. Local and state outdoor recreation plans show a regional need for resources and facilities which could be developed in this area. A twelve mile strip incorporating the visual basins of the Green River from the Kummer bridge to Palmer

needs to be acquired and developed as a conservation area to preserve this unique area for the recreational needs of the region. [1969 ex.s. c 162 § 1.]

**43.51.910 Green River Gorge conservation area created.** There is hereby created a Washington state parks and recreation commission conservation area to be known as "Green River Gorge conservation area". [1969 ex.s. c 162 § 2.]

**43.51.920 Acquisition of real property, easements, or rights authorized.** In addition to all other powers and duties prescribed by law, the state parks and recreation commission is authorized and directed to acquire such real property, easements, or rights in the Green River Gorge in King county, together with such real property, easements, and rights as is necessary for such park and conservation purposes in any manner authorized by law for the acquisition of lands for parks and parkway purposes. Except for such real property as is necessary and convenient for development of picnicking or camping areas and their related facilities, it is the intent of this section that such property shall be acquired to preserve, as much as possible, the gorge within the canyon rim in its natural pristine state. [1969 ex.s. c 162 § 3.]

**43.51.930 Acquisition of real property, easements, or rights authorized—Rights of other state agencies not to be infringed upon.** Nothing herein shall be construed as authorizing or directing the state parks and recreation commission to acquire any real property, easements, or rights in the Green River Gorge in King county which are now held by any state agency for the purposes of outdoor recreation, conservation, fish, or wildlife management or public hunting or fishing without the approval of such agency. [1969 ex.s. c 162 § 4.]

#### MOUNT SI AND LITTLE SI

**43.51.940 Legislative declaration.** Mt. Si and Little Si offer unique scenic and geological features which can be viewed from the I-90 highway. They also afford outstanding recreational opportunities enjoyed by the citizens of this state and tourists alike. Therefore, the legislature declares this area to be one of state-wide significance. It further recognizes the importance of safeguarding this area from those types of development which would alter its natural form and beauty. [1975-'76 2nd ex.s. c 88 § 1.]

**43.51.941 Study and report.** The state parks and recreation commission and the department of natural resources are directed jointly to undertake a study and complete a report regarding methods for safeguarding the natural form, beauty, and recreational values of Mt. Si and Little Si. Both agencies shall coordinate and cooperate with private interests and federal, state, and local government interests, and shall determine the ownerships, proposed boundaries, acquisition cost, and a management plan for those lands determined in the report to be necessary for safeguarding the scenic, geological, and recreational values described in RCW

43.51.940. The completed report shall be presented to the senate and house committees on parks and recreation by December 31, 1976. [1975-'76 2nd ex.s. c 88 § 2.]

**Appropriation for study:** "There is hereby appropriated five thousand dollars, or so much thereof as may be necessary, from the state general fund to complete the study directed in section 2 of this act, such sum to be divided equally by the department of natural resources and the state parks and recreation commission, and to be available on the effective date of this act." [1975-'76 2nd ex.s. c 88 § 3.]

#### Chapter 43.52

#### OPERATING AGENCIES (POWER COMMISSION)

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**43.52.250 Definitions.** As used in this chapter and unless the context indicates otherwise, words and phrases shall mean:

"Commission" means the Washington state power commission.

"District" means a public utility district as created under the laws of the state of Washington authorized to engage in the business of generating and/or distributing electricity.

"City" means any city or town in the state of Washington authorized to engage in the business of generating and/or distributing electricity.

"Canada" means the Dominion of Canada or any province thereof.

"Public utility" means any person, firm or corporation, political subdivision or governmental subdivision including cities, towns and public utility districts engaged in or authorized to engage in the business of generating, transmitting or distributing electric energy. [1965 c 8 § 43.52.250. Prior: 1953 c 281 § 1.]

**43.52.260 Declaration of policy—General duties of commission—Scope of authority.** It is the intent of this act [1955 c 258] and this chapter that the commission shall represent the state of Washington and aid and assist the public utilities therein to the end that its water resources and other resources shall be properly developed for the best public interest insofar as they affect electric power, and to this end (1) the commission shall develop and integrate such resources as necessary whenever public utilities other than those owned by the United States and its agencies are not in a position so to do, and (2) the commission shall join with Canada, the United States, the states thereof, and their agencies to develop and integrate the water resources and other resources of the region, and particularly that area incorporated within the watershed of the Columbia river and its tributaries.

The authority granted in this chapter shall apply equally to the generating of electricity by water power, by steam power, by atomic power or by any other means whatsoever. [1965 c 8 § 43.52.260. Prior: 1955 c 258 § 18; 1953 c 281 § 20.]

**43.52.272 Power commission abolished.** The Washington state power commission is hereby abolished. [1965 c 8 § 43.52.272. Prior: 1957 c 295 § 8.]

**43.52.290 Commission members—Compensation—May hold other public position.** Members of the commission shall be paid the sum of fifty dollars per day for each day or major part thereof devoted to the business of the commission, together with their traveling and other necessary expenses. Such member may, regardless of any charter or other provision to the contrary, be an officer or employee holding another public position and, if he be such other public officer or employee, he shall be paid by the commission such amount as will, together with the compensation for such other public position equal the sum of fifty dollars per day. [1965 c 8 § 43.52.290. Prior: 1953 c 281 § 4.]

**43.52.300 Powers and duties of commission or operating agency.** The commission, or an operating agency formed under RCW 43.52.360, shall have authority:

(1) To generate, produce, transmit, deliver, exchange, purchase or sell electric energy and to enter into contracts for any or all such purposes.

(2) To construct, condemn, purchase, lease, acquire, add to, extend, maintain, improve, operate, develop and regulate plants, works and facilities for the generation and/or transmission of electric energy, either within or without the state of Washington, and to take, condemn, purchase, lease and acquire any real or personal, public or private property, franchise and property rights, including but not limited to state, county and school lands and properties, for any of the purposes herein set forth and for any facilities or works necessary or convenient for use in the construction, maintenance or operation of any such works, plants and facilities; provided that the commission shall not be authorized to acquire by condemnation any plants, works and facilities owned and operated by any city or district, or by a privately

owned public utility. The commission shall be authorized to contract for and to acquire by lease or purchase from the United States or any of its agencies, any plants, works or facilities for the generation and transmission of electricity and any real or personal property necessary or convenient for use in connection therewith.

(3) To negotiate and enter into contracts with the United States or any of its agencies, with any state or its agencies, with Canada or its agencies or with any district or city of this state, for the lease, purchase, construction, extension, betterment, acquisition, operation and maintenance of all or any part of any electric generating and transmission plants and reservoirs, works and facilities or rights necessary thereto, either within or without the state of Washington, and for the marketing of the energy produced therefrom. Such negotiations or contracts shall be carried on and concluded with due regard to the position and laws of the United States in respect to international agreements.

(4) To negotiate and enter into contracts for the purchase, sale, exchange, transmission or use of electric energy or falling water with any person, firm or corporation, including political subdivisions and agencies of any state of Canada, or of the United States, at fair and nondiscriminating rates.

(5) To apply to the appropriate agencies of the state of Washington, the United States or any thereof, and to Canada and/or to any other proper agency for such permits, licenses or approvals as may be necessary, and to construct, maintain and operate works, plants and facilities in accordance with such licenses or permits, and to obtain, hold and use such licenses and permits in the same manner as any other person or operating unit.

(6) To establish rates for electric energy sold or transmitted by the commission. When any revenue bonds or warrants are outstanding the commission shall have the power and shall be required to establish and maintain and collect rates or charges for electric energy, falling water and other services sold, furnished or supplied by the commission which shall be fair and nondiscriminatory and adequate to provide revenues sufficient for the payment of the principal and interest on such bonds or warrants and all payments which the commission is obligated to set aside in any special fund or funds created for such purposes, and for the proper operation and maintenance of the public utility owned by the commission and all necessary repairs, replacements and renewals thereof.

(7) To act as agent for the purchase and sale at wholesale of electricity for any city or district whenever requested so to do by such city or district.

(8) To contract for and to construct, operate and maintain fishways, fish protective devices and facilities and hatcheries as necessary to preserve or compensate for projects operated by the commission.

(9) To construct, operate and maintain channels, locks, canals and other navigational, reclamation, flood control and fisheries facilities as may be necessary or incidental to the construction of any electric generating project, and to enter into agreements and contracts with any person, firm or corporation, including political subdivisions of any state, of Canada or the United States

for such construction, operation and maintenance, and for the distribution and payment of the costs thereof.

(10) To employ legal, engineering and other professional services and fix the compensation of a managing director and such other employees as the commission may deem necessary to carry on its business, and to delegate to such manager or other employees such authority as the commission shall determine. Such manager and employees shall be appointed for an indefinite time and be removable at the will of the commission.

(11) To study, analyze and make reports concerning the development, utilization and integration of electric generating facilities and requirements within the state and without the state in that region which affects the electric resources of the state.

(12) To acquire any land bearing coal, uranium, geothermal, or other energy resources, within or without the state, or any rights therein, for the purpose of assuring a long-term, adequate supply of coal, uranium, geothermal, or other energy resources to supply its needs, both actual and prospective, for the generation of power and may make such contracts with respect to the extraction, sale, or disposal of such energy resources that it deems proper. [1975 1st ex.s. c 37 § 1; 1965 c 8 § 43.52.300. Prior: 1955 c 258 § 1; 1953 c 281 § 5.]

**43.52.340 May not obligate state—Disposition of revenues.** The commission shall have no right or power to impose any debt nor to suffer or create any financial obligation upon the state of Washington or its subdivisions.

No revenues received by the commission for the sale of electricity or otherwise, shall be expended except for the payment of lawful obligations of the commission and all such revenues and receipts shall be kept and maintained in a separate fund. [1965 c 8 § 43.52.340. Prior: 1955 c 258 § 5; 1953 c 281 § 9.]

**43.52.3411 Revenue bonds or warrants.** For the purposes provided for in this chapter, an operating agency shall have power to issue revenue bonds or warrants payable from the revenues of the utility properties operated by it. Whenever the board of a joint operating agency shall deem it advisable to issue bonds or warrants to construct or acquire any public utility or any works, plants or facilities or any additions or betterments thereto or extensions thereof it shall provide therefor by resolution, which shall specify and adopt the system or plan proposed and declare the estimated cost thereof as near as may be. Such cost may include funds for working capital, for payment of expenses incurred in the acquisition or construction of the utility and for the repayment of advances made to the operating agency by any public utility district or city. Except as otherwise provided in RCW 43.52.343, all the provisions of law as now or hereafter in effect relating to revenue bonds or warrants of public utility districts shall apply to revenue bonds or warrants issued by the joint operating agency including, without limitation, provisions relating to: The creation of special funds and the pledging of revenues thereto; the time and place of payment of such bonds or

warrants and the interest rate or rates thereon; the covenants that may be contained therein and the effect thereof; the execution, issuance, sale, funding, or refunding, redemption and registration of such bonds or warrants; and the status thereof as negotiable instruments, as legal securities for deposits of public moneys and as legal investments for trustees and other fiduciaries and for savings and loan associations, banks and insurance companies doing business in this state. [1965 c 8 § 43.52.3411. Prior: 1957 c 295 § 6.]

**43.52.343 Revenue bonds or warrants—Advertisement, bid, sale.** All bonds issued by an operating agency shall be sold to the highest and best bidder after such advertising for bids as the board of the operating agency may deem proper: *Provided*, That the board may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as it may deem most advantageous to its own interests. [1965 c 8 § 43.52.343. Prior: 1957 c 295 § 7; 1955 c 258 § 10.]

**43.52.350 Commission to provide fishways, facilities and hatcheries—Contracts.** The commission shall, at the time of the construction of any dam or obstruction, construct and shall thereafter maintain and operate such fishways, fish protective facilities and hatcheries as the director of game and the director of fisheries may jointly find necessary to permit anadromous fish to pass any dam or other obstruction operated by the commission or to replace fisheries damaged or destroyed by such dam or obstruction and the commission is further authorized to enter into contracts with the department of game and the department of fisheries to provide for the construction and/or operation of such fishways, facilities and hatcheries. [1965 c 8 § 43.52.350. Prior: 1953 c 281 § 11.]

**43.52.360 Operating agency—Formation—Additional projects—Appeals—Membership, withdrawal—Dissolution.** Any two or more cities or public utility districts or combinations thereof may form an operating agency (herein sometimes called a joint operating agency) for the purpose of acquiring, constructing, operating and owning plants, systems and other facilities and extensions thereof, for the generation and/or transmission of electric energy and power. Each such agency shall be a municipal corporation of the state of Washington with the right to sue and be sued in its own name.

Application for the formation of an operating agency shall be made to the director of conservation (herein sometimes referred to as the director) after the adoption of a resolution by the legislative body of each city or public utility district to be initial members thereof authorizing said city or district to participate. Such application shall set forth (1) the name and address of each participant, together with a certified copy of the resolution authorizing its participation; (2) a general description of the project and the principal project works, including dams, reservoirs, power houses and transmission lines; (3) the general location of the project

and, if a hydroelectric project, the name of the stream on which such proposed project is to be located; (4) if the project is for the generation of electricity, the proposed use or market for the power to be developed; (5) a general statement of the electric loads and resources of each of the participants; (6) a statement of the proposed method of financing the preliminary engineering and other studies and the participation therein by each of the participants.

Within ten days after such application is filed with the director of conservation notice thereof shall be published by the director once a week for four consecutive weeks in a newspaper of general circulation in the county or counties in which such project is to be located, setting forth the names of the participants and the general nature, extent and location of the project. Any public utility wishing to do so may object to such application by filing an objection, setting forth the reasons therefor, with the director of conservation not later than ten days after the date of last publication of such notice.

Within ninety days after the date of last publication the director shall either make findings thereon or have instituted a hearing thereon. In event the director has neither made findings nor instituted a hearing within ninety days of the date of last publication, or if such hearing is instituted within such time but no findings are made within one hundred and twenty days of the date of such last publication, the application shall be deemed to have been approved and the operating agency established. If it shall appear (a) that the statements set forth in said application are substantially correct; (b) that the contemplated project is such as is adaptable to the needs, both actual and prospective, of the participants and such other public utilities as indicate a good faith intention by contract or by letter of intent to participate in the use of such project; (c) that no objection to the formation of such operating agency has been filed by any other public utility which prior to and at the time of the filing of the application for such operating agency had on file a permit or license from an agency of the state or an agency of the United States, whichever has primary jurisdiction, for the construction of such project; (d) that adequate provision will be made for financing the preliminary engineering, legal and other costs necessary thereto; the director shall make findings to that effect and enter an order creating such operating agency, establishing the name thereof and the specific project for the construction and operation for which such operating agency is formed. Such order shall not be construed to constitute a bar to any other public utility proceeding according to law to procure any required governmental permits, licenses or authority, but such order shall establish the competency of the operating agency to proceed according to law to procure such permits, licenses or authority.

No operating agency shall undertake projects in addition to those for which it was formed without the approval of the legislative bodies of a majority of the members thereof. In the event that an operating agency desires to undertake such a hydroelectric project at a site or sites upon which any publicly or privately owned public utility has a license or permit or has a prior

application for a license or permit pending with any commission or agency, state or federal, having jurisdiction thereof, application to construct such additional project shall be made to the director of conservation in the same manner, subject to the same requirements and with the same notice as required for an initial agency and project and shall not be constructed until an order authorizing the same shall have been made by the director in the manner provided for such original application.

Any party who has joined in filing the application for, or objections against, the creation of such operating agency and/or the construction of an additional project, and who feels aggrieved by any order or finding of the director shall have the right to appeal to the superior court in the manner set forth in RCW 43.52.430.

After the formation of an operating agency, any other city or district may become a member thereof upon application to such agency after the adoption of a resolution of its legislative body authorizing said city or district to participate, and with the consent of the operating agency by the affirmative vote of the majority of its members. Any member may withdraw from an operating agency, and thereupon such member shall forfeit any and all rights or interest which it may have in such operating agency or in any of the assets thereof: *Provided*, That all contractual obligations incurred while a member shall remain in full force and effect. An operating agency may be dissolved by the unanimous agreement of the members, and the members, after making provisions for the payment of all debts and obligations, shall thereupon hold the assets thereof as tenants in common. [1965 c 8 § 43.52.360. Prior: 1957 c 295 § 1; 1955 c 258 § 3; 1953 c 281 § 12.]

*Generation of electric energy by steam: RCW 43.21.250–43.21.410.*

**43.52.370 Operating agency board—Members, appointment, vote, term, etc.—Rules—Proceedings.** The management and control of an operating agency shall be vested in a board of directors, herein sometimes referred to as the board. The legislative body of each member of an operating agency shall appoint a representative who may, at the discretion of the member and regardless of any charter or other provision to the contrary, be an officer or employee of the member, to serve on the board of the operating agency. Each representative shall have one vote and shall have, in addition thereto, one vote for each block of electric energy equal to ten percent of the total energy generated by the agency during the preceding year purchased by the member represented by such representative. Each member may appoint an alternative representative to serve in the absence or disability of its representative. Each representative shall serve at the pleasure of the member. The board of an operating agency shall elect from its members a president, vice president and secretary, who shall serve at the pleasure of the board. The president and secretary shall perform the same duties with respect to the operating agency as are provided by law for the president and secretary, respectively, of public utility districts, and such other duties as may be provided by motion, rule or resolution of the board. The board of an operating agency shall adopt rules for the conduct of its

meetings and the carrying out of its business, and adopt an official seal. All proceedings of an operating agency shall be by motion or resolution and shall be recorded in the minute book which shall be a public record. A majority of the board members shall constitute a quorum for the transaction of business. A majority of the votes which the members present are entitled to cast shall be necessary and sufficient to pass any motion or resolution: *Provided*, That such board members are entitled to cast a majority of the votes of all members of the board. The members of the board of an operating agency may be compensated by such agency to the same extent and subject to the same limitations as is provided for members of the commission in RCW 43.52.290: *Provided*, That the per diem compensation to any member shall not exceed five thousand dollars in any year. [1965 c 8 § 43.52.370. Prior: 1957 c 295 § 2; 1953 c 281 § 13.]

**43.52.373 Executive committee—Composition, powers and duties, terms.** The board of an operating agency by rule may create an executive committee to be composed of not less than three nor more than seven members of the board. The board may provide by rule for the composition of the executive committee so as to afford, in its judgment, fair representation to the member public utility districts and cities. The executive committee shall administer the business of the board during intervals between its meetings in accordance with its rules, motions or resolutions. The executive committee shall have authority to acquire or construct only such properties as may be provided for by motion or resolution of the board. The terms of office of the members of the executive committee and the method of filling vacancies therein shall be fixed by the rules of the board of the operating agency. [1965 c 8 § 43.52.373. Prior: 1957 c 295 § 3.]

**43.52.375 Treasurer—Auditor—Official bonds—Funds.** The board of each joint operating agency shall by resolution appoint a treasurer. Before entering upon his duties the treasurer shall give bond to the operating agency, with a surety company authorized to write such bonds in this state as surety, in an amount which the board finds by resolution will protect the operating agency against loss, conditioned that all funds which he receives as such treasurer will be faithfully kept and accounted for and for the faithful discharge of his duties. The amount of such bond may be decreased or increased from time to time as the board may by resolution direct. The board shall also appoint an auditor and may require him to give a bond with a surety company authorized to do business in the state of Washington in such amount as it shall by resolution prescribe, conditioned for the faithful discharge of his duties. The premiums on the bonds of the auditor and the treasurer shall be paid by the operating agency. The board may provide for coverage of said officers and other persons on the same bond.

All funds of the joint operating agency shall be paid to the treasurer and shall be disbursed by him only on warrants issued by the auditor upon orders or vouchers

approved by the board: *Provided*, That the board by resolution may authorize the executive committee to approve or disapprove vouchers presented to defray salaries of employees and other expenses of the operating agency arising in the usual and ordinary course of its business and expenses incurred by the committee in the performance of such duties as the operating agency may authorize it to perform. All moneys of the operating agency shall be deposited forthwith by the treasurer in such depositories, and with such securities as are designated by rules of the board. The treasurer shall establish a general fund and such special funds as shall be created by the board, into which he shall place all money of the joint operating agency as the board by resolution or motion may direct. [1965 c 8 § 43.52.375. Prior: 1957 c 295 § 4.]

**43.52.380 Member's preference to buy energy—Apportionment—Surplus.** Members shall have a preference right to the purchase of all electric energy generated by an operating agency. As between members, the amount of electric energy to which each shall be entitled shall be computed annually and shall be based on the same percentage as the purchases of such member bore to the total generation of the operating agency for the preceding year. Surplus electric energy, that is energy not contracted for by the members, may be sold to any public utility authorized by law to distribute and sell electric energy. [1965 c 8 § 43.52.380. Prior: 1953 c 281 § 14.]

**43.52.391 Powers and duties of operating agency.** Except as otherwise provided in this section, a joint operating agency shall have all powers now or hereafter granted public utility districts under the laws of this state. It shall not acquire nor operate any electric distribution properties nor condemn any properties owned by a public utility which are operated for the generation and transmission of electric power and energy or are being developed for such purposes with due diligence under a valid license or permit, nor purchase or acquire any operating hydroelectric generating plant owned by any city or district on June 11, 1953, or which may be acquired by any city or district by condemnation on or after January 1, 1957, nor levy taxes, issue general obligation bonds, or create subdistricts. It may enter into any contracts, leases or other undertakings deemed necessary or proper and acquire by purchase or condemnation any real or personal property used or useful for its corporate purposes. Actions in eminent domain may be instituted in the superior court of any county in which any of the property sought to be condemned is located and the court in any such action shall have jurisdiction to condemn property wherever located within the state; otherwise such actions shall be governed by the same procedure as now or hereafter provided by law for public utility districts. An operating agency may sell steam or water not required by it for the generation of power and may construct or acquire any facilities it deems necessary for that purpose.

An operating agency may make contracts for any term relating to the purchase, sale, interchange or

wheeling of power with the government of the United States or any agency thereof and with any municipal corporation or public utility, within or without the state, and may purchase or deliver power anywhere pursuant to any such contract. An operating agency may acquire any coal-bearing lands for the purpose of assuring a long-term, adequate supply of coal to supply its needs, both actual and prospective, for the generation of power and may make such contracts with respect to the extraction, sale or disposal of coal that it deems proper. In addition to the power and authority granted in this chapter to an operating agency, it shall also have all power and authority heretofore granted, and shall be subject to all of the duties imposed upon, the Washington state power commission by RCW 43.52.300 and RCW 43.52.350.

Any member of an operating agency may advance or contribute funds to an agency as may be agreed upon by the agency and the member, and the agency shall repay such advances or contributions from proceeds of revenue bonds, from operating revenues or from any other funds of the agency, together with interest not to exceed six percent per annum. [1965 c 8 § 43.52.391. Prior: 1957 c 295 § 5.]

*Liability to other taxing districts for increased financial burdens: Chapter 54.36 RCW.*

**43.52.410 City or district may contract for electric energy or falling waters.** Any city or district is authorized to enter into contracts or compacts with the commission or any operating agency or a publicly or privately owned public utility for the purchase and sale of electric energy or falling waters. [1965 c 8 § 43.52.410. Prior: 1953 c 281 § 17.]

**43.52.430 Appeals from commission or director.** Any party in interest deeming itself aggrieved by any order of the commission or of the director of ecology may appeal to the superior court of Thurston county by serving upon the commission or director, as the case may be, and filing with clerk of said court within thirty days after the entry of the order a notice of appeal. The commission or director shall within ten days after service of the notice of appeal file with the clerk of the court its or his return containing a true copy of the order appealed from, together with a transcript of the record of the proceeding before the commission or director, after which the appeal shall be at issue. The appeal shall be heard and decided by the court upon the record before the commission or director and the court may either affirm, set aside, or remand the order appealed from for further proceedings. Appeal may be had to the supreme court or the court of appeals as in the case of civil appeals. [1971 c 81 § 113; 1965 c 8 § 43.52.430. Prior: 1953 c 281 § 19.]

**43.52.440 Effect of chapter on "Columbia River Sanctuary Act".** Nothing contained in this chapter shall be construed to amend, modify or repeal in any manner any of the terms and provisions of section 1, chapter 9, Laws of 1949, RCW 75.20.010, commonly known as the "Columbia River Sanctuary Act", and all matter herein

contained shall be expressly subject to such act. [1965 c 8 § 43.52.440. Prior: 1953 c 281 § 23.]

**43.52.450 Chapter requirements are cumulative—Preservation of rights—Not subject to utilities and transportation commission.** The provisions of this chapter shall be cumulative and shall not impair or supersede the powers or rights of any person, firm or corporation or political subdivision of the state of Washington under any other law. The rights of all persons, firms, corporations and political subdivisions or operating units of any kind under existing contracts, renewals thereof or supplements thereto, with the United States, or any agency thereof, for power, are hereby preserved and such rights shall not be impaired or modified by any of the provisions of this chapter or any of the powers granted by this chapter.

The rates, services and practices of the commission or any operating agency in respect to the power generated, transmitted or sold by it shall not be governed by the regulations of the utilities and transportation commission. [1965 c 8 § 43.52.450. Prior: 1953 c 281 § 10.]

**43.52.460 Operating agency to pay in lieu of taxes.** Any joint operating agency formed under this chapter shall pay in lieu of taxes payments in the same amounts as paid by public utility districts. Such payments shall be distributed in accordance with the provisions applicable to public utility districts: *Provided, however,* That such tax shall not apply to steam generated electricity produced by a nuclear steam powered electric generating facility constructed or acquired by a joint operating agency and in operation prior to May 17, 1971. [1971 ex.s. c 75 § 1; 1965 c 8 § 43.52.460. Prior: 1957 c 295 § 10.]

**43.52.470 Operating agency—Validity of organization and existence.** Except as provided in RCW 43.52.360, the validity of the organization of any joint operating agency can be questioned only by action instituted within six months from the date that the joint operating agency is created. If the validity of the existence of any joint operating agency is not challenged within that period, by the filing and service of a petition or complaint in the action, the state shall be barred forever from questioning the validity of the joint operating agency by reason of any defect claimed to exist in the organization thereof, and it shall be deemed validly organized for all purposes. Any joint operating agency heretofore (March 26, 1957) attempted to be organized pursuant to chapter 43.52 RCW and which has maintained its existence since the date of such attempted organization, is hereby declared legal and valid and its organization and creation are validated and confirmed. [1965 c 8 § 43.52.470. Prior: 1957 c 295 § 11.]

**43.52.910 Construction—1965 c 8.** This chapter shall be liberally construed to effectuate its purposes. [1965 c 8 § 43.52.910. Prior: 1957 c 295 § 12.]



**Chapter 43.56**  
**UNIFORM LEGISLATION COMMISSION**

## Sections

- 43.56.010 Appointment of commissioners.  
43.56.020 Duties of commission.  
43.56.030 Record to be kept—Reports.  
43.56.040 Travel expenses of members.

**43.56.010 Appointment of commissioners.** The governor shall appoint three suitable persons as a board of commissioners for the promotion of uniformity of legislation in the United States. Any vacancy on the board shall be filled by appointment by the governor. [1965 c 8 § 43.56.010. Prior: 1905 c 59 § 1; RRS § 8204.]

**43.56.020 Duties of commission.** The board shall examine the subjects of marriage and divorce, insolvency, the descent and distribution of property, the execution and probate of wills, and other subjects upon which uniformity of legislation in the various states is desirable, but which are outside of the jurisdiction of the congress of the United States.

It shall confer upon these matters with the commissioners appointed by other states for the same purpose and consider and draft uniform laws to be submitted for approval and adoption by the several states; and generally devise and recommend such other and further course of action as shall accomplish such uniformity. [1965 c 8 § 43.56.020. Prior: 1905 c 59 § 2; RRS § 8205.]

**43.56.030 Record to be kept—Reports.** The board shall keep a record of all its transactions, and shall, at each biennial session, and may at any other time, make a report to the legislature, of its doings and recommendations. [1965 c 8 § 43.56.030. Prior: 1905 c 59 § 3; RRS § 8206.]

**43.56.040 Travel expenses of members.** No member of the board shall receive any compensation for his services, but each member shall be paid travel expenses incurred in the discharge of official duty in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, after the account thereof has been audited by the board.

The board shall keep a full account of its expenditures and shall report it in each report. There shall be allowed such expenses for only one annual meeting of the board within this state, and for the members in attendance, not oftener than once in each year, at any conference of commissioners outside of this state. [1975-'76 2nd ex.s. c 34 § 118; 1965 c 8 § 43.56.040. Prior: 1955 c 91 § 1; 1905 c 59 § 4; RRS § 8207.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**Chapter 43.57**  
**INTERSTATE COMPACT COMMISSION**

## Sections

- 43.57.010 Commission created—Appointment of members—  
Purpose.

- 43.57.020 Powers and duties—Term of office—Compensation and travel expenses.  
43.57.030 When agreement or compact is binding upon states.

**43.57.010 Commission created—Appointment of members—Purpose.** There is created the interstate compact commission to consist of five members, no more than three of which shall have the same political party affiliation, to be appointed as follows: One member, appointed by the governor, who shall be the chairman and who shall serve at the pleasure of the governor, and four members of the state legislature, two of whom shall be members of the house of representatives and shall be appointed by the speaker of the house, and two of whom shall be members of the senate and shall be appointed by the president of the senate. The commission shall represent the state on a joint commission to be composed of commissioners representing the states of Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming and one or more commissioners representing the United States, should they be appointed to said joint commission by the president of the United States, which joint commission shall be organized for the purpose of considering, negotiating and entering into an agreement or compact between not less than five of said states, with the consent of the congress of the United States respecting the division, apportionment and use of the waters of the Columbia river and of its tributaries and the determination of rights in connection therewith and incidental thereto. [1965 c 8 § 43.57.010. Prior: 1953 c 130 § 1; 1951 c 113 § 1.]

**43.57.020 Powers and duties—Term of office—Compensation and travel expenses.** The commission representing the state on said joint commission shall have full authority to consider and carry on negotiations for such agreement or compact, to attend meetings of the joint commission convening in or out of the state, to employ clerical, legal and engineering assistance and generally to perform such duties as shall be required of the members thereof in carrying out the purpose and intent of this chapter; the term of office of said commissioners shall be from June 11, 1953, until an agreement or compact binding on the state of Washington under the provisions of RCW 43.57.030 has been entered into: *Provided, however,* That when a member of the commission is a member of the house of representatives, his term on the commission shall expire when he ceases to be a member of the house, and when a member of the commission is a member of the senate, his term on the commission shall expire when he ceases to be a member of the senate. Any vacancies occurring in the membership of said commission shall be filled by the appointive power shown in RCW 43.57.010. Members of the commission representing the state who are not in the regular employ of the state shall receive fifteen dollars per day for the time actually spent on the work of the commission, and reimbursement for travel expenses incurred while away from their respective places of abode in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Members of the commission who are in the regular employ of the state shall receive reimbursement for travel expenses incurred while

away from their respective places of abode in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Payment of all expenses incurred by the interstate compact commission, including the expenses of its members, shall be made on vouchers approved by its chairman. [1975-'76 2nd ex.s. c 34 § 119; 1965 ex.s. c 164 § 1; 1965 c 8 § 43.57.020. Prior: 1953 c 130 § 2; 1951 c 113 § 2.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.57.030 When agreement or compact is binding upon states.** Any agreement or compact approved by said joint commission on behalf of said states shall not be binding or obligatory upon any of said states or the citizens thereof, until and unless the same shall have been ratified and approved by the legislatures of not less than five of said states and by the congress of the United States: *Provided*, That said agreement or compact shall not be binding upon any state the legislature of which fails to ratify or approve the same. [1965 c 8 § 43.57-.030. Prior: 1951 c 113 § 3.]

**Chapter 43.58  
WASHINGTON-OREGON BOUNDARY  
COMMISSION**

Sections

- 43.58.050 Oregon-Washington Columbia River boundary compact—Ratification.
- 43.58.060 Oregon-Washington Columbia River boundary compact—Terms and provisions.
- 43.58.070 Oregon-Washington Columbia River boundary compact—Transfer of records, etc., to division of archives.
- 43.58.090 Oregon-Washington Columbia River boundary compact—Repeal of RCW 43.58.010 through 43.58.040, when.

**43.58.050 Oregon-Washington Columbia River boundary compact—Ratification.** The interstate compact determining the Oregon-Washington boundary on the Columbia River which was executed on the 21st day of December, 1956 by the Oregon commission on interstate cooperation for the state of Oregon and the Washington-Oregon boundary commission for the state of Washington is hereby ratified and approved. [1965 c 8 § 43.58.050. Prior: 1957 c 90 § 1.]

**Reviser's note:** The effective date of RCW 43.58.050 was March 13, 1957. State Constitution, Amendment 33, recognizing the modification of the state's boundaries through appropriate compact procedure, was approved by the voters on November 4th, 1958, and the governor's proclamation relating thereto was issued on December 4th, 1958.

The Oregon legislature has ratified the compact, see Oregon Revised Statutes §§ 186.510 and 186.520, effective April 4, 1957. See also, Article XVI of the Oregon Constitution relating to state boundaries which was adopted by the people November 4, 1958, effective December 3, 1958.

Congressional ratification is contained in Public Law 85-575, dated July 31, 1958.

**43.58.060 Oregon-Washington Columbia River boundary compact—Terms and provisions.** The terms and provisions of the compact referred to in RCW 43.58.050 are as follows:

**INTERSTATE COMPACT DETERMINING  
OREGON-WASHINGTON BOUNDARY ON THE  
COLUMBIA RIVER**

**ARTICLE I. PURPOSE**

The boundary between the states of Oregon and Washington along the course of the Columbia River has not been easy to ascertain because of changes in the main channel of the river with a result that a state of confusion and dispute exists and the enforcement and administration of the laws of the two states has been rendered difficult.

The purpose of this compact is to fix with precision by reference to stations of longitude and latitude the boundary between the states of Oregon and Washington from one marine league due west of the mouth of the Columbia River to the most easterly point at which the 46th parallel of North latitude crosses said river, at which point the river ceases to form the boundary between the two states.

**ARTICLE II. DESCRIPTION**

The boundary between the states of Oregon and Washington from one marine league due west of the mouth of the Columbia River to the point at which the last described point number (# 191) of the boundary as herein determined meets the 46th parallel of North latitude at 118°59'10".12 of West longitude shall be as follows:

Beginning one marine league at sea off the mouth of the Columbia river at north latitude 46°15'00".00; running thence due east to point number 1 of this description, which point is at north latitude 46°15'00".00, west longitude 124°05'00".00; thence from point number 1 continuing upstream in the channel of the Columbia river by a series of straight lines connecting the following numbered and described points in consecutive order.

Point Number	North Latitude	West Longitude	Description of Location
1	46°15'00".00	124°05'00".00	
2	46°15'51".00	124°02'02".75	
3	46°16'17".00	124°01'45".80	
4	46°16'59".50	124°02'14".40	
5	46°17'28".00	124°02'07".00	
6	46°17'33".25	124°01'12".25	
7	46°16'41".50	124°00'00".00	
8	46°16'03".00	123°58'11".80	
9	46°14'19".80	123°55'42".00	
10	46°14'06".00	123°52'14".50	
11	46°16'09".50	123°44'20".50	
12	46°15'01".00	123°41'12".70	
13	46°15'33".30	123°38'52".80	
14	46°15'23".90	123°35'05".00	
15	46°15'38".00	123°32'23".00	
16	46°16'14".60	123°30'00".00	
17	46°15'46".70	123°27'51".40	
18	46°14'23".50	123°25'51".60	
19	46°13'10".50	123°25'20".50	
20	46°11'29".00	123°25'43".60	
21	46°10'47".80	123°25'38".00	
22	46°09'01".00	123°23'21".50	
23	46°08'33".00	123°18'45".60	
24	46°09'04".50	123°15'47".20	
25	46°10'00".00	123°13'51".20	
26	46°11'20".80	123°09'55".50	
27	46°11'11".30	123°07'10".90	
28	46°09'40".00	123°04'23".50	

Point Number	North Latitude	West Longitude	Description of Location	Point Number	North Latitude	West Longitude	Description of Location
29	46°09'24".00	123°03'22".40		80	45°33'55".00	122°11'58".50	
30	46°08'38".40	123°02'00".00		81	45°34'37".00	122°10'54".00	
31	46°08'06".00	123°00'16".00		82	45°35'03".00	122°08'25".50	
32	46°06'20".02	122°57'44".28		83	45°34'53".40	122°06'40".00	
33	46°06'17".36	122°57'38".295	a point on the center line of the Longview Bridge at center of main span	84	45°35'00".00	122°06'02".00	
34	46°06'14".71	122°57'32".31		85	45°36'35".00	122°02'35".00	
35	46°05'02".70	122°54'11".00		86	45°36'53".80	122°01'11".50	
36	46°03'37".50	122°52'59".50		87	45°36'58".00	122°00'08".50	
37	46°01'53".50	122°52'35".50		88	45°37'23".00	121°58'54".50	
38	46°00'52".25	122°51'17".20		89	45°37'59".00	121°57'42".80	
39	45°58'52".00	122°50'11".80		90	45°38'37".50	121°57'16".50	
40	45°57'40".00	122°48'46".80		91	45°38'42".00	121°57'01".80	
41	45°55'57".00	122°48'18".00		92	45°38'40".35	121°56'37".34	
42	45°54'47".00	122°48'36".75		93	45°38'40".13	121°56'22".57	a point at the intersection of the axis of Bonneville Dam and the center line of center pier of the spillway of said dam
43	45°53'05".00	122°47'48".30		94	45°38'39".82	121°56'01".46	
44	45°52'06".00	122°47'01".50		95	45°39'17".00	121°54'25".00	
45	45°50'40".00	122°47'04".50		96	45°39'43".85	121°53'58".48	a point on center line of bridge at Cascade Locks, known as "The Bridge of the Gods" and in the center of the main span of said bridge
46	45°49'31".20	122°47'41".00		97	45°39'44".81	121°53'58".16	
47	45°48'37".00	122°47'40".00		98	45°39'45".77	121°53'57".84	
48	45°46'51".00	122°46'06".30		99	45°40'15".00	121°54'02".00	
49	45°45'34".20	122°45'37".00		100	45°41'36".80	121°51'57".00	
50	45°44'04".70	122°45'32".00		101	45°42'24".75	121°48'36".00	
51	45°42'05".00	122°46'16".00		102	45°41'39".00	121°44'02".00	
52	45°40'50".80	122°46'24".00		103	45°41'42".00	121°42'22".00	
53	45°39'26".75	122°45'46".00		104	45°42'19".00	121°40'02".00	
54	45°38'40".00	122°44'13".00		105	45°42'17".50	121°37'48".50	
55	45°38'17".00	122°42'47".50		106	45°43'36".00	121°31'54".30	
56	45°37'35".37	122°41'35".14		107	45°43'15".275	121°29'52".445	
57	45°37'29".47	122°41'23".855	a point on the center line of Northern Pacific Railroad Bridge across Columbia River, which point is at center of 3rd pier south of the draw span	108	45°43'07".02	121°29'36".615	a point on the center line of the Hood River Bridge at the center of the draw span of said bridge
58	45°37'26".52	122°41'18".215		109	45°43'04".075	121°29'30".96	
59	45°37'07".85	122°40'33".42		110	45°42'05".20	121°27'41".80	
60	45°37'05".938	122°40'26".939	a point on the center line of the west highway bridge crossing the Columbia River between Portland, Ore. and Vancouver, Wash., said point being 12.0 ft. south from the center of pier No. 6 of said bridge	111	45°41'39".25	121°25'22".00	
61	45°37'05".62	122°40'25".86	a point on the center line of the east highway bridge crossing the Columbia River between Portland, Ore. and Vancouver, Wash., said point being 12.0 ft. south from the center of pier No. 6 of said bridge	112	45°41'35".00	121°24'02".00	
62	45°37'03".71	122°40'19".38		113	45°42'11".50	121°22'17".00	
63	45°36'34".00	122°38'27".00		114	45°42'18".00	121°20'11".50	
64	45°36'29".80	122°36'21".30		115	45°42'00".00	121°18'40".00	
65	45°36'20".00	122°35'20".00		116	45°41'13".30	121°17'10".00	
66	45°35'47".90	122°32'48".00		117	45°40'40".50	121°14'52".00	
67	45°35'23".50	122°31'24".20		118	45°40'17".00	121°12'52".50	
68	45°35'01".00	122°29'30".00		119	45°39'00".00	121°11'57".00	
69	45°34'42".80	122°28'20".50		120	45°37'47".00	121°11'38".40	
70	45°34'03".00	122°27'09".30		121	45°37'00".25	121°11'43".00	
71	45°33'49".00	122°26'15".80		122	45°36'23".80	121°10'57".00	
72	45°34'03".30	122°24'36".50		123	45°36'22".50	121°10'00".00	
73	45°34'29".50	122°23'25".80		124	45°36'29".175	121°08'39".84	
74	45°34'33".40	122°22'44".00		125	45°36'40".89	121°08'22".135	a point on the center line of the Dalles Bridge across the Columbia River at the center of the main span of said bridge
75	45°34'10".00	122°21'04".00		126	45°36'43".94	121°08'17".53	
76	45°32'55".20	122°19'49".00		127	45°36'35".69	121°07'50".34	
77	45°32'38".00	122°17'43".70		128	45°36'58".44	121°07'16".41	
78	45°32'38".80	122°15'56".70		129	45°37'06".095	121°06'57".58	
79	45°33'03".25	122°14'24".50		130	45°37'14".85	121°07'02".75	a point on the axis of the Dalles Dam at Station 48+79 of the center line survey of said dam
				131	45°37'23".97	121°07'08".14	
				132	45°38'53".13	121°05'01".25	
				133	45°39'09".54	121°03'47".80	
				134	45°39'04".04	121°01'57".51	
				135	45°39'12".08	121°00'22".28	

Point Number	North Latitude	West Longitude	Description of Location
136	45°38'54".66	120°58'56".33	
137	45°38'55".91	120°58'49".52	a point on the center line of the Oregon Trunk Railroad Bridge and in the center of the 4th pier from the north end of said bridge
138	45°38'58".405	120°58'35".90	
139	45°39'24".84	120°57'06".97	
140	45°39'23".58	120°56'34".22	
141	45°38'24".54	120°54'44".75	
142	45°38'35".09	120°53'40".72	
143	45°40'18".79	120°51'15".26	
144	45°41'11".69	120°47'14".64	
145	45°42'19".71	120°43'38".83	
146	45°42'42".58	120°42'10".70	
147	45°42'57".18	120°41'18".11	
148	45°43'48".14	120°40'05".19	
149	45°44'45".12	120°38'01".97	
150	45°44'47".00	120°37'17".91	
151	45°44'47".99	120°35'23".91	
152	45°44'18".49	120°33'29".23	
153	45°42'37".59	120°31'17".65	
154	45°42'00".37	120°30'16".48	
155	45°41'40".42	120°28'53".22	
156	45°41'58".55	120°24'08".96	
157	45°42'41".66	120°19'30".62	
158	45°43'16".74	120°16'56".18	
159	45°43'33".84	120°12'34".62	
160	45°45'43".67	120°10'10".01	
161	45°46'24".09	120°08'25".17	
162	45°47'07".10	120°04'08".70	
163	45°48'26".17	120°00'49".27	
164	45°49'28".29	119°57'52".64	
165	45°49'41".97	119°54'21".95	
166	45°50'25".18	119°50'53".51	
167	45°50'52".00	119°48'05".62	
168	45°50'45".15	119°46'18".16	
169	45°51'25".40	119°40'07".80	
170	45°54'20".70	119°37'20".96	
171	45°55'10".82	119°35'58".28	
172	45°55'32".25	119°34'13".67	
173	45°54'31".37	119°31'24".18	
174	45°54'23".43	119°29'13".01	
175	45°55'03".10	119°26'57".35	
176	45°55'18".10	119°21'48".12	
177	45°55'51".37	119°19'52".71	
178	45°55'54".48	119°19'39".28	a point on the center line of the Umatilla Bridge at the center of the north main span of said bridge
179	45°55'59".59	119°19'17".20	
180	45°56'10".26	119°17'47".60	a point on the axis of McNary Dam at the north face of the south nonoverflow section
181	45°56'15".24	119°17'05".76	
182	45°56'24".05	119°15'21".40	
183	45°55'58".60	119°13'28".22	
184	45°55'40".97	119°11'39".82	
185	45°55'40".26	119°10'05".04	
186	45°55'58".55	119°07'30".72	
187	45°56'34".25	119°05'32".00	
188	45°57'31".28	119°03'37".36	
189	45°58'09".33	119°01'33".95	
190	45°58'45".73	119°00'27".12	
191	46°00'00".00	118°59'10".12	

ARTICLE III. RATIFICATION AND EFFECTIVE DATE

This compact shall become operative when it has been ratified by the legislatures of the states of Oregon and Washington and approved by the Congress of the United

States and the Constitutions of the states of Oregon and Washington have been amended to authorize the establishment of the boundary as herein provided. [1965 c 8 § 43.58.060. Prior: 1957 c 90 § 2.]

**43.58.070 Oregon-Washington Columbia River boundary compact—Transfer of records, etc., to division of archives.** Upon ratification by the state of Oregon and approval by the Congress of the United States of the compact set forth in RCW 43.58.060, the secretary of the Washington-Oregon boundary commission is hereby directed to transmit all records, work sheets, maps, minutes and other papers of said commission to the division of archives of the department of general administration. [1965 c 8 § 43.58.070. Prior: 1957 c 90 § 3.]

*Division of archives: Chapter 40.14 RCW.*

**43.58.090 Oregon-Washington Columbia River boundary compact—Repeal of RCW 43.58.010 through 43.58.040, when.** Chapter 27, Laws of 1937, as amended by chapter 6, Laws of 1955 extraordinary session and chapter 43.58 RCW [RCW 43.58.010 through 43.58.040] each shall be repealed when the compact set forth in RCW 43.58.060 has been ratified by the state of Oregon and approved by the Congress of the United States. [1965 c 8 § 43.58.090. Prior: 1957 c 90 § 5.]

**Reviser's note:** See note following RCW 43.58.050.

**Chapter 43.59  
TRAFFIC SAFETY COMMISSION**

Sections	Purpose.
43.59.010	Purpose.
43.59.020	Governor responsible for administration of traffic safety program—Acceptance and disbursal of federal funds.
43.59.030	Members of commission—Appointment—Vacancies—Duty to assist governor.
43.59.040	Powers and duties of commission.
43.59.050	Meetings—Travel expenses of members.
43.59.060	Director of commission—Appointment—Salary.
43.59.070	Director's duties—Staff—Rules and regulations.
43.59.080	Governor's duties as chairman.
43.59.090	Delegation of nontraffic safety responsibilities of state safety council to other agencies.
43.59.100	Termination of terms of members of executive board and advisory committee of safety council.
43.59.110	Transfer of records, books, funds, etc.
43.59.120	Transfer of employees—Civil service rights preserved.
43.59.130	Report to legislative transportation committee.

**43.59.010 Purpose.** The purpose of this chapter is to establish a new agency of state government to be known as the Washington traffic safety commission. The functions and purpose of this commission shall be to find solutions to the problems that have been created as a result of the tremendous increase of motor vehicles on our highways and the attendant traffic death and accident tolls; to plan and supervise programs for the prevention of accidents on streets and highways including but not limited to educational campaigns designed to reduce traffic accidents in cooperation with all official and unofficial organizations interested in traffic safety; to coordinate the activities at the state and local level in the development of state-wide and local traffic safety

programs; to promote a uniform enforcement of traffic safety laws and establish standards for investigation and reporting of traffic accidents; to promote and improve driver education; and to authorize the governor to perform all functions required to be performed by him under the federal Highway Safety Act of 1966 (Public Law 89-564; 80 Stat. 731). [1967 ex.s. c 147 § 1.]

*Driver education courses: Chapter 46.81 RCW.*

*Drivers' training schools: Chapter 46.82 RCW.*

**43.59.020 Governor responsible for administration of traffic safety program—Acceptance and disbursal of federal funds.** The governor shall be responsible for the administration of the traffic safety program of the state and shall be the official of the state having ultimate responsibility for dealing with the federal government with respect to all programs and activities of the state and local governments pursuant to the Highway Safety Act of 1966 (Public Law 89-564; 80 Stat. 731). The governor is authorized and empowered to accept and disburse federal grants or other funds or donations from any source for the purpose of improving traffic safety programs in the state of Washington, and is hereby empowered to contract and to do all other things necessary in behalf of this state to secure the full benefits available to this state under the federal Highway Safety Act of 1966 (Public Law 89-564; 80 Stat. 731) and in so doing, to cooperate with federal and state agencies, agencies private and public, interested organizations, and with individuals, to effectuate the purposes of that enactment, and any and all subsequent amendments thereto. [1967 ex.s. c 147 § 2.]

**43.59.030 Members of commission—Appointment—Vacancies—Duty to assist governor.** The governor shall be assisted in his duties and responsibilities by the Washington state traffic safety commission. The Washington traffic safety commission shall be comprised of the governor as chairman, the superintendent of public instruction, the director of motor vehicles, the director of highways, the chief of the state patrol, the director of the state department of health, a representative of the association of Washington cities to be appointed by the governor, a member of the association of counties to be appointed by the governor, and a representative of the judiciary to be appointed by the governor. Appointments to any vacancies among appointee members shall be as in the case of original appointment. [1971 ex.s. c 85 § 7; 1969 ex.s. c 105 § 1; 1967 ex.s. c 147 § 3.]

**43.59.040 Powers and duties of commission.** In addition to other responsibilities set forth in this chapter the commission shall:

(1) Advise and confer with the governing authority of any political subdivision of the state deemed eligible under the federal Highway Safety Act of 1966 (Public Law 89-564; 80 Stat. 731) for participation in the aims and programs and purposes of that act;

(2) Advise and confer with all agencies of state government whose programs and activities are within the

scope of said Highway Safety Act including those agencies that are not subject to direct supervision, administration and control by the governor under existing laws;

(3) Succeed to and be vested with all powers, duties and jurisdictions previously vested in the Washington state safety council;

(4) Require all counties and municipalities to prepare a comprehensive traffic safety plan consistent with the standards established by rule and regulation by the commission and the federal Highway Safety Act of 1966 (Public Law 89-564; 80 Stat. 731);

(5) Carry out such other responsibilities as may be consistent with this chapter. [1967 ex.s. c 147 § 4.]

**43.59.050 Meetings—Travel expenses of members.** The commission shall meet at least quarterly and shall have such special meetings as may be required. Members of the commission shall receive no additional compensation for their services except that which shall be allowed as travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [1975-'76 2nd ex.s. c 34 § 120; 1967 ex.s. c 147 § 6.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.59.060 Director of commission—Appointment—Salary.** The governor as chairman of the commission shall appoint a person to be director of the Washington traffic safety commission which director shall be paid such salary as shall be deemed reasonable and shall serve at the pleasure of the governor. [1967 ex.s. c 147 § 7.]

**43.59.070 Director's duties—Staff—Rules and regulations.** The director shall be secretary of the commission and shall be responsible for carrying into effect the commission's orders and rules and regulations promulgated by the commission. The director shall also be authorized to employ such staff as is necessary pursuant to the provisions of chapter 41.06 RCW. The commission shall adopt such rules and regulations as shall be necessary to carry into effect the purposes of this chapter. [1967 ex.s. c 147 § 8.]

**43.59.080 Governor's duties as chairman.** The governor as chairman of said commission shall have the authority to appoint advisory committees as he may deem advisable to aid, advise and assist the commission in carrying out the purposes of this chapter. All actions and decisions, however, shall be made by the commission. [1967 ex.s. c 147 § 9.]

**43.59.090 Delegation of nontraffic safety responsibilities of state safety council to other agencies.** The commission shall delegate all nontraffic safety responsibilities previously under the jurisdiction of the Washington state safety council to such other state agencies as the commission shall determine. [1967 ex.s. c 147 § 10.]

**43.59.100 Termination of terms of members of executive board and advisory committee of safety council.** All

terms of the members of the executive board and members of the advisory committee of the Washington state safety council shall be terminated upon May 11, 1967. [1967 ex.s. c 147 § 11.]

**43.59.110 Transfer of records, books, funds, etc.** On May 11, 1967, all records, books, accounts, equipment, funds and all other personal property now or hereafter held for the use of the Washington state safety council in performing their functions and duties as set forth in chapter 43.60 RCW shall be transferred to the possession and control of the Washington traffic safety commission. [1967 ex.s. c 147 § 12.]

**43.59.120 Transfer of employees—Civil service rights preserved.** All employees of the Washington state safety council who are employed exclusively or principally in performing the powers, duties and functions transferred by this chapter to the Washington state traffic safety commission shall, upon May 11, 1967, be transferred to the Washington state traffic safety commission. All such employees so transferred shall continue to be governed by the provisions of chapter 41.06 RCW, the state civil service law, without any loss of rights granted by said law. [1967 ex.s. c 147 § 13.]

**43.59.130 Report to legislative transportation committee.** The Washington state traffic safety commission shall submit a report outlining programs planned and steps taken toward improving traffic safety to the legislative transportation committee by October 1st of each even numbered year. [1971 ex.s. c 195 § 5; 1967 ex.s. c 147 § 14.]

### Chapter 43.60A DEPARTMENT OF VETERANS AFFAIRS

#### Sections

- 43.60A.010 Definitions.
- 43.60A.020 Department created—Transfer of powers, duties, and functions to department.
- 43.60A.030 Director—Qualifications—Salary—Vacancy.
- 43.60A.040 General powers and duties of director.
- 43.60A.050 Assistants—Executive staff—Deputy.
- 43.60A.060 Delegation of powers and duties.
- 43.60A.070 Additional powers and duties of director.
- 43.60A.080 Veterans affairs advisory committee—Created—Membership—Terms—Powers and duties.
- 43.60A.900 Transfer of personnel of department of social and health services engaged in veterans' services—Rights preserved.
- 43.60A.901 Transfer of property, records, funds, assets of agencies whose functions are transferred to department.
- 43.60A.902 Rules and regulations, pending business, contracts, of agencies whose functions are transferred to department to be continued—Savings.
- 43.60A.903 Certification when apportionments of budgeted funds required because of transfers.
- 43.60A.904 Federal programs—Rules and regulations—Internal reorganization to meet federal requirements—Construction to comply with federal law—Conflicting parts inoperative.
- 43.60A.905 Savings.
- 43.60A.906 Collective bargaining units or agreements not altered.
- 43.60A.907 Liberal construction.
- 43.60A.908 Severability—1975-'76 2nd ex.s. c 115.

**43.60A.010 Definitions.** As used in this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

- (1) "Department" means the department of veterans affairs;
- (2) "Director" means the director of the department of veterans affairs;
- (3) "Committee" means the veterans affairs advisory committee. [1975-'76 2nd ex.s. c 115 § 1.]

**43.60A.020 Department created—Transfer of powers, duties, and functions to department.** There is hereby created a department of state government to be known as the department of veterans affairs. All powers, duties, and functions now or through action of this legislature vested by law in the department of social and health services relating to veterans and veteran affairs are transferred to the department, except those powers, duties, and functions which are expressly directed elsewhere by law. Powers, duties, and functions to be transferred shall include, but not be limited to, all those powers, duties, and functions involving cooperation with other governmental units, such as cities and counties, or with the federal government, in particular those concerned with participation in federal grants-in-aid programs. Also transferred to the department shall be the powers, duties, and functions of the bonus division of the treasurer's office: *Provided*, That such transfer shall not occur until the bonus division completes its current duties of accepting and processing bonus claims arising from the Viet Nam conflict. This section shall not be construed to continue the powers, duties and functions of said bonus division beyond a time when such powers, duties or functions would otherwise cease. [1975-'76 2nd ex.s. c 115 § 2.]

**43.60A.030 Director—Qualifications—Salary—Vacancy.** The executive head and appointing authority of the department shall be the director of veterans affairs. The director shall be an honorably discharged or retired veteran of the armed forces of the United States and shall be appointed by the governor with the consent of the senate and shall serve at the pleasure of the governor. The director shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in the position of director while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when the governor shall present the nomination for the office to that body. [1975-'76 2nd ex.s. c 115 § 3.]

**43.60A.040 General powers and duties of director.** The director of the department of veterans affairs shall have the power and it shall be the director's duty:

- (1) To conduct, control, and supervise the department;
- (2) To appoint and employ and to determine the powers and duties together with the salaries and other expenses of such clerical and other personnel, subject to the provisions of chapter 41.06 RCW, as are necessary to carry out the duties of the department; and

(3) To perform all other matters and things, whether similar to the foregoing or not, to carry out the provisions of this chapter. [1975-'76 2nd ex.s. c 115 § 4.]

**43.60A.050 Assistants—Executive staff—Deputy.** The director may appoint such assistants and executive staff as shall be needed to administer the department, all of whom shall be veterans. The director shall designate a deputy from the executive staff who shall have charge and general supervision of the department in the absence or disability of the director, and in case of a vacancy in the office of director, shall continue in charge of the department until a successor is appointed and qualified, or until the governor shall appoint an acting director. [1975-'76 2nd ex.s. c 115 § 5.]

*Certain personnel of department exempted from state civil service law: RCW 41.06.077.*

**43.60A.060 Delegation of powers and duties.** The director may delegate any power or duty vested in or transferred to the director by law or executive order to a deputy director or to any other assistant or subordinate, but the director shall be responsible for the official acts of the officers and employees of the department. [1975-'76 2nd ex.s. c 115 § 6.]

**43.60A.070 Additional powers and duties of director.** In addition to other powers and duties, the director is authorized:

(1) To cooperate with officers and agencies of the United States in all matters affecting veterans affairs;

(2) To accept grants, donations, and gifts on behalf of this state for veterans affairs from any person, corporation, government, or governmental agency, made for the benefit of a former member of the armed forces of this or any other country;

(3) To be custodian of all the records and files of the selective service system in Washington that may be turned over to this state by the United States or any department, bureau, or agency thereof; and to adopt and promulgate such rules and regulations as may be necessary for the preservation of such records and the proper use thereof in keeping with their confidential nature;

(4) To act without bond as conservator of the estate of a beneficiary of the veterans administration when the director determines no other suitable person will so act;

(5) To extend on behalf of the state of Washington such assistance as the director shall determine to be reasonably required to any veteran and to the dependents of any such veteran;

(6) To adopt rules and regulations pursuant to chapter 34.04 RCW with respect to all matters of administration to carry into effect the purposes of this section. Such proposed rules and regulations shall be submitted by the department at the time of filing notice with the code reviser as required by RCW 34.04.025 to the respective legislative committees of the senate and of the house of representatives dealing with the subject of veteran affairs legislation through the offices of the secretary of the senate and chief clerk of the house of representatives. [1975-'76 2nd ex.s. c 115 § 8.]

**43.60A.080 Veterans affairs advisory committee—Created—Membership—Terms—Powers and duties.** (1) There is hereby created a state veterans affairs advisory committee which shall serve in an advisory capacity to the director of the department of veterans affairs. The committee shall be composed of nine members to be appointed by the governor, and shall consist of two veterans at large, one of whom shall be a Viet Nam era veteran, and one representative of each of the following congressionally chartered veterans organizations: American Legion, Veterans of Foreign Wars, American Veterans of World War II, Korea and Vietnam, Disabled American Veterans, Military Order of the Purple Heart, Marine Corps League, and Veterans of World War I. The seven members representing the foregoing organizations shall be chosen from a list of twenty-one nominees consisting of three names submitted to the governor by each of the named organizations. The first members of the committee shall hold office as follows: Three members to serve two years; three members to serve three years; and three members to serve four years. Upon expiration of said original terms, subsequent appointments shall be for four years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms.

(2) The state advisory committee shall have the following powers and duties:

(a) To serve in an advisory capacity to the director and the governor on all matters pertaining to the department of veterans affairs;

(b) To acquaint themselves fully with the operations of the department and recommend such changes to the director as they deem advisable.

(3) Members of the state advisory committee shall receive no compensation for the performance of their duties but shall receive a per diem allowance and mileage expense according to the provisions of chapter 43.03 RCW. [1975-'76 2nd ex.s. c 115 § 14.]

**43.60A.900 Transfer of personnel of department of social and health services engaged in veterans' services—Rights preserved.** All employees and personnel of the department of social and health services directly engaged in services to veterans shall, on June 25, 1976, be transferred to the jurisdiction of the department of veterans affairs. All employees classified under chapter 41.06 RCW, the state civil service law, shall be assigned to the department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state civil service law. [1975-'76 2nd ex.s. c 115 § 9.]

**43.60A.901 Transfer of property, records, funds, assets of agencies whose functions are transferred to department.** All reports, documents, surveys, books, records, files, papers, or other writings in the possession of all departments and agencies of state government concerned with veterans services, and pertaining to the functions affected by this chapter, shall be delivered to

the custody of the department of veterans affairs. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the powers and duties transferred by this chapter shall be made available to the department. All funds, credits, or other assets held in connection with the functions transferred by this chapter shall be assigned to the department.

Any appropriations made to the department of social and health services or other departments or agencies affected by this chapter for the purpose of carrying out the powers and duties transferred by this chapter, shall on June 25, 1976, be transferred and credited to the department of veterans affairs for the purpose of carrying out such transferred powers and duties.

Whenever any question arises as to the transfer of any funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred under this chapter, the director of program planning and fiscal management or successor thereto shall make a determination as to the proper allocation and certify the same to the state departments and agencies concerned. [1975-'76 2nd ex.s. c 115 § 10.]

**43.60A.902 Rules and regulations, pending business, contracts, of agencies whose functions are transferred to department to be continued—Savings.** All rules and regulations, and all pending business before the departments and agencies or divisions thereof affected by this chapter pertaining to matters transferred by this chapter, as of June 25, 1976, shall be continued and acted upon by the department. All existing contracts and obligations pertaining to the functions transferred by this chapter shall remain in full force and effect, and shall be performed by the department. Neither the transfer of any department or agency, or division thereof, nor any transfer of powers, duties, and functions, shall affect the validity of any act performed by such department or agency or division thereof or any officer or employee thereof prior to June 25, 1976. [1975-'76 2nd ex.s. c 115 § 11.]

**43.60A.903 Certification when apportionments of budgeted funds required because of transfers.** If apportionments of budgeted funds are required because of the transfers authorized by this chapter, the director of program planning and fiscal management shall certify such 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 such certification. [1975-'76 2nd ex.s. c 115 § 12.]

**43.60A.904 Federal programs—Rules and regulations—Internal reorganization to meet federal requirements—Construction to comply with federal law—Conflicting parts inoperative.** In furtherance of the policy of the state to cooperate with the federal government in all of the programs included in this chapter, such rules

and regulations as may become necessary to entitle the state to participate in federal funds may be adopted, unless the same be expressly prohibited by law. Any internal reorganization carried out under the terms of this chapter shall meet federal requirements which are a necessary condition to state receipt of federal funds. Any section or provision of this chapter which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling this state to receive federal funds for the various programs of the department. If any part of this chapter is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to the state, or to any departments or agencies thereof, such conflicting part of this chapter is declared to be inoperative solely to the extent of the conflict. [1975-'76 2nd ex.s. c 115 § 13.]

**43.60A.905 Savings—1975-'76 2nd ex.s. c 115.** Nothing in this chapter shall be construed to affect any existing rights acquired under RCW 43.17.010, 43.17.020, 43.61.030, 43.61.040, 43.61.050, or 43.61.070, as now or hereafter amended, except as to the governmental agencies referred to and their officials and employees, nor as affecting any actions, activities, or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor any administrative action taken thereunder; and neither the abolition of any agency or division thereof nor any transfer of powers, duties, and functions as provided herein, shall affect the validity of any act performed by such agency or division thereof or any officer thereof prior to June 25, 1976. [1975-'76 2nd ex.s. c 115 § 15.]

**43.60A.906 Collective bargaining units or agreements not altered.** Nothing contained in this chapter shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until any such agreement has expired or until any such bargaining unit has been modified by action of the personnel board as provided by law. [1975-'76 2nd ex.s. c 115 § 16.]

**43.60A.907 Liberal construction—1975-'76 2nd ex.s. c 115.** The rule of strict construction shall have no application to this chapter and it shall be liberally construed in order to carry out the objective for which it is designed, in accordance with the legislative intent to give the director the maximum possible freedom in carrying the provisions of this chapter into effect. [1975-'76 2nd ex.s. c 115 § 17.]

**43.60A.908 Severability—1975-'76 2nd ex.s. c 115.** If any provision of this amendatory 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. [1975-'76 2nd ex.s. c 115 § 25.]



**Chapter 43.61**  
**VETERANS' REHABILITATION COUNCIL**

## Sections

- 43.61.030 Approval of expenditures by director of veterans affairs—Use of funds.  
43.61.040 Director of veterans affairs to make rules and regulations—Veteran services—Annual report.  
43.61.050 Veterans' affairs account.  
43.61.060 Donations may be accepted.  
43.61.070 Payments to veterans' organizations—Approval by director of veterans affairs.

*Department of veterans affairs: Chapter 43.60A RCW.*

*Veterans' bonus, duties concerning: RCW 73.32.060, 73.33.070.*

**43.61.030 Approval of expenditures by director of veterans affairs—Use of funds.** The director of veterans affairs is empowered to approve expenditures by any veterans' organizations, now or hereafter chartered by act of congress and to reimburse such organizations therefor. All sums paid to veterans' organizations shall be used by the organizations in the maintenance of a rehabilitation service and to assist veterans in the prosecution of their claims and the solution of their problems arising out of military service. Such service and assistance shall be rendered all veterans and their dependents and also all beneficiaries of any military claim, and shall include but not be limited to those services now rendered by the service departments of the respective member organizations. [1975-'76 2nd ex.s. c 115 § 21; 1971 ex.s. c 189 § 5; 1970 ex.s. c 18 § 33; 1965 c 8 § 43.61.030. Prior: 1947 c 110 § 6; RRS § 10758-105.]

**Savings—Construction—Severability—1975-'76 2nd ex.s. c 115:** See RCW 43.60A.905, 43.60A.907, 43.60A.908.

**43.61.040 Director of veterans affairs to make rules and regulations—Veteran services—Annual report.** The director of veterans affairs shall make such rules and regulations as may be necessary to carry out the purposes of this chapter. The department shall furnish information, advice, and assistance to veterans and coordinate all programs and services in the field of veterans' claims service, education, health, vocational guidance and placement, and services not provided by some other agency of the state or by the federal government. The director shall submit a report of the departments' activities hereunder before the fifteenth of January of each year to the governor. [1975-'76 2nd ex.s. c 115 § 22; 1971 ex.s. c 189 § 6; 1970 ex.s. c 18 § 34; 1965 c 8 § 43.61.040. Prior: 1947 c 110 § 3; RRS § 10758-102.]

**Savings—Construction—Severability—1975-'76 2nd ex.s. c 115:** See RCW 43.60A.905, 43.60A.907, 43.60A.908.

**43.61.050 Veterans' affairs account.** There is created in the state treasury a fund to be known as the veterans' affairs account and no money shall be withdrawn therefrom except by warrant of the state treasurer for claims approved by the director of veterans affairs and filed on proper forms. [1975-'76 2nd ex.s. c 115 § 23; 1970 ex.s. c 18 § 35; 1965 c 8 § 43.61.050. Prior: 1947 c 110 § 4; RRS § 10758-103.]

**Savings—Construction—Severability—1975-'76 2nd ex.s. c 115:** See RCW 43.60A.905, 43.60A.907, 43.60A.908.

**Effective date—Severability—1970 ex.s. c 18:** See notes following RCW 43.20A.010.

**43.61.060 Donations may be accepted.** The department may receive gifts, donations, and grants from any person or agency and all such gifts, donations, and grants shall be placed in the veterans' rehabilitation council account and used in accordance with the donors' instructions. [1971 ex.s. c 189 § 7; 1965 c 8 § 43.61.060. Prior: 1947 c 110 § 5; RRS § 10758-104.]

**43.61.070 Payments to veterans' organizations—Approval by director of veterans affairs.** Payments to any veterans' organization shall first be approved by the director of veterans affairs and insofar as possible shall be made on an equitable basis for work done. [1975-'76 2nd ex.s. c 115 § 24; 1970 ex.s. c 18 § 36; 1965 c 8 § 43.61.070. Prior: 1947 c 110 § 7; RRS § 10758-106.]

**Savings—Construction—Severability—1975-'76 2nd ex.s. c 115:** See RCW 43.60A.905, 43.60A.907, 43.60A.908.

**Effective date—Severability—1970 ex.s. c 18:** See notes following RCW 43.20A.010.

**Chapter 43.62**  
**DETERMINATION OF POPULATIONS—**  
**STUDENT ENROLLMENTS**

## Sections

- 43.62.010 Board or successor—Expenditures.  
43.62.020 Method of allocating state funds to cities and towns prescribed.  
43.62.030 Determination of population—Certificate—Allocation of state funds.  
43.62.040 Assistance to board—Determination by board conclusive.  
43.62.050 Student enrollment forecasts—Reports.

**43.62.010 Board or successor—Expenditures.** If the state or any of its political subdivisions, or other agencies, use the services of the board or the successor thereto, the state, its political subdivision, or other agencies utilizing such services shall pay for the cost of rendering such services. Expenditures shall be paid out of funds allocated to cities and towns under RCW 82.44-.150, as derived from section 5, chapter 152, Laws of 1945, and shall be paid from said fund before any allocations or payments are made to cities and towns under said act. [1975-'76 2nd ex.s. c 34 § 121; 1965 c 8 § 43.62.010. Prior: 1957 c 175 § 1; 1951 c 96 § 1; 1947 c 51 § 2; RRS § 5508-11.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.62.020 Method of allocating state funds to cities and towns prescribed.** Whenever cities and towns of the state are, by law, allocated and entitled to be paid any funds or state moneys from any source, and the allocation and payment is required to be made on a populations basis, notwithstanding the provisions of any other law to the contrary, all such allocations shall be made on the basis of the population of the respective cities and towns as last determined by the state census board: *Provided*, That the regular federal decennial census figures released for cities and towns shall be considered by the

board in determining the population of cities and towns. [1965 c 8 § 43.62.020. Prior: 1957 c 175 § 2; prior: (i) 1949 c 60 § 1; RRS § 5508-3. (ii) 1947 c 51 § 1; RRS § 5508-10.]

**43.62.030 Determination of population—Certificate—Allocation of state funds.** The planning and community affairs agency shall annually as of April 1st, determine the populations of all cities and towns of the state; and on or before July 1st of each year, shall file with the secretary of state a certificate showing its determination as to the populations of cities and towns of the state. A copy of such certificate shall be forwarded by the agency to each state official or department responsible for making allocations or payments, and on and after January 1st next following the date when such certificate or certificates are filed, the population determination shown in such certificate or certificates shall be used as the basis for the allocation and payment of state funds, to cities and towns until the next January 1st following the filing of successive certificates by the agency: *Provided*, That whenever territory is annexed to a city or town, the population of the annexed territory shall be added to the population of the annexing city or town upon the effective date of the annexation as specified in the relevant ordinance, and upon approval of the agency as provided in RCW 35.13.260, as now or hereafter amended, a revised certificate reflecting the determination of the population as increased from such annexation shall be forwarded by the agency to each state official or department responsible for making allocations or payments, and upon and after the date of the commencement of the next quarterly period, the population determination indicated in such revised certificate shall be used as the basis for allocation and payment of state funds to such city or town until the next annual population determination becomes effective: *Provided further*, That whenever any city or town becomes incorporated subsequent to the determination of such population, the populations of such cities and towns as shown in the records of incorporation filed with the secretary of state shall be used in determining the amount of allocation and payments, and the agency shall so notify the proper state officials or departments, and such cities and towns shall be entitled to participate in allocations thereafter made: *Provided further*, That in case any incorporated city or town disincorporates subsequent to the filing of such certificate or certificates, the agency shall promptly notify the proper state officials or departments thereof, and such cities and towns shall cease to participate in allocations thereafter made, and all credit accrued to such incorporated city or town shall be distributed to the credit of the remaining cities and towns. The secretary of state shall promptly notify the agency of the incorporation of each new city and town and of the disincorporation of any cities or towns.

For the purposes of this section, each quarterly period shall commence on the first day of the months of January, April, July, and October. Whenever a revised certificate due to an annexation is forwarded by the agency thirty days or less prior to the commencement of the

next quarterly period, the population of the annexed territory shall not be considered until the commencement of the following quarterly period. [1969 ex.s. c 50 § 2; 1965 c 8 § 43.62.030. Prior: 1957 c 175 § 3; 1951 c 96 § 2.]

**Reviser's note:** State census board abolished by RCW 43.63A.150, and powers transferred to planning and community affairs agency by RCW 43.63A.080(10). Powers of planning and community affairs as to functions contained in this chapter were transferred to the office of program planning and fiscal management by RCW 43.41.050 and 43.41.110.

**1969 allocations:** "The allocation of state funds to cities and towns for the calendar year 1969 shall be made on the basis of the laws in effect prior to the effective date of this act." [1969 ex.s. c 50 § 3.] This applies to RCW 35.13.260 and 43.62.030. The effective date of 1969 ex.s. c 50 was August 11, 1969.

*Determination of population of area annexed to city: RCW 35.13.260.*

**43.62.040 Assistance to board—Determination by board conclusive.** The department of revenue or any other state officer or officials of cities, towns, or counties shall upon request of the board furnish such information, aid, and assistance as may be required by the board in the performance of its duties. The action of the board in determining the population shall be final and conclusive. [1975 1st ex.s. c 278 § 25; 1965 c 8 § 43.62.040. Prior: 1957 c 175 § 4; 1951 c 96 § 3.]

**Construction—Severability—1975 1st ex.s. c 278:** See notes following RCW 11.08.160.

**43.62.050 Student enrollment forecasts—Reports.** The board shall develop and maintain student enrollment forecasts of Washington schools, including both public and private, elementary schools, junior high schools, high schools, colleges and universities. The board shall submit reports on such forecasts to the governor, the legislative budget committee, and the standing committees on ways and means of the house and the senate on or before the fifteenth day of November of each even-numbered year. [1975 1st ex.s. c 293 § 2; 1965 c 8 § 43.62.050. Prior: 1959 c 171 § 1; 1957 c 229 § 1.]

**Severability—1975 1st ex.s. c 293:** See RCW 43.88.902.

**Effective date—1975 1st ex.s. c 293:** See RCW 43.88.910.

## Chapter 43.63A PLANNING AND COMMUNITY AFFAIRS

### Sections

- 43.63A.010 Purpose.
- 43.63A.020 Definitions.
- 43.63A.030 Planning and community affairs agency—Created.
- 43.63A.040 Planning and community affairs agency—Director—Appointment, salary, bond.
- 43.63A.050 Planning and community affairs agency—Personnel.
- 43.63A.060 Powers and duties of director.
- 43.63A.070 Planning functions and responsibilities.
- 43.63A.080 Community affairs functions and responsibilities.
- 43.63A.085 Inventory of state land resources—Developing and maintaining—Summaries.
- 43.63A.090 Transfer of employees to agency—Applicability of merit system.
- 43.63A.100 Coordination of community affairs activities and programs.
- 43.63A.110 Comprehensive plans of counties, cities, municipal corporations, governmental conference or council, or regional planning commission—Filing with planning and

community affairs agency—Advisory recommendations.

- 43.63A.120 State planning advisory council.
- 43.63A.130 Advisory or coordinating groups—Establishment.
- 43.63A.140 Appropriations.
- 43.63A.150 State census board abolished.
- 43.63A.900 Severability—1967 c 74.

**Reviser's note:** State planning, program management, and population and research divisions of planning and community affairs agency transferred to office of program planning and fiscal management: See chapter 43.41 RCW.

*Annexations to cities or towns, annexation certificate submitted to the planning and community affairs agency: RCW 35.13.260.*

*Community college board to assist in enrollment projections: RCW 28B.50.090(4).*

*Justice court judicial districts, population estimated and certified by the planning and community affairs agency: RCW 3.30.010.*

*Local governmental organizations, actions affecting boundaries, etc., review by boundary review board: Chapter 36.93 RCW.*

*Scenic and recreational highway act, planning and design standards to be established by office of community affairs: RCW 47.39.040.*

*Thermal power plant site evaluation council, membership: RCW 80.50.030.*

**43.63A.010 Purpose.** The legislature finds that (1) the rapid growth being experienced by many communities within the state presents new and significant problems for governmental units in providing the necessary public services and in planning and developing desirable living and working areas; (2) the full and effective use of the many programs of the federal government affecting community development necessitates full cooperation and coordination of existing state and local governmental agencies; (3) the coordination of existing state activities which affect the communities of the state requires the establishment of machinery within the state government to administer new and existing programs to meet these problems; (4) it is the urgent responsibility of the state to assist communities in meeting these problems in whatever way possible including technical and financial assistance. It is therefore the purpose of this chapter to establish a state agency for state planning, to aid in providing financial and technical assistance to the communities of the state and to otherwise assist in such community planning and development in order to promote health and living standards and conditions that the welfare of the people of the state require. [1967 c 74 § 1.]

**Effective date—1967 c 74:** "This act shall take effect on July 1, 1967." [1967 c 74 § 15.] This applies to RCW 43.63A.010–43.63A.140, 43.63A.900.

**Construction—1967 c 74:** "The enactment of this act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at date this act becomes effective." [1967 c 74 § 17.] This applies to RCW 43.63A.010–43.63A.140, 43.63A.900.

**43.63A.020 Definitions.** For the purposes of this chapter and unless the context shall clearly indicate otherwise:

(1) "Agency" means the planning and community affairs agency as created in RCW 43.63A.030.

(2) "Director" means the director of planning and community affairs as provided for in RCW 43.63A.040. [1967 c 74 § 2.]

**43.63A.030 Planning and community affairs agency—Created.** There is hereby established to carry out the purposes of this chapter a new agency of state government in the office of the governor to be known as the planning and community affairs agency. [1967 c 74 § 3.]

**43.63A.040 Planning and community affairs agency—Director—Appointment, salary, bond.** The executive head of the planning and community affairs agency shall be a director appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. He shall be paid a salary fixed by the governor in accordance with the provisions of RCW 43.03.040. He shall be bonded in an amount to be determined by the director of the department of general administration under the provisions of RCW 43.19.540, the cost of which shall be considered an office expense. [1975 c 40 § 10; 1967 c 74 § 4.]

**43.63A.050 Planning and community affairs agency—Personnel.** The director shall employ such personnel and prescribe their duties as may be necessary to implement the purposes of this chapter. Said employees shall be subject to those civil service and personnel policies established for state employees generally and shall be paid salaries at rates of pay comparable to those of state employees with equivalent responsibilities in other state agencies subject to the provisions of chapter 41.06 RCW. [1967 c 74 § 5.]

**43.63A.060 Powers and duties of director.** The director shall supervise and administer the activities of the planning and community affairs agency and shall advise the governor and the legislature with respect to matters affecting planning and community affairs generally and more especially on the extent the state should participate in such planning and community affairs.

The director may enter into contracts on behalf of the state to carry out the purposes of this chapter; he may act for the state in the initiation of or participation in any multi-governmental agency program relative to the purposes of this chapter; and he may accept gifts and grants, whether such grants be of federal or other funds. When federal or other funds are received by the agency they shall be promptly transferred to the state treasurer and thereafter expended only upon the approval of the director. The director shall prepare and submit for executive and legislative action thereon the budget for the planning and community affairs agency; he shall make an annual report to the governor and to the legislature on the activities of the office and the nature of existing community problems, and after consultation with and approval by the governor, submit such recommendations for legislative action as deemed necessary to further the purposes of this chapter; and he shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of this chapter.

The director may delegate such of his functions, powers and duties to other officers and employees of the office as he deems expedient to the furtherance of the purposes of this chapter. [1967 c 74 § 6.]

**43.63A.070 Planning functions and responsibilities.** The planning and community affairs agency shall have the following planning functions and responsibilities:

(1) Provide technical assistance to the governor and the legislature in identifying long range goals for the state.

(2) Prepare a state comprehensive plan as the state's long range public declaration of intent in developmental policy, for programming its facilities and services and for guidance of private activities and public programs at all levels of government. Plan elements may include but shall not be limited to transportation, scenic highways, public facilities, recreation, open spaces, natural resources, patterns of urban and rural development, and quality of the natural and man-made environment.

(3) Provide assistance and coordination to other state agencies for preparation of agency plans and programs.

(4) Provide general coordination and review of plans in functional areas of state government as may be necessary for receipt of federal or state funds.

(5) Participate with other states or subdivisions thereof in interstate planning, and assist cities, counties, municipal corporations, governmental conferences or councils and regional planning commissions to participate with other states or their subdivisions in planning.

(6) Assist the central budget agency in capital improvement programming and other programming activities.

(7) Encourage educational and research programs that further planning and community development, and provide administrative and technical services therefor. [1967 c 74 § 7.]

**43.63A.080 Community affairs functions and responsibilities.** The planning and community affairs agency shall have the following community affairs functions and responsibilities:

(1) Administration or coordination of state programs and projects relating to community affairs for the planning and carrying out of the acquisition, preservation, use and development of land and provision of public facilities and services for fully carrying out the state's role in related federal grant or loan programs.

(a) Where not otherwise authorized by state law, authorize state financial participation with cities, towns, counties, and other municipal corporations in financing public works projects and service programs. The assisted projects and programs shall be consistent with local, regional and state comprehensive plans and policies.

(b) All applications for federal grants and/or loans for this purpose shall be submitted to the planning and community affairs agency for recommendation as to consistency with, state, regional, local or other plans or policies and for duplication or conflicts so as to maximize federal benefits available to the state.

(c) The director shall approve or disapprove state grants administered by the planning and community affairs agency to apply toward the nonfederal share of project costs in conformity with the provisions of this chapter. Such approval may be conditional upon approval of a governmental conference or council, or

regional planning agency, which provides review of federal aid applications within its regional area, and upon subsequent approval of the project by an appropriate federal agency for federal grant funds. Upon approval of the application the director shall transmit it to the appropriate federal agency. Any application disapproved by the director shall be returned to the applicant with written notice of modification necessary to make the project eligible in terms of state or federal policies.

(2) Cooperate with and provide technical and financial assistance to counties, cities, municipal corporations, governmental conferences or councils, regional planning commissions, parks or recreation boards, community development groups, community action agencies, Indian tribes, and similar agencies created for the purposes of aiding and encouraging an orderly productive and coordinated development of the state, and to strengthen local planning responsibility and capability.

(3) Assist the governor in coordinating the activities of state agencies which have an impact on the solution of community development problems and the implementation of community plans.

(4) Encourage and, when requested, assist the efforts of local governments to develop mutual and cooperative solutions to their common problems.

(5) Study existing legal provisions that affect the structure and financing of local government and those state activities which involve significant relations with local governmental units and recommend to the governor and the legislature such changes in these provisions and activities as may seem necessary to strengthen local government.

(6) Serve as a clearinghouse for information, data, and other materials which may be helpful or necessary to local governments to discharge their responsibilities. The clearinghouse should also provide information on available federal and state financial and technical assistance.

(7) Carry out continuing studies and analyses of the problems faced by communities within the state and develop such recommendations for administrative or legislative action as would appear necessary. In carrying out such studies and analyses, particular attention should be paid to the problems of regional, metropolitan, urban, suburban, rural, and other areas in which economic and population factors are rapidly changing.

(8) Develop and/or test model or demonstration programs and projects, which may include contracting to administer certain functions or services within a community of the state for such purposes, and otherwise provide a program of practical research in the solution of community problems.

(9) Carry out the provisions of RCW 43.31.200 through 43.31.230; RCW 35.13.171(3) relating to annexation review board responsibilities; and that portion of RCW 58.16.110 relating to state review of subdivision regulations. The department of commerce and economic development shall transfer all records, books, documents, papers, files, or other writings, all cabinets, furniture, office equipment and other tangible property, and all funds in custody or under control or use by the department and any other pertinent information relative

to the business being carried on thereunder to the agency as soon as practicable after July 1, 1967 and give such other assistance to the director of the planning and community affairs agency as essential to carrying out the purposes of this chapter. The transfer of powers and duties as provided in this subsection shall not affect the validity of any acts performed by such agency or any officer or employee thereof before taking effect of this chapter. All matters relating to functions transferred under the provisions of this subsection which at the time of transfer have not been completed may be undertaken and completed by the director of the planning and community affairs agency, who is authorized, empowered, and directed to promulgate any and all orders, rules and regulations necessary to accomplish this purpose.

(10) Carry out the provisions of RCW 43.62.010 through 43.62.050. The state census board shall transfer all records, books, documents, papers, files or other writings, all cabinets, furniture, office equipment and other tangible property, and all funds in custody or under control or use by the board and any other pertinent information relative to the business being carried on thereunder to the agency as soon as practicable after July 1, 1967 and give such other assistance to the director of the planning and community affairs agency as essential to carrying out the purposes of this chapter. The transfer of powers and duties as provided in this subsection shall not affect the validity of any acts performed by such agency or any officer or employee thereof before taking effect of this chapter. All matters relating to functions transferred under the provisions of this subsection which at the time of transfer have not been completed may be undertaken and completed by the director of the planning and community affairs agency, who is authorized, empowered, and directed to promulgate any and all orders, rules and regulations necessary to accomplish this purpose.

(11) Review all proposals for the location of capital improvements by any state agency to be located within any city or within any urbanized area not located within a city, and advise and make recommendations concerning location of such capital improvements.

The office shall, in carrying out its functions, consult with local and federal officials, private groups and individuals, and with officials of other states, and may, if the director deems it desirable, hold public hearings to obtain information for the purpose of carrying out the purposes of this chapter. All state agencies and their officials and the officials of any political subdivision of the state shall cooperate with and give such assistance to the office, including the submission of requested information as to allow the office to carry out its purposes under this chapter. [1967 c 74 § 8.]

**Reviser's note:** RCW 58.16.110 was repealed by section 36, chapter 271, Laws of 1969 ex.s. For provisions relating to platting, subdivision and dedication of land see chapter 58.17 RCW.

**43.63A.085 Inventory of state land resources—Developing and maintaining—Summaries.** The planning and community affairs agency shall provide by administrative regulation for the maintenance of an inventory of all state owned or controlled land resources

by all state agencies owning or controlling land. The planning and community affairs agency shall cooperate with the state departments and agencies charged with administering state owned and/or controlled land resources to assist them in developing and maintaining land resources inventories that will permit their respective inventories to be summarized into meaningful reports for the purposes of providing executive agencies with information for planning, budgeting and managing state owned or administered land resources and to provide the legislature, its members, committees and staff with data needed for formulation of public policy.

Such departments or agencies shall maintain and make available such summary inventory information as may be prescribed by the rules and regulations of the planning and community affairs agency. That agency shall give each affected department or agency specific written notice of hearings for consideration, adoption or modification of such rules and regulations. All information submitted to the planning and community affairs agency as provided herein shall be a matter of public record and shall be available from said agency upon request. [1969 ex.s. c 53 § 1.]

*Land use data bank—Contents, source—Consultants authorized—Use: RCW 79.68.120.*

**43.63A.090 Transfer of employees to agency—Applicability of merit system.** All employees of the department of commerce and economic development and of the state census board who are employed exclusively or principally in performing the powers, duties and functions transferred by this chapter to the office of community affairs shall, upon July 1, 1967, be transferred to the office of community affairs. All such employees so transferred shall continue to be governed by the provisions of chapter 41.06 RCW, the state civil service law, without any loss of rights granted by said law. [1967 c 74 § 9.]

**43.63A.100 Coordination of community affairs activities and programs.** The legislature hereby declares that the successful execution of the purposes of this chapter is dependent upon all activities and programs of those state agencies which might have an impact on community affairs being fully coordinated with the planning and community affairs agency. [1967 c 74 § 10.]

**43.63A.110 Comprehensive plans of counties, cities, municipal corporations, governmental conference or council, or regional planning commission—Filing with planning and community affairs agency—Advisory recommendations.** All comprehensive plans, or amendments thereto, being considered by any county, city, municipal corporations, governmental conference or council, or regional planning commission must be filed with the planning and community affairs agency for the purpose of review and recommendation prior to adoption. The planning and community affairs agency shall communicate its comments and recommendations to the proponent within thirty days following receipt of such plans or amendments by the agency unless the submitting body

shall authorize a longer time. Such comments and recommendations shall be advisory only. Failure of any county, city, or any other municipal corporation to comply with the provisions of this section, shall not invalidate any comprehensive plan or any amendments thereto, otherwise enacted according to law. [1967 c 74 § 11.]

**43.63A.120 State planning advisory council.** A state planning advisory council of not to exceed fifteen members shall be appointed by the governor to advise the director and the governor on policy matters as specified in this chapter. The council shall be composed of residents of the state from such geographical areas as the governor shall determine will best further the purposes of this chapter: *Provided*, That there shall be at least one member from each congressional district. Members shall serve at the pleasure of the governor and shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [1975-'76 2nd ex.s. c 34 § 122; 1967 c 74 § 12.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.63A.130 Advisory or coordinating groups—Establishment.** The director or the governor may establish such additional advisory or coordinating groups with the legislature or legislative council, within state government, with state and other governmental units or in specialized subject areas as may be necessary to carry out the purposes of this chapter. Tenure and compensation for expenses shall be the same as for the state planning advisory council. [1967 c 74 § 13.]

**43.63A.140 Appropriations.** Moneys may be appropriated to carry out the purposes of this chapter. [1967 c 74 § 14.]

**43.63A.150 State census board abolished.** The state census board is hereby abolished. [1967 ex.s. c 42 § 3.]

**Effective date—1967 ex.s. c 42:** The effective date of this section is July 1, 1967, see note following RCW 3.30.010.

**Savings—1967 ex.s. c 42:** See note following RCW 3.30.010.  
*State census board: Chapter 43.62 RCW.*

**43.63A.900 Severability—1967 c 74.** If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected. [1967 c 74 § 16.]

#### Chapter 43.74 BASIC SCIENCE LAW

##### Sections

43.74.005	Definitions.
43.74.010	Committee created—Members.
43.74.015	Committee organization, powers, and duties—Compensation, travel expenses.
43.74.020	Duties of committee—Examinations.
43.74.025	Qualifications for examination and certificate.
43.74.030	Scope of examinations.

43.74.035	Waiver of examination—Reciprocity—Fees.
43.74.037	Waiver of examination by examining board or committee—Effect.
43.74.040	Application to practice.
43.74.050	Issuance of certificate for license.
43.74.060	Further examination—Subjects may be limited.
43.74.065	Revocation of certificate or license—Appeal—Penalty.
43.74.075	Discrimination prohibited.
43.74.080	When chapter does not apply.
43.74.085	Requirements of chapter satisfied by proof medicine and surgery, osteopathy, or osteopathy and surgery applicant passed other examination.
43.74.090	Penalty.
43.74.900	Short title.

**Reviser's note:** "Director of the department of licenses" changed to "director of the department of motor vehicles" in RCW 43.74.005 and "director of licenses" changed to "director of motor vehicles" in RCW 43.74.060 pursuant to chapter 156, Laws of 1965.

**43.74.005 Definitions.** Terms used in this chapter shall have the following meaning:

(1) "Basic sciences" are anatomy, physiology, chemistry, pathology, bacteriology, and hygiene.

(2) "Healing art" is any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, prevention, cure, relief, palliation, adjustment, or correction of any human disease, ailment, deformity, injury or unhealthy or abnormal physical or mental condition.

(3) "Committee" means the examining committee created herein.

(4) "Director" means the director of the department of motor vehicles. [1965 c 8 § 43.74.005. Prior: 1955 c 192 § 2.]

**43.74.010 Committee created—Members.** There shall be a committee of six members learned respectively in the basic sciences to conduct and assist in conducting basic science examinations of all persons applying for licenses or certificates to practice medicine and surgery, osteopathy, osteopathy and surgery, chiropractic, podiatry, or drugless therapeutics.

The members of the committee shall be appointed from time to time by the governor from the faculty lists of the University of Washington and Washington State University, and he shall certify the names of those appointed to the director. Vacancies on the committee shall be filled by the governor within sixty days after such vacancy occurs in the same manner as the original appointment. [1973 c 77 § 22; 1965 c 8 § 43.74.010. Prior: 1955 c 192 § 3; 1927 c 183 § 1; RRS § 10185-1.]

**43.74.015 Committee organization, powers, and duties—Compensation, travel expenses.** (1) The committee shall meet and organize as soon as practicable after appointment.

(2) It shall elect a chairman, and vice chairman from its members, and elect or appoint a secretary-treasurer, who need not be a member.

(3) It may adopt a seal.

(4) It may make such rules and regulations, not inconsistent with this chapter, as it deems expedient to carry this chapter into effect.

(5) A majority of the committee shall constitute a quorum for the transaction of business.

(6) The committee shall keep a record of all its business and proceedings.

(7) Each member shall receive twenty-five dollars a day for each day actually engaged in conducting examinations or in the preparation of examination questions or the grading of examination papers, together with travel expenses, in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended to be paid out of the general fund on vouchers approved by the director.

(8) The director may provide reasonable compensation together with travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended for the secretary-treasurer of the committee if he is not a member thereof, to be paid out of the general fund on vouchers approved by the director. [1975-'76 2nd ex.s. c 34 § 123; 1967 c 188 § 6; 1965 c 8 § 43.74-.015. Prior: 1955 c 192 § 4.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.74.020 Duties of committee—Examinations.** The committee shall conduct examinations in the basic sciences at least twice in each year at such times and places as the committee and director may determine: *Provided*, That bacteriology shall not be included as a subject in any examination conducted prior to July 1, 1956.

If the committee and director deem it more advantageous to the committee and the applicants for licenses, the committee may prepare and transmit to the director the examination questions agreed upon by the committee, and the director may conduct the examination, and thereafter forthwith transmit the examination papers identified by number only and not by the name of the person examined, to the committee, which shall thereupon examine and grade the same, and transmit the grades to the director within ten days after the examination. [1965 c 8 § 43.74.020. Prior: 1955 c 192 § 5; 1927 c 183 § 2; RRS § 10185-2.]

**43.74.025 Qualifications for examination and certificate.** (1) No person shall be eligible for examination for a basic science certificate until he has furnished satisfactory evidence to the director that:

- (a) He is a person of good moral character; and,
- (b) He is a graduate of an accredited high school or possesses the educational qualifications equivalent to those required for graduation by an accredited high school, as determined by the director.

(2) No person shall receive a basic science certificate until he has passed the examination required by this chapter. [1965 c 8 § 43.74.025. Prior: 1955 c 192 § 6.]

**43.74.030 Scope of examinations.** Examinations shall be written, and shall be of such a nature as to constitute an adequate test whether the person examined has knowledge of the elementary principles of the basic sciences as taught at the University of Washington or Washington State University, in one year's instruction of thirty-six weeks, or as taught in one year's instruction of thirty-six weeks at any college or university accredited

by the University of Washington, or the equivalent thereof. [1965 c 8 § 43.74.030. Prior: 1955 c 192 § 8; 1927 c 183 § 3; RRS § 10185-3.]

**43.74.035 Waiver of examination—Reciprocity—Fees.** (1) The director shall waive the examination in the basic sciences when satisfactory proof is submitted to him showing that:

(a) The applicant has passed an examination in the basic sciences before examiners in basic sciences in those states which have a basic science act.

(b) The requirements of that state at the time of such examination are at least equal in all respects to those required by this chapter for the issuance of a basic science certificate.

(c) Like exemption from examination in the basic sciences is granted by such state to persons granted certificates by the committee created by this chapter.

(d) The application for such certificate is accompanied by a fee of twenty-five dollars.

(2) The fee for endorsement of a certificate to another state shall be five dollars.

(3) In case an applicant comes from a state which does not examine in all the basic sciences required by this chapter, the director shall waive the examination in the basic sciences in which the other state does examine, if all other requirements at the time of the examination for issuing a basic science certificate in the other state are equal to those required by this chapter. In such a case the applicant shall be examined only in the basic sciences needed for him to fully meet the requirements of this chapter for the issuance of a basic science certificate. [1965 c 8 § 43.74.035. Prior: 1955 c 192 § 9.]

**43.74.037 Waiver of examination by examining board or committee—Effect.** The committee shall not examine a person in the basic sciences when the board or committee examining that person for a certificate to practice medicine and surgery, osteopathy, osteopathy and surgery, chiropractic, or podiatry has waived requirements for that person to be examined in the basic sciences; and that person shall be eligible to be licensed to practice to the same extent as if he had passed the basic science examination provided for in this chapter. [1973 c 77 § 23; 1971 ex.s. c 227 § 2.]

**43.74.040 Application to practice.** Any person desiring to apply to the director for a license to practice medicine and surgery, osteopathy, osteopathy and surgery, chiropractic, podiatry, or drugless therapeutics shall first present to the director his credentials required by law evidencing his qualifications to be admitted to license, or to take the examination prerequisite to securing a certificate or license, and if they are found satisfactory and the applicant is eligible to examination the director shall issue to such applicant a certificate giving the name of the applicant and certifying that he is entitled to take the preliminary examination provided for in this chapter but without specifying the branch of therapeutics for which the applicant has applied for a license, and upon presentation of such certificate to the committee, together with a receipt for an examining fee of ten

dollars, the applicant shall be entitled to take the examination.

If the preliminary examination is conducted by the director as provided in RCW 43.74.020 it may be given upon the payment of the ten dollar examining fee, and without the preliminary certificate. [1973 c 77 § 24; 1965 c 8 § 43.74.040. Prior: 1955 c 192 § 7; 1927 c 183 § 4; RRS § 10185-4.]

**43.74.050 Issuance of certificate for license.** If an applicant for examination passes with an average of not less than seventy-five percent, and a grade in each of said subjects of not less than seventy percent, the committee shall issue to the applicant a certificate signed by its members giving the grades in each subject, which certificate shall be filed by the applicant with the state treasurer, together with his application for the particular license or certificate sought and the fee required by law to accompany such application. [1965 c 8 § 43.74.050. Prior: 1927 c 183 § 5; RRS § 10185-5.]

**43.74.060 Further examination—Subjects may be limited.** In any case where existing law requires an examination in any one or more of the branches of anatomy, physiology, chemistry, pathology, bacteriology, or hygiene, as a prerequisite to the issuance of the license applied for, the director of motor vehicles may dispense with a second examination in any or all of such five branches in which an applicant has passed in a preliminary examination with a grade of not less than seventy-five percent. [1965 c 8 § 43.74.060. Prior: 1927 c 183 § 6; RRS § 10185-6.]

**43.74.065 Revocation of certificate or license—Appeal—Penalty.** (1) The director may revoke any certificate granted under this chapter on mistake of material fact, or by reason of fraudulent misrepresentation of fact, or when the holder is convicted of a felony: *Provided, however,* That any party shall have the right of appeal to the superior court of Thurston county from the decision of the director.

(2) The director may revoke any license to practice any of the healing arts enumerated in RCW 43.74.010 if such licensee is found to be practicing without a basic science certificate. Any person who stays on in a hospital beyond the authorized training period of internship, residency and fellowship as then provided by the examining committee or board of his branch of the healing art, without having qualified in the basic sciences as required under this chapter, shall be guilty of practicing the healing art without a basic science certificate, and shall be subject to the penalties prescribed by this chapter or by law. [1965 c 8 § 43.74.065. Prior: 1955 c 192 § 10.]

**43.74.075 Discrimination prohibited.** No person shall in any manner whatsoever discriminate against any applicant or any system or branch of the healing arts, or any member or student thereof, with relation to the subject matter of this chapter. [1965 c 8 § 43.74.075. Prior: 1955 c 192 § 11.]

**43.74.080 When chapter does not apply.** This chapter shall not be held to apply to or interfere in any way with the practice of religion; nor to any kind of treatment by prayer; nor to persons legally licensed prior to the effective date of this chapter (1955 c 192 effective date was June 8, 1955; 1927 c 183 effective date was June 8, 1927); nor to persons specifically permitted by law to practice without a license or certificate; nor to any person other than those pursuing the practice of medicine and surgery, osteopathy, osteopathy and surgery, chiropractic, podiatry, or drugless therapeutics; nor to the healing art personnel of the public health service or the armed forces of the United States; who each practice within the limits of the privilege thus granted them. [1973 c 77 § 25; 1965 c 8 § 43.74.080. Prior: 1955 c 192 § 12; 1927 c 183 § 8; RRS § 10185-8.]

**43.74.085 Requirements of chapter satisfied by proof medicine and surgery, osteopathy, or osteopathy and surgery applicant passed other examination.** Notwithstanding any provisions of this chapter to the contrary, an applicant for a license to practice medicine and surgery, osteopathy, or osteopathy and surgery, or podiatry, shall be deemed to have satisfied the requirements of the basic science law by giving proof satisfactory to the committee that he has successfully passed an examination in the basic sciences given by the national examining board for osteopathic physicians and surgeons, or by an equivalent body in the case of applicants for a license to practice medicine and surgery or podiatry. [1973 c 77 § 26; 1971 ex.s. c 227 § 1.]

**43.74.090 Penalty.** Any person who violates any provision of this chapter shall in addition to any other penalty provided, be guilty of a misdemeanor. [1965 c 8 § 43.74.090. Prior: 1955 c 192 § 13.]

**43.74.900 Short title.** This chapter shall be known as the basic science law. [1965 c 8 § 43.74.900. Prior: 1955 c 192 § 1.]

### Chapter 43.75 STATE BUILDING AUTHORITY— INDEBTEDNESS—REFUNDING—BOND ISSUE

Sections	
43.75.200	General obligation bonds—Refunding— Amount—Authority of state finance committee to issue.
43.75.205	General obligation bonds—Form, terms, covenants, etc.—Sale—Redemption.
43.75.215	General obligation bonds—Redemption— Enforcement.
43.75.220	Building authority construction account—Created— Funds.
43.75.225	Rescission of leases and agreements authorized.
43.75.230	Legislature may provide additional means for paying bonds.
43.75.235	Bonds legal investment for state and other public body funds.
43.75.900	Severability—1973 c 9.
43.75.910	Effective date—1973 c 9.



**43.75.200 General obligation bonds—Refunding—Amount—Authority of state finance committee to issue.** The state finance committee shall issue general obligation bonds of the state in the amount of seventy-two million one hundred sixty-seven thousand, six hundred fifty dollars, or so much thereof as may be required to refund, at or prior to maturity, all indebtedness, including any premium payable with respect thereto and all interest thereon, incurred by the Washington state building authority and to pay all costs incidental thereto and to the issuance of such bonds. Such refunding bonds shall not constitute an indebtedness of the state of Washington within the meaning of the debt limitation contained in section 1 of Article VIII of the Washington state Constitution, as amended by a vote of the people pursuant to HJR 52, 1971 regular session. [1973 c 9 § 1; 1971 ex.s. c 154 § 1.]

**43.75.205 General obligation bonds—Form, terms, covenants, etc.—Sale—Redemption.** The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance and redemption. None of the bonds herein authorized shall be sold for less than the par value thereof. Such bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds. Such bonds shall be payable at such places as the committee may provide.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due.

The proceeds from the sale of bonds authorized by this chapter and any interest earned on the interim investment of such proceeds, shall be used exclusively for the purposes specified in this chapter. [1973 c 9 § 2.]

**43.75.215 General obligation bonds—Redemption—Enforcement.** The state finance committee shall on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet retirement and interest requirements of such bonds, and on July 1st of each year the state treasurer shall deposit from any general state revenues such amount in the state building authority bond redemption fund hereby created in the state treasury. The owner and holder of each of the bonds or the trustee for any of the bondholders may by a mandamus or other appropriate proceeding require the transfer and payment of funds as directed by this section. [1973 c 9 § 3.]

**43.75.220 Building authority construction account—Created—Funds.** A building authority

construction account is hereby created in the state treasury. All funds of the state building authority shall, on July 1, 1973, be transferred to such construction account. Moneys in such account shall be disbursed pursuant to appropriations: *Provided*, That all moneys not appropriated prior to said date shall be deposited in the state building authority bond redemption fund. [1973 c 9 § 4.]

**43.75.225 Rescission of leases and agreements authorized.** The Washington state building authority and the state institutions of higher learning and other state agencies are hereby authorized to rescind leases and other agreements entered into prior to February 21, 1973, pursuant to chapter 43.75 RCW at such time as all indebtedness incurred by the authority has been paid. [1973 c 9 § 5.]

**43.75.230 Legislature may provide additional means for paying bonds.** The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized by this chapter, and this chapter shall not be deemed to provide an exclusive method for such payment. [1973 c 9 § 6.]

**43.75.235 Bonds legal investment for state and other public body funds.** The bonds authorized by this chapter shall be a legal investment for all state funds or funds under state control and for all funds of any other public body. [1973 c 9 § 7.]

**43.75.900 Severability—1973 c 9.** If any provision of this 1973 amendatory 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. [1973 c 9 § 9.]

**43.75.910 Effective date—1973 c 9.** This 1973 amendatory 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, except as otherwise specifically provided, shall take effect immediately. [1973 c 9 § 10.]

**Chapter 43.77**

**PRINTING AND DUPLICATING COMMITTEE**

Sections	
43.77.010	Composition of committee.
43.77.020	Powers and duties.
43.77.030	Unauthorized acquisition of printing or duplicating equipment prohibited—Exceptions.
43.77.040	Meetings.
43.77.050	Legislative, judicial branches of government excepted.

**43.77.010 Composition of committee.** The state printer, the director of budget, and the director of general administration shall constitute the state printing and duplicating committee. [1965 c 8 § 43.77.010. Prior: 1959 c 238 § 1.]

**Reviser's note:** The central budget agency was abolished by 1969 ex.s. c 239 § 17 [RCW 43.41.940] and its powers, duties, and functions were transferred to the office of program planning and fiscal management by 1969 ex.s. c 239 § 3 [RCW 43.41.050].

**43.77.020 Powers and duties.** The state printing and duplicating committee shall hereafter approve or take such other action as it deems necessary regarding the purchase or acquisition of any printing, microfilm, or other duplicating equipment, other than typewriters or mimeograph machines, by any official or agency of the state. Whenever the director of general administration determines that any official or agency has not substantially complied with the provisions of chapters 40.10 and 40.14 RCW, he shall refer to the committee for approval or other action, requests received by his agency for the purchase or acquisition of files and filing equipment from the requesting official or agency. [1973 c 12 § 1; 1965 c 8 § 43.77.020. Prior: 1959 c 238 § 2.]

*State purchasing: Chapter 43.19 RCW.*

**43.77.030 Unauthorized acquisition of printing or duplicating equipment prohibited—Exceptions.** Hereafter no state official or agency of the state shall acquire by purchase or otherwise any printing, microfilm, or other duplicating equipment, other than typewriters or mimeograph machines, unless authorized by the state printing and duplicating committee to so acquire. [1973 c 12 § 2; 1965 c 8 § 43.77.030. Prior: 1959 c 238 § 3.]

**43.77.040 Meetings.** The state printing and duplicating committee shall meet within one month after the effective date of this chapter [June 10, 1959] and make provision for carrying out the purposes of this chapter. The committee shall thereafter meet at such places and times as it shall determine and as often as necessary to discharge the duties imposed upon it. [1965 c 8 § 43.77.040. Prior: 1959 c 238 § 4.]

**43.77.050 Legislative, judicial branches of government excepted.** Nothing in this chapter shall apply to officials or agencies of the legislative or judicial branch of the state government. [1965 c 8 § 43.77.050. Prior: 1959 c 238 § 5.]

### Chapter 43.78

#### PUBLIC PRINTER—PUBLIC PRINTING

##### Sections

43.78.010	Appointment of public printer.
43.78.020	Bond.
43.78.030	Duties—Exceptions.
43.78.040	Requisitions.
43.78.050	Itemized statement of charges.
43.78.070	Use of state plant—Conditions—Public printer's salary.
43.78.080	Printing specifications.
43.78.090	Reprinting.
43.78.100	Stock to be furnished.
43.78.110	Printer may farm out printing.
43.78.130	Public printing for municipal corporations must be done in state—Exceptions.
43.78.140	Public printing for municipal corporations must be done in state—Allowance of claims.
43.78.150	Public printing for municipal corporations must be done in state—Contracts for out-of-state work.
43.78.160	Public printing for municipal corporations must be done in state—Quality and workmanship requirements.

**43.78.010 Appointment of public printer.** There shall be a public printer appointed by the governor, who shall

hold office at the pleasure of the governor and until his successor is appointed and qualified. [1965 c 8 § 43.78.010. Prior: 1905 c 168 § 1; RRS § 10323.]

**43.78.020 Bond.** Before entering upon the duties of his office, the public printer shall execute to the state a bond in the sum of ten thousand dollars conditioned for the faithful and punctual performance of all duties and trusts of his office. [1965 c 8 § 43.78.020. Prior: 1933 c 97 § 4; 1905 c 168 § 2; RRS § 10324.]

**43.78.030 Duties—Exceptions.** The public printer shall print and bind the session laws, the journals of the two houses of the legislature, all bills, resolutions, documents, and other printing and binding of either the senate or house, as the same may be ordered by the legislature; and such forms, blanks, record books, and printing and binding of every description as may be ordered by all state officers, boards, commissions, and institutions, and the supreme court, and the court of appeals and officers thereof, as the same may be ordered on requisition, from time to time, by the proper authorities: *Provided*, That this section shall not apply to the printing of the supreme court, and the court of appeals reports: *Provided further*, That where any institution or institution of higher learning of the state is or may become equipped with facilities for doing such work, it may do any printing: (1) For itself, or (2) for any other state institution when such printing is done as part of a course of study relative to the profession of printer: *And provided further*, Any printing and binding of whatever description as may be needed by any institution of higher learning, institution or agency of the state department of social and health services not at Olympia, or the supreme court or the court of appeals or any officer thereof, the estimated cost of which shall not exceed two hundred dollars, may be done by any private printing company in the general vicinity within the state of Washington so ordering, if in the judgment of the officer of said agency so ordering, the saving in time and processing justifies the award to such local private printing concern. [1971 c 81 § 114; 1965 c 8 § 43.78.030. Prior: 1959 c 88 § 1; 1917 c 129 § 1; 1915 c 27 § 2; 1905 c 168 § 3; RRS § 10325.]

*Commission on supreme court reports, member: RCW 2.32.160.*

*Printing and duplicating committee, member: RCW 43.77.010.*

*Public documents, duties: RCW 40.04.020.*

*Session laws, legislative journals, delivery to law librarian: RCW 40.04.030.*

**43.78.040 Requisitions.** All printing and binding shall be done under the general superintendence of the authorities ordering it, and when completed shall be delivered to such authorities, who shall sign receipts therefor.

Before the public printer shall execute any printing or binding for any office, board, commission, or institution, the proper officer thereof shall apply therefor by requisition. [1965 c 8 § 43.78.040. Prior: 1905 c 168 § 4; RRS § 10326.]

**43.78.050 Itemized statement of charges.** Upon delivering a printing or binding job and receiving a receipt therefor the public printer shall make out, and deliver to the requesting agency an itemized statement of charges. [1965 c 8 § 43.78.050. Prior: 1905 c 168 § 5, part; RRS § 10327.]

**43.78.070 Use of state plant—Conditions—Public printer's salary.** The public printer shall use the state printing plant upon the following conditions, to wit:

(1) He shall do the public printing, and charge therefor the fees as provided by law. He may print the Washington Reports for the publishers thereof under a contract approved in writing by the governor.

(2) The gross income of the public printer shall be deposited in an account designated "state printing plant revolving fund" in depositories approved by the state treasurer, and shall be disbursed by the public printer by check and only as follows:

First, in payment of the actual cost of labor, material, supplies, replacements, repairs, water, light, heat, telephone, rent, and all other expenses necessary in the operation of the plant: *Provided*, That no machinery shall be purchased except on written approval of the governor;

Second, in payment of the cost of reasonable insurance upon the printing plant, payable to the state and of all fidelity bonds required by law of the public printer;

Third, in payment to the public printer of a salary which shall be fixed by the governor in accordance with the provisions of RCW 43.03.040;

Fourth, in remitting the balance to the state treasurer for the general fund: *Provided*, That a reasonable sum to be determined by the governor, the public printer, and the \*director of budget shall be retained in the fund for working capital for the public printer. [1965 c 8 § 43.78.070. Prior: 1961 c 307 § 5; 1955 c 340 § 12; 1951 c 151 § 1; 1933 c 97 § 3; RRS § 10327-2.]

\*Reviser's note: "director of budget" changed to director of program planning and fiscal management. See RCW 43.88.025.

**43.78.080 Printing specifications.** All printing, ruling, binding, and other work done or supplies furnished by the state printing plant for the various state departments, commissions, institutions, boards, and officers shall be paid for on an actual cost basis as determined from a standard cost finding system to be maintained by the state printing plant. In no event shall the price charged the various state departments, commissions, institutions, boards, and officers exceed those established by the Porte Publishing Company's Franklin Printing Catalogue for similar and comparable work. All bills for printing, ruling, binding, and other work done or for supplies furnished by the state printing plant shall be certified and sworn to by the public printer.

The public printing shall be divided into the following classes:

**FIRST CLASS.** The bills, resolutions, and other matters that may be ordered by the legislature, or either branch thereof, in bill form, shall constitute the first class, and shall be printed in such form as the legislature shall provide.

**SECOND CLASS.** The second class shall consist of printing and binding of journals of the senate and house of representatives, and the annual and biennial reports of the several state officers, state commissions, boards, and institutions, with the exception of the reports of the attorney general and the governor's message to the legislature, which shall be printed and bound in the same style as heretofore. Said journals and reports shall be printed in such form as the senate and house of representatives and the various state officers, commissions, boards, and institutions shall respectively provide.

**THIRD CLASS.** The third class shall consist of all reports, communications, and all other documents that may be ordered printed in book form by the legislature or either branch thereof, and all reports, books, pamphlets, and other like matter printed in book form required by all state officers, boards, commissions, and institutions shall be printed in such form and style, and set in such size type, and printed on such grade of paper as may be desired by the state officer, board, commission, or institution ordering them, and which they think will best serve the purpose for which intended.

**FOURTH CLASS.** The fourth class shall consist of the session laws, and shall be printed and bound in such form as the statute law committee shall provide.

**FIFTH CLASS.** The fifth class shall consist of the printing of all stationery blanks, record books, and circulars, and all printing and binding required by the respective state officers, boards, commissions, and institutions not covered by classes one, two, three, and four. [1972 ex.s. c 1 § 1; 1969 c 6 § 7; 1965 c 8 § 43.78.080. Prior: 1955 c 16 § 1; 1943 c 124 § 1; 1935 c 130 § 1; 1919 c 37 § 1; 1917 c 129 § 3; 1905 c 168 § 6; RRS § 10329.]

**43.78.090 Reprinting.** Whenever required by law or by the legislature or by any state officer, board, commission, or institution the public printer shall keep the type used in printing any matter forming a part of the first, second, third, and fourth classes standing for a period not exceeding sixty days for use in reprinting such matter. [1965 c 8 § 43.78.090. Prior: 1935 c 130 § 2; 1919 c 37 § 2; 1907 c 174 § 1; RRS § 10330.]

**43.78.100 Stock to be furnished.** The public printer shall furnish all paper, stock, and binding materials required in all public work, and shall charge the same to the state, as it is actually used, at the actual price at which it was purchased plus five percent for waste, insurance, storage, and handling. [1965 c 8 § 43.78.100. Prior: 1917 c 129 § 5; 1905 c 168 § 9; RRS § 10333.]

**43.78.110 Printer may farm out printing.** Whenever in the judgment of the public printer certain printing, ruling, binding, or supplies can be secured from private sources more economically than by doing the work or preparing the supplies in the state printing plant, he may obtain such work or supplies from such private sources.

In event any work or supplies are secured on behalf of the state under this section the state printing plant shall be entitled to add up to five percent to the cost thereof to cover the handling of the orders which shall be added to

the bills and charged to the respective authorities ordering the work or supplies. [1969 c 79 § 1; 1965 c 8 § 43.78.110. Prior: 1935 c 130 § 3; RRS § 10333-1.]

**43.78.130 Public printing for municipal corporations must be done in state—Exceptions.** All printing, binding, and stationery work done for any county, city, town, port district, or school district in this state shall be done within the state, and all proposals, requests, or invitations to submit bids, prices, or contracts thereon, and all contracts for such work, shall so stipulate: *Provided*, That whenever it is established that any such work cannot be executed within the state, or that the lowest charge for which it can be procured within the state, exceeds the charge usually and customarily made to private individuals and corporations for work of similar character and quality, or that all bids for the work or any part thereof are excessive and not reasonably competitive, the officers of any such public corporation may have the work done outside the state. [1965 c 8 § 43.78-130. Prior: 1919 c 80 § 1; RRS § 10335.]

**43.78.140 Public printing for municipal corporations must be done in state—Allowance of claims.** No bill or claim for any such work shall be allowed by any officer of a public corporation or be paid out of its funds, unless it appears that the work was executed within the state or that the execution thereof within the state could not have been procured, or procured at reasonable and competitive rates, and no action shall be maintained against such corporation or its officers upon any contract for such work unless it is alleged and proved that the work was done within the state or that the bids received therefor were unreasonable or not truly competitive. [1965 c 8 § 43.78.140. Prior: 1919 c 80 § 2; RRS § 10336.]

**43.78.150 Public printing for municipal corporations must be done in state—Contracts for out-of-state work.** All contracts for such work to be done outside the state shall require that it be executed under conditions of employment which shall substantially conform to the laws of this state respecting hours of labor, the minimum wage scale, and the rules and regulations of the industrial welfare committee regarding conditions of employment, hours of labor, and minimum wages, and shall be favorably comparable to the labor standards and practices of the lowest competent bidder within the state, and the violation of any such provision of any contract shall be ground for cancellation thereof. [1973 1st ex.s. c 154 § 86; 1965 c 8 § 43.78.150. Prior: 1953 c 287 § 1; 1919 c 80 § 3; RRS § 10337.]

**Severability—1973 1st ex.s. c 154:** See note following RCW 2.12.030.

**43.78.160 Public printing for municipal corporations must be done in state—Quality and workmanship requirements.** Nothing in RCW 43.78.130, 43.78.140 and 43.78.150 shall be construed as requiring any public official to accept any such work of inferior quality or workmanship. [1965 c 8 § 43.78.160. Prior: 1919 c 80 § 4; RRS § 10338.]

## Chapter 43.79

### STATE FUNDS

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43.79.300	Central College fund—Moneys transferred to general fund.
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43.79.302	Central College fund—Abolished.
43.79.303	Central College fund—Warrants to be paid from general fund.
43.79.304	Central College fund—Other revenue for support of Central Washington State College.
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43.79.311	Eastern College fund—Appropriations to be paid from general fund.
43.79.312	Eastern College fund—Abolished.
43.79.313	Eastern College fund—Warrants to be paid from general fund.
43.79.314	Eastern College fund—Other revenue for support of Eastern Washington State College.
43.79.320	Western College fund—Moneys transferred to general fund.
43.79.321	Western College fund—Appropriations to be paid from general fund.
43.79.322	Western College fund—Abolished.
43.79.323	Western College fund—Warrants to be paid from general fund.
43.79.324	Western College fund—Other revenue for support of Western Washington State College.
43.79.330	Miscellaneous state funds—Moneys transferred to general fund.
43.79.331	Miscellaneous state funds—Abolished.
43.79.332	Miscellaneous state funds—Appropriations of 34th legislature to be paid from general fund.
43.79.333	Miscellaneous state funds—Warrants to be paid from general fund.
43.79.334	Miscellaneous state funds—Expenditures—Revenue from other than general fund.

- 43.79.335 Miscellaneous state funds—State College of Washington building account—Name changed to Washington State University building account.
- 43.79.336 Puget Sound pilotage account redesignated as pilotage account.
- 43.79.340 General obligation bond retirement fund—Moneys transferred to general fund.
- 43.79.341 General obligation bond retirement fund—Appropriations of 34th legislature to be paid from general fund.
- 43.79.342 General obligation bond retirement fund—Abolished.
- 43.79.343 General obligation bond retirement fund—Warrants to be paid from general fund.
- 43.79.350 Suspense fund.
- 43.79.370 Suspense fund—Disbursements—Vouchers—Warrants.
- 43.79.381 Penitentiary revolving account abolished.
- 43.79.390 United States vocational education account—Moneys transferred to general fund.
- 43.79.391 United States vocational education account—Appropriations to be paid from general fund.
- 43.79.392 United States vocational education account—Abolished.
- 43.79.393 United States vocational education account—Warrants to be paid from general fund.
- 43.79.400 State payroll revolving fund, agency payroll revolving fund—Created—Utilization.
- 43.79.405 Parks and parkways account abolished—Funds transferred to general fund.
- 43.79.410 Legal services revolving fund—Created—Purpose—Uses.
- 43.79.415 Federal revenue sharing trust fund.
- 43.79.420 Miscellaneous state funds—Moneys transferred to basic state general fund.
- 43.79.421 Miscellaneous state funds—Abolished.
- 43.79.422 Miscellaneous state funds—Warrants to be paid from basic state general fund.
- 43.79.423 Miscellaneous state funds or accounts—Moneys transferred to state general fund.
- Access roads revolving fund: RCW 79.38.050.*
- Accounting for: RCW 43.88.160(2).*
- Aeronautics account created, aircraft fuel tax proceeds deposited in: RCW 82.42.090.*
- Agricultural contingent receipts fund created: RCW 15.67.040.*
- Agriculture estray fund, horses, mules, asses running at large, sale of impounded animals, proceeds to: RCW 16.13.070.*
- Aircraft search and rescue, safety and education fund: RCW 14.04.236.*
- Arbitration of labor disputes: RCW 49.08.060.*
- Architects license account: RCW 18.08.240.*
- Athletic fund, boxing and wrestling contests: RCW 67.08.050.*
- Basic data fund: RCW 43.21.140–43.21.141.*
- Capitol building bond redemption fund: RCW 79.24.240.*
- Capitol building construction account: Chapter 79.24 RCW.*
- Capitol purchase and development account, deposit of moneys received from management of east capitol site in: RCW 79.24.570.*
- Capitol purchase and development account, proceeds from sale of tidelands and shorelands paid into: RCW 79.24.580.*
- Cemetery fund: Chapter 68.05 RCW.*
- Cerebral palsy: RCW 70.82.021, 70.82.022.*
- Columbia River Gorge commission account: RCW 43.97.050.*
- Commission merchants' account: RCW 20.01.130.*
- Contingency fire suppression account: RCW 76.04.510.*
- Current state school fund*  
*apportionment from: Chapter 28A.41 RCW.*  
*pharmacy, penalties concerning, fines deposited in: RCW 18.64.260.*  
*proceeds from fines, penalties, forfeitures, sale of goods, estrays, deposited to credit of: RCW 10.82.070.*
- Department of personnel service fund: RCW 41.06.280.*
- Deposit interest fund: RCW 43.85.060.*
- Depositaries, state moneys or funds defined for purposes of: RCW 43.85.200.*
- Disbursement by warrant or check: RCW 43.88.160(2).*
- Distribution to annexed areas, basis for: RCW 35.13.260.*
- Egg account: RCW 69.24.450.*
- Electrical license account, designation of: RCW 19.28.330.*
- Fair fund*  
*horse racing money: RCW 67.16.100.*  
*moneys from lease of state lands by director of agriculture to go into: RCW 15.04.090.*
- Farm labor contractors revolving fund: RCW 19.30.140.*
- Ferries revolving fund: RCW 47.60.170.*
- Ferry improvement fund created, use, source of revenue in: RCW 47.60.410.*
- Flood control contribution fund: Chapter 86.18 RCW.*
- Forest camp revolving fund: RCW 72.05.150.*
- Forest development account: Chapter 76.12 RCW.*
- Forest insect and disease control fund: RCW 76.06.100.*
- Forest reserve, distributions: RCW 36.33.110.*
- Game fund: Chapter 77.12 RCW.*
- General administration funds: Chapter 43.82 RCW.*
- General fund*  
*aircraft dealers license and certificate fees deposited in: RCW 14.20.060.*  
*aircraft registration fees deposited in: RCW 14.04.250.*  
*architects license account created in: RCW 18.08.240.*  
*association of superior court judges, expenses of attendance at meetings of, paid from: RCW 2.16.060.*  
*boxing and wrestling contests: RCW 67.08.050.*  
*cemetery certificates of authority, rates paid into: RCW 68.05.230.*  
*cerebral palsy: RCW 70.82.021, 70.82.022.*  
*commercial automobile driver training school account established, use: RCW 46.82.150.*  
*commercial feed account: RCW 15.52.320, 15.53.9044.*  
*commission merchants' account, fees paid into: RCW 20.01.130.*  
*electrical licenses account: RCW 19.28.330.*  
*elevators, escalators and dumbwaiter fees deposited in: RCW 70.87.210.*  
*escheats, sale of property deposited in: RCW 11.08.120.*  
*feed and fertilizer account, moneys collected from brand registration under animal remedy act to go into: RCW 15.52.320.*  
*fertilizer, agricultural mineral and limes account: RCW 15.54.480.*  
*fisheries department appropriations and claims paid from: RCW 75.08.240.*  
*forest development account: Chapter 76.12 RCW.*  
*horse racing money paid into: RCW 67.16.100.*  
*horticultural inspection fees deposited in: RCW 17.24.130.*  
*liquor excise taxes paid into: RCW 82.08.160.*  
*marine fuel tax refund account: RCW 43.99.040.*  
*moneys collected under chapter 15.32 RCW to go into: RCW 15.32.710.*  
*monthly financial report of state treasurer as to: RCW 43.08.150.*  
*motor vehicle excise taxes, apportionment and distribution: RCW 82.44.150.*  
*motor vehicle use tax revenues deposited in: RCW 82.12.045.*  
*nursery inspection account, fees collected under chapter 15.13 RCW to go into: RCW 15.13.470.*  
*old age assistance grants charged against: RCW 74.08.370.*  
*opticians' account created, disposition of fees into: RCW 18.34.130.*  
*optometry account created, disposition of fees into: RCW 18.53.050.*  
*outdoor recreation account: RCW 43.99.060.*  
*parks and parkways account, deposits in: RCW 43.51.090, 43.51.210, 46.68.041, 46.68.050, 36.82.210.*  
*pilotage account: RCW 88.16.061.*  
*proceeds from sale of insurance code: RCW 48.02.180(3).*  
*professional engineers' account established, disposition of fees into: RCW 18.43.080, 18.43.150.*  
*public utility district privilege tax: RCW 54.28.040, 54.28.050.*  
*real estate commission account, disposition of fees in: RCW 18.85.220.*  
*reclamation revolving account, generally: RCW 89.16.020–89.16.040, 90.16.090.*  
*sanitarians' licensing account, fees deposited in: RCW 18.90.040.*  
*school apportionment from: RCW 28A.48.010.*

- seed account, moneys collected under seed law to go into: RCW 15.49.470.
- state institutional personnel, charges for quarters: RCW 72.01.282.
- state lottery, moneys from deposited in: RCW 67.67.030, 67.67.103, 67.67.180 and 67.67.240.
- state school equalization fund, transfer of excess funds to state general fund: RCW 28A.46.010.
- traffic safety education account: RCW 46.81.060.
- unclaimed property, proceeds of sale paid into: RCW 63.28.240.
- General fund—Community college capital improvements account: RCW 28B.56.030.
- Hay and grain inspection fund: RCW 22.09.500.
- Highway bond retirement funds: Chapter 47.10 RCW.
- Highway equipment fund: RCW 47.08.120, 47.08.121.
- Highway safety fund
- ability to respond in damages abstract fee deposited in: RCW 46.29.050.
  - county road and bridge violations, fines paid into: RCW 36.82.210.
  - created, use: RCW 46.68.060.
  - fees for copies of motor vehicle licensing records to go into: RCW 46.01.250.
  - for-hire motor vehicle certificates and operators' permits, moneys from to go into: RCW 46.72.110.
  - moneys accruing from fees for motor vehicle operators' licenses to go into: RCW 46.68.041.
  - moneys for abstracts of operating records to go into: RCW 46.52.130.
  - moneys from certain fines and forfeitures for violations under Title 46 RCW to go into: RCW 46.68.050.
  - moneys from sale of abandoned cars to go into: RCW 46.52.112.
  - operating record abstract fee deposited in: RCW 46.29.050.
- Home industries revolving fund for blind persons: RCW 74.16.190.
- Hop inspection fund: RCW 22.09.500.
- Horticultural inspection trust fund, use: RCW 15.04.100.
- Hospital and medical facilities construction fund: RCW 70.40.150.
- Industrial insurance funds: Chapter 51.44 RCW.
- Institutional building bond redemption fund: RCW 72.99.040.
- Institutional industries revolving fund: RCW 72.60.240–72.60.270.
- Juvenile correctional institution building bond redemption fund: RCW 72.19.100.
- Juvenile correctional institution building construction account: RCW 72.19.080.
- Law enforcement officers' training fund: RCW 43.100.150.
- Liquor excise tax fund: RCW 82.08.160, 82.08.170.
- Liquor revolving fund: RCW 66.08.170.
- Log patrol revolving fund, brand and mark registration fees deposited in: RCW 76.36.160.
- Marine fuel tax refund account: RCW 43.99.040.
- Marketing act revolving fund: RCW 15.65.460.
- Medical aid fund: RCW 51.44.020.
- Monthly financial report of state treasurer as to: RCW 43.08.150.
- Morrill fund: RCW 28B.30.275.
- Motor vehicle excise fund: Chapter 82.44 RCW.
- Motor vehicle fund: State Constitution Art. 2 § 40 (Amendment 18), RCW 46.68.070.
- vehicle license proceeds, deposits in: RCW 46.68.030.
- Municipal revolving fund: RCW 43.09.282.
- Mutual savings banks, deposit of public funds in authorized: RCW 32.12.100.
- Northwest nursery fund
- created: RCW 15.69.020.
  - depositories for: RCW 15.69.030.
  - expenditures from, use: RCW 15.69.040.
  - planting stock act moneys to go into: RCW 15.14.130.
- Nuclear energy, perpetual maintenance fund: RCW 43.31.300.
- OASI contribution fund: RCW 41.48.060.
- Opticians' account created: RCW 18.34.130.
- Optometry account created, disposition of fees into: RCW 18.53.050.
- Optometry account, payment of administrative expenses from: RCW 18.54.140.
- Outdoor recreation account, disposition of outdoor recreational bond issue proceeds in: RCW 43.99.060.
- Oyster reserve fund, proceeds from sale or lease of oyster reserves paid into: RCW 79.20.110.
- Parks and parkways account, deposits in: RCW 36.82.210, 43.51.090, 43.51.210, 46.68.041, 46.68.050.
- Parks and parkways account, disposition of outdoor recreational facilities bond issue proceeds in: RCW 43.98.020.
- Parolee and probationer revolving fund: RCW 9.95.360.
- Permanent common school fund: State Constitution Art. 9 § 2 applied exclusively to common schools: State Constitution Art. 9 § 2.
- apportionment by Art. 2 § 28(7).
  - banks and trust companies, liquidation and winding up dividends unclaimed deposited in: RCW 30.44.150, 30.44.180.
  - personal property, proceeds deposited in: RCW 30.44.220.
  - credit union unclaimed funds on liquidation escheat to: RCW 31.12.410.
  - defalcation, fraud or mismanagement losses borne by state, interest: RCW 28A.40.020.
  - enlargement authorized: State Constitution Art. 9 § 3.
  - game and game fish lands, withdrawn from lease, payment of amount of lease into: RCW 77.12.360.
  - income from, to be applied to common schools: State Constitution Art. 9 § 2.
  - interest in deposited in current state school fund: RCW 28A.41.020
    - used for current expenses: State Constitution Art. 9 § 2.  - investment, what securities: State Constitution Art. 16 § 5.
  - losses from, how made good: State Constitution Art. 9 § 5.
  - permanent and irreducible: State Constitution Art. 9 § 3; RCW 28A.40.010.
  - proceeds of lands and property reverting to state: RCW 28A.40.010.
  - safe deposit box contents
    - rent unpaid, sale, proceeds deposited in: RCW 22.28.040.
    - unclaimed after liquidation and winding up of bank or trust company, proceeds from sale deposited in: RCW 30.44.220.  - savings and loan associations not authorized investment of: RCW 33.52.010.
  - sources of, from what derived: State Constitution Art. 9 § 3.
  - state lands
    - acquired, lease and sale of, proceeds to go into: RCW 79.01.612.
    - withdrawn for game purposes, payment of amount of lease into: RCW 77.12.360.
- Printing revolving fund: RCW 43.78.070.
- Professional engineers' account established, disposition of fees into: RCW 18.43.080, 18.43.150.
- Public assistance, central operating fund: RCW 74.08.278.
- Public depositories, deposit and investment of public funds: Chapter 39.58 RCW.
- Public schools building bond redemption funds: Chapter 28A.47 RCW.
- Public service revolving fund: RCW 80.01.080.
- Puget Sound reserve account
- created, use: Chapter 47.60 RCW.
  - distribution of motor vehicle fuel tax proceeds to: RCW 82.36.020.
- Receipt and keeping of: RCW 43.88.160(2).
- Reserve fund, moneys in may be invested in motor vehicle fund warrants: RCW 47.12.210.
- Resource management cost account: RCW 79.64.020.
- Retirement system expense funds: RCW 41.40.080.
- Revolving funds: RCW 43.88.180, 43.88.190.
- Sanitarians licensing account, fees deposited in: RCW 18.90.040.
- State board of psychological examiners account: RCW 18.83.051.
- State building and higher education construction account, redemption fund: RCW 43.83.072, 43.83.074.
- State building construction account: RCW 72.99.110.
- State capitol historical association museum account: RCW 27.36.070.
- State capitol vehicle parking account: RCW 46.08.172.
- State colleges bond retirement funds: RCW 28B.40.370.
- State fair fund: RCW 15.76.100, 15.76.170.

State institutional revolving account: RCW 72.01.160, 72.08.070.  
 State patrol retirement fund: RCW 43.43.130.  
 State school equalization fund  
 created: RCW 28A.46.010.  
 excess funds, transferred to state general fund: RCW 28A.46.010.  
 motor vehicle excise fund, apportionment and distribution to:  
 RCW 82.44.150.  
 State trade fair fund  
 allocations to state trade fairs from: Chapter 43.31 RCW.  
 horse racing money: RCW 67.16.100.  
 Statute law committee publications account: RCW 1.08.0392.  
 Stream gauging fund abolished: RCW 43.21.141.  
 Surplus property purchase revolving fund: RCW 39.32.030.  
 Teachers' retirement fund: RCW 41.32.030.  
 Teachers' retirement pension reserve fund: RCW 41.32.030.  
 Toll bridge authority revolving fund established: RCW 47.60.180.  
 Toll bridge authority trust fund for revenues from sale of Puget Sound  
 ferry and toll bridge system bonds: RCW 47.60.150.  
 Toll bridge funds: Chapter 47.56 RCW.  
 Tort claims revolving fund created: RCW 4.92.130.  
 Traffic safety education account: RCW 46.81.060.  
 moneys from juvenile agricultural driving permits to go into:  
 RCW 46.20.070.  
 Undistributed receipts fund: RCW 43.01.050.  
 Unemployment compensation funds, generally: RCW 50.16.010,  
 50.16.020.  
 University of Washington  
 bond retirement fund: RCW 28B.20.720.  
 building account: RCW 28B.15.210.  
 Veterans' loan insurance funds: Chapter 73.12 RCW.  
 Veterans' rehabilitation council account: RCW 43.61.050.  
 Volunteer firemen's relief and pension fund: RCW 41.24.030.  
 War veterans' compensation bond retirement fund, excess revenues  
 paid into public schools building bond redemption fund: RCW  
 28A.47.440.  
 Washington State University  
 bond retirement fund: RCW 28B.30.740.  
 building account: RCW 28B.30.730.  
 Morrill fund: RCW 28B.30.275.  
 Weather modification board revolving account: RCW 43.37.060.  
 World fair fund: RCW 43.31.600.

**43.79.010 General fund, how constituted.** All moneys paid into the state treasury, except moneys received from taxes levied for specific purposes, and the several permanent and irreducible funds of the state and the moneys derived therefrom, shall be paid into the general fund of the state. [1965 c 8 § 43.79.010. Prior: 1907 c 8 § 1; RRS § 5509.]

**43.79.020 License fees to general fund.** Except as otherwise provided by law, all moneys received as fees for the issuance of licenses upon examination, and the renewal thereof, and paid into the state treasury, shall be credited to the general fund; and all expenses incurred in connection with the examination of applicants for licenses, and the issuance and renewal of licenses upon examination shall be paid by warrants drawn against the general fund. [1965 c 8 § 43.79.020. Prior: 1921 c 81 § 1; RRS § 5511.]

**43.79.060 University permanent fund.** There shall be in the state treasury a permanent and irreducible fund known as the "state university permanent fund," into which shall be paid all moneys derived from the sale of

lands granted, held, or devoted to state university purposes. [1965 c 8 § 43.79.060. Prior: 1907 c 168 § 1; RRS § 5518.]

**43.79.071 University of Washington fund—Moneys transferred to general fund.** All moneys in the state treasury to the credit of the University of Washington fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the University of Washington fund, shall be and are hereby transferred to and placed in the general fund. [1965 c 8 § 43.79.071. Prior: 1955 c 332 § 1.]

**43.79.072 University of Washington fund—Appropriations to be paid from general fund.** From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the University of Washington fund shall be paid out of moneys in the general fund. [1965 c 8 § 43.79.072. Prior: 1955 c 332 § 2.]

**43.79.073 University of Washington fund—Abolished.** From and after the first day of May, 1955, the University of Washington fund is abolished. [1965 c 8 § 43.79.073. Prior: 1955 c 332 § 3.]

**43.79.074 University of Washington fund—Warrants to be paid from general fund.** From and after the first day of May, 1955, all warrants drawn on the University of Washington fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund. [1965 c 8 § 43.79.074. Prior: 1955 c 332 § 4.]

**43.79.075 University of Washington fund—Other revenue for support of university.** No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the University of Washington fund, shall be used for any purpose except the support of the University of Washington. [1965 c 8 § 43.79.075. Prior: 1955 c 332 § 5.]

**43.79.080 University building fund.** There shall be in the state treasury a fund known and designated as the "University of Washington building account" in the general fund. [1965 c 8 § 43.79.080. Prior: 1915 c 66 § 1; RRS § 5535.]

**43.79.090 Rentals to building fund—Use of fund.** All rentals received on account of that certain lease of the former university site in the city of Seattle, known as the "old university grounds," made and entered into on the first day of February, 1907, by and between the state of Washington, lessor, and James A. Moore, lessee, and thereafter assigned by said lessee to the Metropolitan Building Company, a corporation, shall be paid into and credited to the University of Washington building account in the general fund, to be used exclusively for the purpose of erecting, altering, maintaining, equipping, or furnishing buildings at the state university. [1965 c 8 § 43.79.090. Prior: 1915 c 66 § 7; RRS § 5536.]

**43.79.100 Scientific school grant to Washington State University.** The one hundred thousand acres of land granted by the United States government to the state for a scientific school in section 17 of the enabling act, are assigned to the support of Washington State University. [1965 c 8 § 43.79.100. Prior: 1917 c 11 § 1; RRS § 5525.]

**43.79.110 Scientific permanent fund.** There shall be in the state treasury a permanent and irreducible fund known as the "scientific permanent fund," into which shall be paid all moneys derived from the sale of lands set apart by the enabling act or otherwise for a scientific school. [1965 c 8 § 43.79.110. Prior: 1901 c 81 § 4; RRS § 5526.]

**43.79.120 Agricultural college grant to Washington State University.** The ninety thousand acres of land granted by the United States government to the state for an agricultural college in section 16 of the enabling act are assigned to the support of Washington State University. [1965 c 8 § 43.79.120.]

**43.79.130 Agricultural permanent fund.** There shall be in the state treasury a permanent and irreducible fund known as the "agricultural permanent fund," into which shall be paid all moneys derived from the sale of lands set apart by the enabling act or otherwise for an agricultural college. [1965 c 8 § 43.79.130.]

**43.79.140 Washington State University—Moneys paid into general fund for support of.** There shall be paid into the state general fund for the support of Washington State University the following moneys:

(1)—All moneys collected from the lease or rental of lands set apart by the enabling act or otherwise for the agricultural college and school of science;

(2)—All interest or income arising from the proceeds of the sale of any of such lands;

(3)—All moneys received or collected as interest on deferred payments on contracts for the sale of such lands. [1965 c 8 § 43.79.140. Prior: 1905 c 43 § 2; RRS § 5521.]

**43.79.150 Normal school grant to colleges of education.** The one hundred thousand acres of land granted by the United States government to the state for state normal schools in section 17 of the enabling act are assigned to the support of the state colleges of education. [1965 c 8 § 43.79.150.]

**43.79.160 Normal school permanent fund.** There shall be in the state treasury a permanent and irreducible fund known as the "normal school permanent fund," into which shall be paid all moneys derived from the sale of lands set apart by the enabling act or otherwise for state normal schools. [1965 c 8 § 43.79.160.]

**43.79.180 State colleges of education—Moneys paid into general fund for support of.** There shall be paid into the state general fund for the use and support of the state colleges of education the following moneys:

(1)—All moneys collected from the lease or rental of lands set apart by the enabling act or otherwise for the state normal schools;

(2)—All interest or income arising from the proceeds of the sale of such lands;

(3)—All moneys received or collected as interest on deferred payments on contracts for the sale of such lands. [1965 c 8 § 43.79.180. Prior: 1905 c 43 § 4; RRS § 5523.]

**43.79.201 C.E.P. & R.I. fund—Moneys transferred to charitable, educational, penal and reformatory institutions account in general fund—Exception.** All moneys in the state treasury to the credit of that fund now denoted as the C.E.P. & R.I. fund on and after March 20, 1961, and all moneys thereafter paid into the state treasury for or to the credit of such fund shall be and are hereby transferred to and placed in the charitable, educational, penal and reformatory institutions account, hereby created, in the state general fund, into which fund there shall also be deposited all moneys arising from the sale, lease or transfer of the land granted by the United States government to the state for charitable, educational, penal and reformatory institutions by section 17 of the enabling act, or otherwise set apart for such institutions, except all moneys arising from the sale, lease, or transfer of that certain one hundred thousand acres of such land assigned for the support of the University of Washington by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893. [1965 ex.s. c 135 § 2; 1965 c 8 § 43.79.201. Prior: 1961 c 170 § 1.]

**43.79.202 C.E.P. & R.I. fund—Abolished—Appropriations to be paid from and warrants drawn on account in general fund.** On and after March 20, 1961, the C.E.P. & R.I. fund is abolished; all appropriations made by the thirty-seventh legislature from such abolished fund shall be paid from the charitable, educational, penal and reformatory institutions account in the general fund and all warrants drawn on the C.E.P. & R.I. fund prior to March 20, 1961 and not theretofore presented for payment shall be paid from the charitable, educational, penal and reformatory institutions account in the general fund. [1965 c 8 § 43.79.202. Prior: 1961 c 170 § 2.]

**43.79.210 Federal cooperative extension fund.** There shall be in the state treasury a fund known as the federal cooperative agricultural extension fund, and all moneys paid into the state treasury for, or to the credit of, the Smith-Lever and Capper-Ketcham funds shall be placed in the federal cooperative agricultural extension fund. [1965 c 8 § 43.79.210. Prior: 1935 c 63 § 1; RRS § 5536-4.]

**43.79.260 Governor designated state's agent.** The governor is designated the agent of the state to accept and receive all funds from federal and other sources not otherwise provided for by law and to deposit them in the state treasury to the credit of the appropriate fund or account. [1973 c 144 § 1; 1965 c 8 § 43.79.260. Prior: 1945 c 243 § 3; Rem. Supp. 1945 § 5517-12.]



**43.79.270 Duty of department heads.** Whenever any money, from the federal government, or from other sources, which was not anticipated in the budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of any department, agency, board, or commission through which such expenditure shall be made is to submit to the governor a statement which may be in the form of a request for an allotment amendment setting forth the facts constituting the need for such expenditure and the estimated amount to be expended: *Provided*, That no expenditure shall be made in excess of the actual amount received, and no money shall be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated fund or account in excess of appropriations provided by law which is based on the receipt of unanticipated revenues shall be submitted to the legislative budget committee and also to the standing committees on ways and means of the house and senate if the legislature is in session at the same time as it is transmitted to the governor. [1973 c 144 § 2; 1965 c 8 § 43.79.270. Prior: 1945 c 243 § 4; Rem. Supp. 1945 § 5517-13.]

**43.79.280 Duty of governor on approval.** If the governor approves such estimate in whole or part, he shall endorse on each copy of the statement his approval, together with a statement of the amount approved in the form of an allotment amendment, and transmit one copy to the head of the department, agency, board, or commission authorizing the expenditure. An identical copy of the governor's statement of approval and a statement of the amount approved for expenditure shall be transmitted simultaneously to the legislative budget committee and also to the standing committee on ways and means of the house and senate of all executive approvals of proposals to expend money in excess of appropriations provided by law. [1973 c 144 § 3; 1965 c 8 § 43.79.280. Prior: 1945 c 243 § 5; Rem. Supp. 1945 § 5517-14.]

**43.79.282 Compliance with RCW 43.79.260-43.79.280.** No state department, agency, board, or commission shall expend money in excess of appropriations provided by law based on the receipt of unanticipated revenues without complying with the provisions of RCW 43.79.260 through 43.79.280. [1973 c 144 § 4.]

**43.79.300 Central College fund—Moneys transferred to general fund.** All moneys in the state treasury to the credit of the Central College fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the Central College fund, shall be and are hereby transferred to and placed in the general fund. [1965 c 8 § 43.79.300. Prior: 1955 c 333 § 1.]

**43.79.301 Central College fund—Appropriations to be paid from general fund.** From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the Central College fund shall be

paid out of moneys in the general fund. [1965 c 8 § 43.79.301. Prior: 1955 c 333 § 2.]

**43.79.302 Central College fund—Abolished.** From and after the first day of May, 1955, the Central College fund is abolished. [1965 c 8 § 43.79.302. Prior: 1955 c 333 § 3.]

**43.79.303 Central College fund—Warrants to be paid from general fund.** From and after the first day of May, 1955, all warrants drawn on the Central College fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund. [1965 c 8 § 43.79.303. Prior: 1955 c 333 § 4.]

**43.79.304 Central College fund—Other revenue for support of Central Washington State College.** No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the Central College fund, shall be used for any purpose except the support of the Central Washington State College. [1965 c 8 § 43.79.304. Prior: 1955 c 333 § 5.]

**43.79.310 Eastern College fund—Moneys transferred to general fund.** All moneys in the state treasury to the credit of the Eastern College fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the Eastern College fund, shall be and are hereby transferred to and placed in the general fund. [1965 c 8 § 43.79.310. Prior: 1955 c 334 § 1.]

**43.79.311 Eastern College fund—Appropriations to be paid from general fund.** From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the Eastern College fund shall be paid out of moneys in the general fund. [1965 c 8 § 43.79.311. Prior: 1955 c 334 § 2.]

**43.79.312 Eastern College fund—Abolished.** From and after the first day of May, 1955, the Eastern College fund is abolished. [1965 c 8 § 43.79.312. Prior: 1955 c 334 § 3.]

**43.79.313 Eastern College fund—Warrants to be paid from general fund.** From and after the first day of May, 1955, all warrants drawn on the Eastern College fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund. [1965 c 8 § 43.79.313. Prior: 1955 c 334 § 4.]

**43.79.314 Eastern College fund—Other revenue for support of Eastern Washington State College.** No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the Eastern College fund, shall be used for any purpose except the support of the Eastern Washington State College. [1965 c 8 § 43.79.314. Prior: 1955 c 334 § 5.]

**43.79.320 Western College fund—Moneys transferred to general fund.** All moneys in the state treasury to the credit of the Western College fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the Western College fund, shall be and are hereby transferred to and placed in the general fund. [1965 c 8 § 43.79.320. Prior: 1955 c 335 § 1.]

**43.79.321 Western College fund—Appropriations to be paid from general fund.** From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the Western College fund shall be paid out of moneys in the general fund. [1965 c 8 § 43.79.321. Prior: 1955 c 335 § 2.]

**43.79.322 Western College fund—Abolished.** From and after the first day of May, 1955, the Western College fund is abolished. [1965 c 8 § 43.79.322. Prior: 1955 c 335 § 3.]

**43.79.323 Western College fund—Warrants to be paid from general fund.** From and after the first day of May, 1955, all warrants drawn on the Western College fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund. [1965 c 8 § 43.79.323. Prior: 1955 c 335 § 4.]

**43.79.324 Western College fund—Other revenue for support of Western Washington State College.** No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the Western College fund, shall be used for any purpose except the support of the Western Washington State College. [1965 c 8 § 43.79.324. Prior: 1955 c 335 § 5.]

**43.79.330 Miscellaneous state funds—Moneys transferred to general fund.** All moneys to the credit of the following state funds on the first day of August, 1955, and all moneys thereafter paid to the state treasurer for or to the credit of such funds, are hereby transferred to the following accounts in the state general fund, the creation of which is hereby authorized:

- (1) Capitol building construction fund moneys, to the capitol building construction account;
- (2) Cemetery fund moneys, to the cemetery account;
- (3) Commercial feed fund moneys, to the commercial feed account;
- (4) Commission merchants fund moneys, to the commission merchants account;
- (5) Electrical licenses fund moneys, to the electrical licenses account;
- (6) Feed and fertilizer fund moneys, to the feed and fertilizer account;
- (7) Fertilizer, agricultural mineral and limes fund moneys to the fertilizer, agricultural mineral and limes account;
- (8) Forest development fund moneys, to the forest development account;

(9) Harbor improvement fund moneys, to the harbor improvement account;

(10) Institutional building construction fund moneys, to the institutional building construction account;

(11) Investment reserve fund moneys, to the investment reserve account;

(12) Lewis river hatchery fund moneys, to the Lewis river hatchery account;

(13) Millersylvania Park current fund moneys, to the Millersylvania Park current account;

(14) Nursery inspection fund moneys, to the nursery inspection account;

(15) State parks and parkways fund moneys, to the state parks and parkways account;

(16) Public school building construction fund moneys, to the public school building construction account;

(17) Puget Sound pilotage fund moneys, to the Puget Sound pilotage account;

(18) Real estate commission fund moneys, to the real estate commission account;

(19) Reclamation revolving fund moneys, to the reclamation revolving account;

(20) Seed fund moneys, to the seed account;

(21) United States vocational education fund moneys, to the United States vocational education account;

(22) University of Washington building fund moneys, to the University of Washington building account;

(23) University of Washington medical and dental building and equipment fund moneys, to the University of Washington medical and dental building and equipment account;

(24) State College of Washington building fund moneys, to the Washington State University building account;

(25) Veterans rehabilitation council fund moneys, to the veterans rehabilitation council account; and

(26) School emergency construction fund moneys, to the public school building construction account. [1965 c 8 § 43.79.330. Prior: 1959 c 273 § 6; 1957 c 115 § 6; 1955 c 370 § 1.]

*Public school building construction account—Moneys transferred to state general fund: RCW 43.79.423.*

**43.79.331 Miscellaneous state funds—Abolished.** From and after the first day of May, 1955, all funds from which moneys are transferred to general fund accounts pursuant to RCW 43.79.330, are abolished. [1965 c 8 § 43.79.331. Prior: 1955 c § 370 § 2.]

**43.79.332 Miscellaneous state funds—Appropriations of 34th legislature to be paid from general fund.** From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from any of the funds abolished by RCW 43.79.331, shall be paid from the general fund from the account to which the moneys of the abolished fund have been transferred by RCW 43.79.330. [1965 c 8 § 43.79.332. Prior: 1955 c 370 § 3.]

**43.79.333 Miscellaneous state funds—Warrants to be paid from general fund.** From and after the first day of May, 1955, all warrants drawn on any fund abolished

by RCW 43.79.331 and not theretofore presented for payment, shall be paid from the general fund from the account to which the moneys of the abolished fund are directed by RCW 43.79.330 to be transferred. [1965 c 8 § 43.79.333. Prior: 1955 c 370 § 4.]

**43.79.334 Miscellaneous state funds—Expenditures—Revenue from other than general fund.** Expenditures from any account described in RCW 43.79.330 shall be limited to the moneys credited to the account. No revenue from any source other than the general fund, which, except for the provisions of RCW 43.79.330 through 43.79.334, would have been paid into any fund other than the general fund, shall be used for any purpose except those purposes for which such moneys were authorized prior to the enactment hereof. [1965 c 8 § 43.79.334. Prior: 1955 c 370 § 5.]

**43.79.335 Miscellaneous state funds—State College of Washington building account—Name changed to Washington State University building account.** Upon and after June 30, 1961 the account within the general fund in the state treasury known as the "State College of Washington Building Account" shall be known and referred to as the "Washington State University Building Account." This section shall not be construed as effecting any change in such fund other than the name thereof and as otherwise provided by law. [1965 c 8 § 43.79.335. Prior: 1961 ex.s. c 11 § 3.]

**43.79.336 Puget Sound pilotage account redesignated as pilotage account.** See RCW 88.16.061.

**43.79.340 General obligation bond retirement fund—Moneys transferred to general fund.** All moneys in the state treasury to the credit of the general obligation bond retirement fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the general obligation bond retirement fund, shall be and are hereby transferred to and placed in the general fund. [1965 c 8 § 43.79.340. Prior: 1955 c 330 § 1.]

**43.79.341 General obligation bond retirement fund—Appropriations of 34th legislature to be paid from general fund.** From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the general obligation bond retirement fund shall be paid out of moneys in the general fund. [1965 c 8 § 43.79.341. Prior: 1955 c 330 § 2.]

**43.79.342 General obligation bond retirement fund—Abolished.** From and after the first day of May, 1955, the general obligation bond retirement fund is abolished. [1965 c 8 § 43.79.342. Prior: 1955 c 330 § 3.]

**43.79.343 General obligation bond retirement fund—Warrants to be paid from general fund.** From and after the first day of May, 1955, all warrants drawn on the general obligation bond retirement fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and

he is hereby directed to pay such warrants when presented from the general fund. [1965 c 8 § 43.79.343. Prior: 1955 c 330 § 4.]

**43.79.350 Suspense fund.** There is established in the state treasury a special fund to be known as the suspense fund. All moneys which heretofore have been deposited with the state treasurer in the state treasurer's suspense fund, and moneys hereafter received which are contingent on some future action, or which cover overpayments and are to be refunded to the sender in part or whole, and any other moneys of which the final disposition is not known, shall be transmitted to the state treasurer and deposited in the suspense fund in the state treasury. [1965 c 8 § 43.79.350. Prior: 1955 c 226 § 1.]

**43.79.370 Suspense fund—Disbursements—Vouchers—Warrants.** Disbursement from the suspense fund (not to exceed receipts), shall be by warrant issued against the fund by the state treasurer, upon a properly authenticated voucher presented by the state department or office which deposited the moneys in the fund. [1965 c 8 § 43.79.370. Prior: 1955 c 226 § 3.]

**43.79.381 Penitentiary revolving account abolished.** From and after the first day of August, 1957, the penitentiary revolving account is abolished. [1965 c 8 § 43.79.381. Prior: 1957 c 115 § 2.]

**43.79.390 United States vocational education account—Moneys transferred to general fund.** All moneys in the state treasury to the credit of the United States vocational education account in the general fund on August 1, 1957, and all moneys thereafter paid into the state treasury for or to said account, shall be and are hereby transferred to and placed in the general fund. [1965 c 8 § 43.79.390. Prior: 1957 c 226 § 1.]

**43.79.391 United States vocational education account—Appropriations to be paid from general fund.** From and after the first day of July, 1957, all appropriations made by the thirty-fifth legislature from the United States vocational education account shall be paid out of moneys in the general fund. [1965 c 8 § 43.79.391. Prior: 1957 c 226 § 2.]

**43.79.392 United States vocational education account—Abolished.** From and after the first day of August, 1957, the United States vocational education account in the general fund is abolished. [1965 c 8 § 43.79.392. Prior: 1957 c 226 § 3.]

**43.79.393 United States vocational education account—Warrants to be paid from general fund.** From and after the first day of August, 1957, all warrants drawn on the United States vocational education account in the general fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund. [1965 c 8 § 43.79.393. Prior: 1957 c 226 § 4.]

**43.79.400 State payroll revolving fund, agency payroll revolving fund—Created—Utilization.** See RCW 42.16.011.

**43.79.405 Parks and parkways account abolished—Funds transferred to general fund.** The state parks and parkways account created under section 43.79.330(15), chapter 8, Laws of 1965, is hereby abolished and all funds remaining therein at August 1, 1969, transferred to the state general fund. [1969 c 99 § 4.]

**Effective date—1969 c 99:** Effective date of this section is July 1, 1969, see note following RCW 43.51.060.

**43.79.410 Legal services revolving fund—Created—Purpose—Uses.** See RCW 43.10.150–43.10.200.

**43.79.415 Federal revenue sharing trust fund.** The proceeds from federal revenue sharing shall be deposited in the federal revenue sharing trust fund hereby created in the state treasury and shall be used for purposes as authorized by the legislature and within federal rules and regulations. On the effective date of the appropriation, or if previously appropriated the state treasurer shall transfer out of the trust fund the amount appropriated less amounts previously transferred to the fund out of which such appropriation has been made. In the event that federal revenue sharing trust funds have been appropriated out of more than one fund the first priority shall be to transfer sufficient moneys to meet the ensuing quarters' cash requirements of each appropriation. Interest earnings on the federal revenue sharing trust fund shall be determined and distributed in accordance with RCW 43.85.241 as now or hereafter amended.

In administering the conditions set forth in RCW 43.88.110(2) and 43.88.160, the revenue sharing trust fund shall be treated as a complement to the state's basic general fund.

If any part of this section shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal revenue sharing funds to the state, such conflicting part of this section is declared to be inoperative solely to the extent of such conflict: *Provided*, That all state agencies and each school district shall comply with the provisions of Public Law 92–512, the federal Revenue Sharing Act, and regulations issued thereunder. [1974 ex.s. c 53 § 1; 1973 1st ex.s. c 129 § 1.]

**Appropriations paid from general fund:** "On or after the effective date of this 1974 amendatory act, all appropriations made by the forty-third Legislature from the federal revenue sharing trust fund shall be paid out of the state general fund." [1974 ex.s. c 53 § 2.]

**Transfer of assets to general fund:** "On or after the effective date of this 1974 amendatory act, the state treasurer shall transfer to the general fund all assets in the federal revenue sharing trust fund." [1974 ex.s. c 53 § 3.]

**43.79.420 Miscellaneous state funds—Moneys transferred to basic state general fund.** All moneys to the credit of the following state funds or accounts on the first day of July, 1973, are hereby transferred to the basic state general fund:

- (1) Mass transit trust moneys;

- (2) Probation services moneys;
- (3) Columbia river gorge commission moneys;
- (4) Washington state song proceeds moneys;
- (5) Juvenile correction institution building construction fund moneys. [1973 1st ex.s. c 59 § 3.]

**Effective date—1973 1st ex.s. c 59:** "This 1973 amendatory 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 on July 1, 1973." [1973 1st ex.s. c 59 § 7.] This applies to RCW 1.20.071, 13.07.020, and 43.79.420–43.79.422, and to the repeal of RCW 72.19.080, 72.19.090 and 72.19.091.

**43.79.421 Miscellaneous state funds—Abolished.** From and after the first day of July, 1973, all funds from which moneys are transferred to the basic state general fund pursuant to subsections (1), (2), (4), and (5) of RCW 43.79.420 are abolished. [1973 1st ex.s. c 59 § 4.]

**Effective date—1973 1st ex.s. c 59:** See note following RCW 43.79.420.

**43.79.422 Miscellaneous state funds—Warrants to be paid from basic state general fund.** From and after the first day of July, 1973, all warrants drawn on any fund abolished by RCW 43.79.421 and not theretofore presented for payment, shall be paid from the basic state general fund. [1973 1st ex.s. c 59 § 5.]

**Effective date—1973 1st ex.s. c 59:** See note following RCW 43.79.420.

**43.79.423 Miscellaneous state funds or accounts—Moneys transferred to state general fund.** All moneys to the credit of the following state funds or accounts as of September 8, 1975 are transferred to the state general fund on that date:

- (1) The public school building construction account of the general fund created under RCW 43.79.330; and
- (2) The general administration construction fund in the general fund created under RCW 43.82.090. [1975 1st ex.s. c 91 § 1.]

### Chapter 43.79A TREASURER'S TRUST FUND

#### Sections

- 43.79A.010 Purpose.  
43.79A.020 Treasurer's trust fund—Created—Nontreasury trust funds to be placed in—Exceptions.  
43.79A.030 Segregation—Withdrawals.  
43.79A.040 Management—Income—Distribution.

**43.79A.010 Purpose.** This chapter shall apply to all trust funds which are in the official custody of the state treasurer but are not required by law to be maintained in the state treasury. The purpose of this chapter is to establish a system for the centralized management, protection and control of such funds, hereinafter referred to as nontreasury trust funds, and to assure their investment in such a manner as to realize the maximum possible return consistent with safe and prudent fiscal management. [1973 1st ex.s. c 15 § 1.]

**43.79A.020 Treasurer's trust fund—Created—Nontreasury trust funds to be placed in—Exceptions.**

There is hereby created a trust fund outside the state treasury to be known as the "treasurer's trust fund". All nontreasury trust funds which are in the custody of the state treasurer on April 10, 1973 shall be placed in the treasurer's trust fund and be subject to the terms of this chapter: *Provided*, That funds of the Washington state toll bridge authority shall be placed in the treasurer's trust fund only if mutually agreed to by the state treasurer and the toll bridge authority: *Provided further*, That in order to assure an orderly transition to a centralized management system, the state treasurer may place each of such trust funds in the treasurer's trust fund at such times as he deems advisable: *Provided, however*, That except for Washington toll bridge authority trust funds, all such funds shall be incorporated in the treasurer's trust fund by June 30, 1975. Other funds in the custody of state officials or state agencies may, upon their request, be established as accounts in the treasurer's trust fund with the discretionary concurrence of the state treasurer. [1973 1st ex.s. c 15 § 2.]

**43.79A.030 Segregation—Withdrawals.** The state treasurer shall be responsible for maintaining segregated accounts of moneys of each fund which is deposited in the treasurer's trust fund. Except as provided by law, all money deposited in the treasurer's trust fund shall be held in trust by the state treasurer and may be withdrawn only upon the order of the depositing agency or its disbursing officer. [1973 1st ex.s. c 15 § 3.]

**43.79A.040 Management—Income—Distribution.** Money in the treasurer's trust fund may be deposited, invested and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account. On or before July 20 of each year, the state treasurer shall distribute all money in the investment income account in the following manner. Twenty percent to the treasurer's service fund in the state treasury to help defray the costs of managing the treasurer's trust fund. The remaining eighty percent shall be divided among the various agency accounts from which such investments were made, in proportion to the respective balances thereof. [1973 1st ex.s. c 15 § 4.]

**Chapter 43.80  
FISCAL AGENCIES**

Sections	
43.80.100	Definitions.
43.80.110	Appointment of fiscal agencies—Location—Places for payment of bonds.
43.80.120	Designation of fiscal agencies—Qualifications—Duration of designation—Compensation.
43.80.130	Receipts—Payment procedure—Cremation—Certificate of destruction.
43.80.140	Notice of establishment of fiscal agencies—Publication—Bonds and coupons paid at fiscal agencies.
43.80.150	Treasurers not responsible for funds remitted.

43.80.160 Return of funds remitted to redeem bonds and coupons which remain unredeemed.  
43.80.900 Effective date—1969 ex.s. c 80.

*Highway bonds, registration: Chapter 47.10 RCW.*

*Registration of bonds with, fee: RCW 39.44.130.*

*State treasurer, fiscal agent of the state: RCW 43.08.090.*

*Trust companies, power to act as fiscal agent for public bodies: RCW 30.08.150(2).*

**43.80.100 Definitions.** For the purposes of this chapter and unless the context shall clearly indicate otherwise:

(1) "Fiscal agencies" means those banks or trust companies as designated in RCW 43.80.110 and 43.80.120.

(2) "Subdivision" means governmental agencies, counties, cities and towns, metropolitan municipal corporations, port districts, school districts, townships, toll bridge authority, public colleges and universities, public community colleges, municipal corporations, quasi municipal corporations, and all other such governmental agencies authorized to borrow and issue tenders of indebtedness therefor. Subdivision does not mean housing authorities and public utility districts.

(3) "Cremation" means the destruction of canceled bonds or coupons by any approved method, including but not limited to, cremation facilities, incineration facilities, shredding facilities, or dissolving in acid facilities. [1969 ex.s. c 80 § 1.]

**43.80.110 Appointment of fiscal agencies—Location—Places for payment of bonds.** Fiscal agencies shall be appointed for the payment of bonds and coupons issued by this state or by any subdivision thereof. The appointed fiscal agencies may be located in any major city of the country. No bonds hereafter issued by this state or by any affected subdivision thereof, shall be by their terms made payable at a specific place other than: (1) The office of the designated fiscal agencies; (2) offices of the state or local treasurers or fiscal offices of any affected subdivision; or (3) the offices of trustees if provided for in the indenture, as provided for by the terms of the bonds.

Bonds and coupons of subdivisions may be paid at one or more of the state's fiscal agents and/or at the office of the state treasurer or offices of local treasurers as provided for in the terms of the bonds. [1969 ex.s. c 80 § 2.]

**43.80.120 Designation of fiscal agencies—Qualifications—Duration of designation—Compensation.** The state finance committee shall designate responsible banks or trust companies as fiscal agencies, each having a paid-up capital and surplus of not less than five million dollars. The state finance committee shall designate fiscal agencies by any method deemed appropriate to the best interests of this state and its subdivisions.

The state finance committee shall make duplicate certificates of such designations, cause them to be attested under the seal of the state, and file one copy of each certification in the office of the secretary of state and transmit the other to the bank or trust company designated.

The banks or trust companies so designated shall continue to be such fiscal agencies for the term of four years from and after the filing of the certificate of its designation, and thereafter until the designation of other banks or trust companies as such fiscal agencies.

Until successors have been appointed, the banks or trust companies named shall act as the fiscal agencies of the state of Washington in accordance with such terms as shall be agreed upon between the state finance committee and the fiscal agencies so designated. The manner and amount of compensation of the fiscal agents shall be matters specifically left for the state finance committee to determine.

If no such banks or trust companies are willing to accept appointment as fiscal agencies, or if the state finance committee considers unsatisfactory the terms under which such banks or trust companies are willing so to act, the bonds and bond interest coupons normally payable at the fiscal agency, shall thereupon become payable at the state treasury or at the office of the treasurer or fiscal officer of the subdivision concerned, as the case may be. [1969 ex.s. c 80 § 3.]

**43.80.130 Receipts—Payment procedure—Cremation—Certificate of destruction.** The fiscal agencies, on the receipt of any moneys transmitted to them by or for this state, or for any affected subdivision, for the purpose of paying therewith any of its bonds or coupons by their terms made payable at the situs of the state of Washington fiscal agencies, shall transmit forthwith to the sender of such moneys a proper receipt therefor; pay such bonds or coupons upon presentation thereof for payment at the office of the fiscal agencies at or after the maturity thereof, in the order of their presentation insofar as the moneys received for that purpose suffice therefor; and cancel all such bonds and coupons upon payment thereof, and thereupon forthwith return the same to the proper officers of this state or affected subdivisions which issued them; and, concerning the same, report to the state and/or affected subdivision within thirty days following a maturity date the amount of bonds and coupons presented and paid to that date: *Provided*, That nothing herein shall prevent the state or any of the subdivisions thereof from designating its fiscal agencies, or the trustee of any revenue bond issue, or both, also as its agencies for cremation and to provide by agreement therewith, that after one year any general or revenue obligation bonds or interest coupons that have been canceled or paid, may be destroyed as directed by the proper officers of the state or other subdivisions hereinbefore mentioned: *Provided further*, That a certificate of destruction giving full descriptive reference to the instruments destroyed shall be made by the person or persons authorized to perform such destruction and one copy of the certificate shall be filed with the treasurer of the state or local subdivisions as applicable. Whenever said treasurer has redeemed any of the bonds or coupons referred to in this section through his local office, or whenever such redemption has been performed by the trustee of any revenue bond issue, and the canceled instruments or certificates of transmittal thereafter have been forwarded to said treasurer for recording, such

canceled instruments may be forwarded to the fiscal agents designated as agents for cremation for destruction pursuant to any agreements therefor, or said treasurer may, notwithstanding any provision of state statute to the contrary, himself destroy such canceled instruments in the presence of the public officers or boards or their authorized representatives, which by law perform the auditing functions within the state or such political subdivisions as hereinbefore specified: *Provided*, That he and the said auditing officers or boards shall execute a certificate of destruction, giving full descriptive reference to the instruments destroyed, which certificates shall be filed with those of the agencies for cremation herein designated. No certificate required by this section shall be destroyed until all of the bonds and coupons of the issue or series described thereon shall have matured and been paid or canceled. [1969 ex.s. c 80 § 4.]

**43.80.140 Notice of establishment of fiscal agencies—Publication—Bonds and coupons paid at fiscal agencies.** The state finance committee shall, immediately after the establishment of fiscal agencies, publish a notice thereof, once a week for two consecutive weeks, in some financial newspaper of general circulation in cities designated as headquarters of the fiscal agents. All bonds and coupons of this state or of any affected subdivision thereafter issued shall be paid at the designated fiscal agencies or at such other place as allowed by law and provided for in the bonds. [1969 ex.s. c 80 § 5.]

**43.80.150 Treasurers not responsible for funds remitted.** Neither the state treasurer nor the treasurer or other fiscal officer of any subdivision thereof shall be held responsible for funds remitted to the fiscal agencies. [1969 ex.s. c 80 § 6.]

**43.80.160 Return of funds remitted to redeem bonds and coupons which remain unredeemed.** Upon the written request of the state or local treasurer, after a period of one year after the last legal payment date on matured bonds of the state of Washington and of its subdivisions, the funds remitted to fiscal agencies to redeem coupons and bonds which are subsequently unredeemed by the holders of the bonds and coupons, shall herewith be returned to the state treasurer or the local treasurer as the case may be. The state or local treasurer shall remain obligated for the final redemption of the unredeemed bonds or coupons. [1969 ex.s. c 80 § 7.]

**43.80.900 Effective date—1969 ex.s. c 80.** This act shall take effect on April 1, 1971, or at such time that the present fiscal agent agreement, contracted through April 1, 1971, is abrogated. [1969 ex.s. c 80 § 8.]

## Chapter 43.82 STATE AGENCY HOUSING

Sections  
43.82.010 Acquisition of real estate, leases, construction, alteration, repair, improvement of buildings, property, etc.—  
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- 43.82.120 General administration bond redemption guarantee fund, limitation on total deposit—General administration management fund—Deposits.
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**43.82.010 Acquisition of real estate, leases, construction, alteration, repair, improvement of buildings, property, etc.—Delegation of director's functions—Charges—Studies—Approval of attorney general.** The director of the department of general administration, as agent for the agency involved, shall purchase, lease or rent all real estate, improved or unimproved, needed for any offices, warehouses and similar purposes as may be required by elected state officials, institutions, departments, commissions, other state agencies, or federal agencies where joint state and federal activities are undertaken necessitating a close working relationship and proximity between state and federally employed personnel: *Provided*, The director may delegate any or all of these functions to any agency upon such terms and conditions as he deems advisable: *Provided further*, That this section shall not apply to the acquisition of real estate by the colleges and universities for research or experimental purposes.

The director is also authorized to purchase, lease or rent improved or unimproved real estate as owner or lessee, and to lease or sublet all or a part of such real estate to state or federal agencies. The director shall charge each using agency its proportionate rental which shall include an amount sufficient to pay all costs, including, but not limited to, those for utilities, janitorial and accounting services, and sufficient to provide for contingencies; which shall not exceed five percent of the average annual rental, to meet unforeseen expenses incident to management of the real estate.

If the director determines that it is necessary or advisable to undertake any work, construction, alteration, repair or improvement on any such leased or rented property, he shall cause plans and specifications thereof and an estimate of the cost of such work to be made and filed in his office and the state agency benefiting thereby is hereby authorized to pay for such work out of any available funds: *Provided*, That the cost of executing such work shall not exceed the sum of twenty-five hundred dollars. Work, construction, alteration, repair or improvement in excess of twenty-five hundred

dollars, other than that done by the owner of the property if other than the state, shall be performed in accordance with the public works law of this state.

In order to obtain maximum utilization of space, the director shall make space utilization studies, and shall establish standards for use of space by state agencies.

The director may construct new buildings on, or improve existing facilities, and furnish and equip, all real estate under his management.

All contracts to purchase, lease or rent shall be approved as to form by the attorney general. [1969 c 121 § 1; 1967 c 229 § 1; 1965 c 8 § 43.82.010. Prior: 1961 c 184 § 1; 1959 c 255 § 1.]

*East capitol site, acquisition and development: RCW 79.24.500.*

*Housing costs for state offices and departments: RCW 43.01.090.*

*Public works: Chapter 39.04 RCW.*

**43.82.020 Approval by capitol committee when real estate located in Thurston county.** The acquisition of real estate, and use thereof, shall be subject to the approval of the state capitol committee when the real estate is located in Thurston county. [1965 c 8 § 43.82.020. Prior: 1961 c 184 § 2; 1959 c 255 § 2.]

**43.82.030 Acquisition of property and rights declared public use—Eminent domain.** The acquisition of any real property or any rights or interests therein for the purpose of this chapter is hereby declared to be for a public use. In furtherance of the purposes of this chapter, the right of eminent domain may be exercised as provided for in chapter 8.04 RCW. [1965 c 8 § 43.82.030. Prior: 1959 c 255 § 3.]

**43.82.040 Revenue bonds, coupons—Authorized, issuance, payment, etc.—Negotiability.** To provide funds for the acquisition of real estate, the improvement of existing facilities thereon, the construction of buildings, the acquisition of furnishings and equipment therefor, and to pay interest on the revenue bonds authorized to be issued by this chapter during the estimated period of such improvement or construction and for six months after completion of such improvement or construction, if required, there shall be issued and sold revenue bonds of the state of Washington as determined to be necessary by the director of the department of general administration, but not in excess of the amounts appropriated or reappropriated for expenditures under the terms of this chapter.

The issuance and sale of the bonds shall be under the supervision and control of the state finance committee. The state finance committee, in its discretion, may provide for the issuance of coupon or registered bonds to be dated, issued, and sold at the request of the director at such time or times and in such amount or amounts as may be necessary to finance the program authorized in this chapter.

Each bond shall be made payable at any time not exceeding forty years from date of issuance, with such reversed rights of prior redemption, bearing such rate of interest, payable semiannually or annually, and with such terms, conditions, and covenants to safeguard the security and the rights of the holders thereof, including

any provision for reserves, as the state finance committee may prescribe to be specified therein. The bonds may be payable at such places and be in such denominations as the committee may prescribe. All such bonds shall be fully negotiable. [1965 c 8 § 43.82.040. Prior: 1961 c 184 § 3; 1959 c 255 § 4.]

**43.82.050 Revenue bonds, coupons—Signatures and seal.** The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons may have printed or lithographic facsimile of the signatures of such officers. A lithographed facsimile reproduction of the seal of the state may be imprinted on the bonds in lieu of manually affixing an impression of the original seal. [1965 c 8 § 43.82.050. Prior: 1959 c 255 § 5.]

**43.82.060 Revenue bonds, coupons—Sale—Bonds are legal investment and security.** The bonds may be sold in such manner and amounts, at such times, and on such terms and conditions as the state finance committee may prescribe: *Provided*, That, if the bonds are sold to any persons other than the state of Washington, they shall be sold at public sale, and the state finance committee shall cause the sale to be advertised in such manner as it shall deem sufficient.

The bonds shall be sold for not less than par value.

The bonds shall be a legal investment for all state funds (except the permanent school fund) or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county and municipal deposits. [1965 c 8 § 43.82.060. Prior: 1959 c 255 § 6.]

**43.82.070 Revenue bonds, coupons—Registration.** Any of such bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone or as to both principal and interest, under such regulations as the state treasurer may prescribe. [1965 c 8 § 43.82.070. Prior: 1959 c 255 § 7.]

**43.82.080 Revenue bonds, coupons—Payable solely from revenues and not state obligation.** Bonds issued under provisions of this chapter shall distinctly state that they are not a general obligation of the state of Washington, but are payable solely out of revenues in the manner provided in this chapter. [1965 c 8 § 43.82.080. Prior: 1959 c 255 § 8.]

**43.82.090 General administration construction fund—Designation of bonds as to project—Investment of bond proceeds, interest.** There is hereby created within the state treasury a special fund to be known as the "general administration construction fund" in which shall be deposited all moneys arising from the sale of such bonds, and all other moneys which may become available for carrying out the purposes of this chapter, provided, that from the moneys arising from the sale of

such bonds there may be deposited in the general administration bond redemption fund an amount equal to the interest accruing on such bonds during the estimated period of construction of the project for which such bonds are issued and for six months after the completion of such construction. All such bonds shall be designated as to the project for which they are issued and the proceeds thereof shall be used solely for that project, and for the payment of the expense incurred in the printing, issuance and sale of such bonds and to pay interest on such bonds for the period aforesaid.

The state finance committee is authorized to invest the proceeds from the sale of such bonds in short term securities of the United States government: *Provided*, That such investment will not impede the orderly progress of the project for which the bonds were issued. The interest from such investments shall be deposited in the general administration bond redemption fund to the credit of the particular project involved. [1965 c 8 § 43.82.090. Prior: 1959 c 255 § 9.]

*General administration construction fund—Moneys transferred to state general fund: RCW 43.79.423.*

**43.82.110 General administration bond redemption fund—Lease of space—Surplus space—Pledge of rental.** All office or other space made available through the provisions of this chapter shall be leased by the director to such state or federal agencies, for such rental, and on such terms and conditions as he deems advisable: *Provided, however*, If space becomes surplus, the director is authorized to lease office or other space in any project to any person, corporation or body politic, for such period as the director shall determine said space is surplus, and upon such other terms and conditions as he may prescribe.

There is hereby created within the treasury a special fund to be known as the "general administration bond redemption fund" in which all pledged rentals shall be deposited. In the event bonds are issued for more than one project, the rentals from each project will be maintained as separate accounts. The funds in this account or accounts shall be used to meet principal and interest payments when due on the bonds issued to finance the specific project for which each such account was created until all of such bonds and interest thereon have been paid.

The bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on the rentals deposited in the general administration bond redemption fund, as aforesaid, and received from the project for which the bonds were issued. Such rentals shall be pledged by the state for such purpose. [1969 c 121 § 2; 1965 c 8 § 43.82.110. Prior: 1961 c 184 § 4; 1959 c 255 § 11.]

**43.82.120 General administration bond redemption guarantee fund, limitation on total deposit—General administration management fund—Deposits.** There is hereby established within the state treasury a reserve fund to be known as the "general administration bond redemption guarantee fund." All unpledged rental



income collected by the department of general administration from rental of state buildings shall be deposited in the general administration bond redemption guarantee fund until a total of two hundred thousand dollars is on deposit in said fund after which all unpledged rental income shall be deposited in the general administration management fund, the creation of which is hereby authorized. In the event the general administration bond redemption guarantee fund is diminished, it shall be replenished in the same manner.

If at any time there is insufficient money in the general administration bond redemption fund to make any payments of interest or principal due on any bonds payable from such fund, the state treasurer shall transfer from such general administration bond redemption guarantee fund to the general administration bond redemption fund an amount sufficient to meet such payments. [1965 c 8 § 43.82.120. Prior: 1961 c 184 § 5; 1959 c 255 § 12.]

**43.82.125 Authorized uses for general administration management fund—Surplus to general fund.** The general administration management fund shall be used to pay all costs incurred by the department in the operation of real estate managed under the terms of this chapter. Moneys received into the general administration management fund shall be used to pay rent to the owner of the space for occupancy of which the charges have been made and to pay utility and operational costs of the space utilized by the occupying agency: *Provided*, That moneys received into the fund for occupancy of space owned by the state where utilities and other operational costs are covered by appropriation to the department of general administration shall be immediately transmitted to the general fund: *Provided further*, That the director may expend not to exceed fifty thousand dollars per biennium from the general administration management fund to cover unusual or unexpected expenses connected with space occupancy or management that cannot be charged directly to any specific state agency. In the event the director determines that there is a surplus in this fund, he shall transfer such surplus to the general fund. [1965 c 8 § 43.82.125. Prior: 1961 c 184 § 6.]

**43.82.130 Powers and duties of director.** The director of the department of general administration is authorized to do all acts and things necessary or convenient to carry out the powers and duties expressly provided in this chapter. [1965 c 8 § 43.82.130. Prior: 1959 c 255 § 13.]

**43.82.140 Insurance on buildings.** The director may, in his discretion, obtain fire or other hazard insurance on any building under his management. [1965 c 8 § 43.82.140. Prior: 1961 c 184 § 7.]

## Chapter 43.83

## CAPITAL IMPROVEMENTS

## Sections

## 1959–1961 BOND ISSUE

- 43.83.010 Limited obligation bonds—Authorized—Issuance, sale, form, payment, etc.—Continuation of tax levy.
- 43.83.020 Limited obligation bonds—Proceeds to be deposited in state building construction account—Use.
- 43.83.030 Limited obligation bonds—Retirement from state building construction bond redemption fund—Retail sales tax collections, continuation of levy.
- 43.83.040 Limited obligation bonds—Legislature may provide additional means of raising revenue.
- 43.83.050 Limited obligation bonds—Bonds are negotiable, legal investment and security.

## 1961–1963 BOND ISSUE

- 43.83.060 Limited obligation bonds—Authorized—Issuance, sale, form, payment, etc.—Continuation of tax levy.
- 43.83.062 Limited obligation bonds—Proceeds to be deposited in state building construction account—Use.
- 43.83.064 Limited obligation bonds—Retirement from state building construction bond redemption fund—Retail sales tax collections, continuation of levy.
- 43.83.066 Limited obligation bonds—Legislature may provide additional means of raising revenue.
- 43.83.068 Limited obligation bonds—Bonds are negotiable, legal investment and security.

## 1965–1967 BOND ISSUE

- 43.83.070 General obligation bonds—Authorized—Issuance, sale, form, payment, etc.
- 43.83.072 General obligation bonds—Proceeds to be deposited in state building and higher education construction account.
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- 43.83.078 General obligation bonds—Legal investment for state and local funds.
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- 43.83.090 General obligation bonds—Authorized—Issuance, sale, form, payment, etc.
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- 1975 BOND ISSUE
- 43.83.130 General obligation bonds—Authorized—Issuance—Payment.
- 43.83.132 General obligation bonds—Powers and duties of state finance committee.
- 43.83.134 General obligation bonds—Anticipation notes—Proceeds.
- 43.83.136 General obligation bonds—Administration of proceeds from sale.
- 43.83.138 General obligation bonds—Payment from bond redemption fund—Procedure.
- 43.83.140 General obligation bonds—General obligation of state.
- 43.83.142 General obligation bonds—Charges against state agencies to reimburse state general fund.
- 43.83.144 General obligation bonds—Legislature may provide additional means for payment.
- 43.83.146 General obligation bonds—Legal investment for state and other public bodies.
- 43.83.148 Severability—1975 1st ex.s. c 249.

*Community colleges, refunding bonds for: RCW 28B.50.360, 28B.50.403–28B.50.407 and 28B.50.409.*

*Indian cultural and educational facility bond issue: Chapter 37.14 RCW.*

*Washington State University Tree Fruit Research Center office–laboratory facility, financing: RCW 28B.30.600–28B.30.619.*

#### 1959–1961 BOND ISSUE

**43.83.010 Limited obligation bonds—Authorized—Issuance, sale, form, payment, etc.—Continuation of tax levy.** For the purpose of furnishing funds to finance projects in the 1959–1961 capital budget, as adopted by the legislature, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of ten million eighty–nine thousand dollars to be paid and discharged not more than twenty years after date of issuance. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and covenants of said bonds; and the sale, issuance, and redemption thereof. None of the bonds herein authorized shall be sold for less than the par value thereof. Such bonds shall state distinctly that they shall not be a general obligation of the state of Washington, but shall be payable in the manner and from the proceeds of retail sales taxes as in RCW 43.83.010 through 43.83.050 provided. As a part of the contract of sale of the aforesaid bonds, the state undertakes to continue to levy the taxes referred to herein and to fix and maintain said taxes in such amounts as will provide sufficient funds to pay said bonds and interest thereon until all such obligations have been paid in full.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto. Such bonds shall be payable at such places as the state finance committee may provide. [1965 c 8 § 43.83.010. Prior: 1959 ex.s. c 9 § 1.]

**43.83.020 Limited obligation bonds—Proceeds to be deposited in state building construction account—Use.** The proceeds from the sale of the bonds authorized herein shall be deposited in the state building construction account of the general fund and shall be used exclusively for the purposes of carrying out the provisions of the capital appropriation act of 1959, and for payment of the expense incurred in the printing, issuance, and sale of such bonds. [1965 c 8 § 43.83.020. Prior: 1959 ex.s. c 9 § 2.]

**43.83.030 Limited obligation bonds—Retirement from state building construction bond redemption fund—Retail sales tax collections, continuation of levy.** Retirement of the bonds and interest authorized by RCW 43.83.010 through 43.83.050 shall be from the state building construction bond redemption fund created by chapter 298, Laws of 1957. The state finance committee shall on or before June 30th of each year certify to the state treasurer the amount needed in the ensuing twelve months to meet interest payments on and retirement of bonds authorized by RCW 43.83.010 through 43.83.050. The state treasurer shall thereupon deposit such amount in the state building construction bond redemption fund from moneys transmitted to the state treasurer by the department of revenue and certified by the department of revenue to be sales tax collections, and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, subject to and inferior only to the charges thereon created by chapters 229 and 230, Laws of 1949, and chapter 298, Laws of 1957. Said bond redemption fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of the bonds herein authorized, the state undertakes to continue to levy and collect a tax on retail sales equal to that portion thereof allocated to said fund as provided in RCW 43.83.010 through 43.83.050, and to place the proceeds thereof in the state building construction bond redemption fund and to make said fund available to meet said payments when due until all bonds and the interest thereon authorized under RCW 43.83.010 through 43.83.050 shall have been paid. [1975 1st ex.s. c 278 § 26; 1965 c 8 § 43.83.030. Prior: 1959 ex.s. c 9 § 3.]

**Reviser's note:** Chapter 298, Laws of 1957 and chapter 230, Laws of 1949 referred to herein are codified in chapter 72.99 RCW, and chapter 229, Laws of 1949 is codified in chapter 28A.47 RCW.

**Construction—Severability—1975 1st ex.s. c 278:** See notes following RCW 11.08.160.

**43.83.040 Limited obligation bonds**—**Legislature may provide additional means of raising revenue.** The legislature may provide additional means for raising funds for the payment of the interest and principal of the bonds authorized by RCW 43.83.010 through 43.83.050 and RCW 43.83.010 through 43.83.050 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington. [1965 c 8 § 43.83.040. Prior: 1959 ex.s. c 9 § 4.]

**43.83.050 Limited obligation bonds**—**Bonds are negotiable, legal investment and security.** The bonds herein authorized shall be fully negotiable instruments and shall be legal investment for all state funds or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits. [1965 c 8 § 43.83.050. Prior: 1959 ex.s. c 9 § 5.]

#### 1961–1963 BOND ISSUE

**43.83.060 Limited obligation bonds**—**Authorized**—**Issuance, sale, form, payment, etc.**—**Continuation of tax levy.** For the purpose of furnishing funds to finance projects in the 1961–1963 capital budget, as adopted by the legislature, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of twenty-seven million five hundred fifty-six thousand dollars to be paid and discharged not more than twenty years after date of issuance. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and covenants of said bonds; and the sale, issuance, and redemption thereof. None of the bonds herein authorized shall be sold for less than the par value thereof. Such bonds shall state distinctly that they shall not be a general obligation of the state of Washington, but shall be payable in the manner and from the proceeds of retail sales taxes as in RCW 43.83.060 through 43.83.068 provided. As a part of the contract of sale of the aforesaid bonds, the state undertakes to continue to levy the taxes referred to herein and to fix and maintain said taxes in such amounts as will provide sufficient funds to pay said bonds and interest thereon until all such obligations have been paid in full.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto: *Provided*, That any bonds issued under authority of RCW 43.83.060 through 43.83.068 for the purpose of financing the construction of the correctional institution authorized by chapter 214, Laws of 1959, shall be so identified and shall be subject to call

prior to the maturity date thereof. Such bonds shall be payable at such places as the state finance committee may provide. The state finance committee shall, in making its invitation or call for bids on the sale or issuance of such bonds, other than those governed by the proviso in this section, secure bids on the condition that the bonds may be called prior to maturity and it shall also secure bids on the condition that they shall not be subject to prior call. [1965 c 8 § 43.83.060. Prior: 1961 ex.s. c 23 § 1.]

*Correctional institution established by 1959 c 214: See chapter 72.13 RCW.*

**43.83.062 Limited obligation bonds**—**Proceeds to be deposited in state building construction account**—**Use.** The proceeds from the sale of the bonds authorized herein shall be deposited in the state building construction account of the general fund and shall be used exclusively for the purposes of carrying out the provisions of the capital appropriation act of 1961, and for payment of the expense incurred in the printing, issuance, and sale of such bonds. [1965 c 8 § 43.83.062. Prior: 1961 ex.s. c 23 § 2.]

**43.83.064 Limited obligation bonds**—**Retirement from state building construction bond redemption fund**—**Retail sales tax collections, continuation of levy.** Retirement of the bonds and interest authorized by RCW 43.83.060 through 43.83.068 shall be from the state building construction bond redemption fund created by chapter 298, Laws of 1957. The state finance committee shall on or before June thirtieth of each year certify to the state treasurer the amount needed in the ensuing twelve months to meet interest payments on and retirement of bonds authorized by RCW 43.83.060 through 43.83.068. The state treasurer shall thereupon deposit such amount in the state building construction bond redemption fund from moneys transmitted to the state treasurer by the department of revenue and certified by the department of revenue to be sales tax collections, and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, subject to and inferior only to amounts previously pledged for the payment of interest on and retirement of bonds heretofore issued. Said bond redemption fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of the bonds herein authorized, the state undertakes to continue to levy and collect a tax on retail sales equal to that portion thereof allocated to said fund as provided in RCW 43.83.060 through 43.83.068, and to place the proceeds thereof in the state building construction bond redemption fund and to make said fund available to meet said payments when due until all bonds and the interest thereon authorized under RCW 43.83.060 through 43.83.068 shall have been paid. [1975 1st ex.s. c 278 § 27; 1965 c 8 § 43.83.064. Prior: 1961 ex.s. c 23 § 3.]

Construction—Severability—1975 1st ex.s. c 278: See notes following RCW 11.08.160.  
State building construction bond redemption fund: RCW 72.99.120.

**43.83.066 Limited obligation bonds—Legislature may provide additional means of raising revenue.** The legislature may provide additional means for raising funds for the payment of the interest and principal of the bonds authorized by RCW 43.83.060 through 43.83.068 and RCW 43.83.060 through 43.83.068 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington. [1965 c 8 § 43.83.066. Prior: 1961 ex.s. c 23 § 4.]

**43.83.068 Limited obligation bonds—Bonds are negotiable, legal investment and security.** The bonds herein authorized shall be fully negotiable instruments and shall be legal investment for all state funds or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits. [1965 c 8 § 43.83.068. Prior: 1961 ex.s. c 23 § 5.]

1965-1967 BOND ISSUE

**43.83.070 General obligation bonds—Authorized—Issuance, sale, form, payment, etc.** For the purpose of providing needed capital improvements for the institutions of higher education, the department of institutions, the department of natural resources and other state agencies, the state finance committee is hereby authorized to issue, at any time prior to January 1, 1970, general obligation bonds of the state of Washington in the sum of forty million five hundred seventy-five thousand dollars, or so much thereof as shall be required to finance the capital projects set forth in RCW 43.83.080, to be paid and discharged within twenty years of the date of issuance.

The state finance committee is authorized to prescribe the form of such bonds, and the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof: *Provided*, That none of the bonds herein authorized shall be sold for less than the par value thereof, nor shall they bear interest at a rate in excess of six percent per annum.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds. [1965 ex.s. c 172 § 1.]

**43.83.072 General obligation bonds—Proceeds to be deposited in state building and higher education construction account.** The proceeds from the sale of the bonds authorized herein, together with all grants, donations, transferred funds and all other moneys which the

state finance committee may direct the state treasurer to deposit therein shall be deposited in the state building and higher education construction account hereby created in the state general fund. [1965 ex.s. c 172 § 2.]

**43.83.074 General obligation bonds—Retirement from state building and higher education bond redemption fund—Retail sales tax collections, continuation of levy.** The state building and higher education bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by RCW 43.83.070 through 43.83.084. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in said state building and higher education bond redemption fund from moneys transmitted to the state treasurer by the department of revenue and certified by the department of revenue to be sales tax collections and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein. [1975 1st ex.s. c 278 § 28; 1965 ex.s. c 172 § 3.]

Construction—Severability—1975 1st ex.s. c 278: See notes following RCW 11.08.160.

**43.83.076 General obligation bonds—Legislature may provide additional means of raising revenue.** The legislature may provide additional means for raising moneys for the payment of the interest and principal of the bonds authorized herein and RCW 43.83.070 through 43.83.084 shall not be deemed to provide an exclusive method for such payment. [1965 ex.s. c 172 § 4.]

**43.83.078 General obligation bonds—Legal investment for state and local funds.** The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations. [1965 ex.s. c 172 § 5.]

**43.83.080 General obligation bonds—Appropriations for capital improvements and projects.** The following sums, or so much thereof as may be necessary, are appropriated from the state building and higher education construction account: *Provided*, That the legislature may reappropriate the unexpended balance from any project for other projects within the scope of RCW 43.83.070.

For the Reformatory	
Renovation of utilities . . . . .	\$ 342,000.00
Construct chapel . . . . .	\$ 137,500.00

For the Women's Correction Center	
Construct and equip, or remodel and equip .....	\$2,166,333.00
For the Maple Lane School	
Construct and equip two residential units, demolish Spruce and Hawthorne cottages .....	\$ 350,000.00
For the Group Homes	
Construct and equip three group homes	\$ 276,600.00
For the Fifth Youth Forestry Camp	
Construct and equip .....	\$ 668,631.00
For the Western Hospital	
Renovate utilities .....	\$ 228,000.00
For the Rainier School	
Construct and equip laundry addition	\$ 273,013.00
For the Yakima Valley School	
Construct and equip three wings for two hundred seventy additional beds; remodel and equip kitchen .....	\$1,978,033.00
For the Fircrest School	
Construct and equip activities building	\$ 483,500.00
For the University of Washington	
Construct and equip college of architecture building .....	\$1,960,000.00
Construct and equip physics-atmospheric science building .....	\$2,275,000.00
Construct and equip art wing .....	\$ 750,000.00
Renovate forestry building and construct pulp and paper teaching facility	\$2,290,000.00
Construct and equip general classroom building .....	\$2,600,000.00
Construct graduate center facility ...	\$ 500,000.00
For Washington State University	
Construct Research and Laboratory building—Puyallup .....	\$1,334,782.00
For Eastern Washington State College	
New heating plant and extension of utilities .....	\$1,500,000.00
Construct and equip music building ..	\$1,375,000.00
Construct and equip general classroom building .....	\$ 890,000.00
For Central Washington State College	
Construct and equip fine and applied arts—language and literature facility .....	\$4,119,638.00
Land acquisition .....	\$ 300,000.00
For Western Washington State College	
Construct and equip classroom—faculty offices addition .....	\$1,704,000.00
Construct and equip addition to the library .....	\$1,167,000.00
For the Washington State Historical Society	
Construct new wing to museum building: <i>Provided</i> , That the sum appropriated herein or so much thereof as is necessary shall not be expended unless such sum is matched in an equal amount from private contribution and other sources collected on or before January 1, 1969 .....	\$ 339,000.00
For the Department of Natural Resources	
Clearwater Honor Camp .....	\$ 500,000.00

For the University of Washington	
Construct and equip health sciences expansion .....	\$9,600,000.00
For the Finance Committee .....	\$ 40,744.00

[1965 ex.s. c 172 § 6.]

**43.83.082 General obligation bonds—Capital improvement and capital project defined.** The words "capital improvement" or "capital project" used herein shall mean acquisition of sites, easements, rights of way or improvements thereon or appurtenances thereto, construction and initial equipment, reconstruction, demolition or major alteration of new or presently owned capital assets. [1965 ex.s. c 172 § 7.]

**43.83.084 General obligation bonds—Referral to electorate.** RCW 43.83.070 through 43.83.084 shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1966, in accordance with the provisions of section 3, Article VIII of the state Constitution; and in accordance with the provisions of section 1, Article II of the state Constitution as amended, and the laws adopted to facilitate the operation thereof. [1965 ex.s. c 172 § 8.]

1967-1969 BOND ISSUE

**43.83.090 General obligation bonds—Authorized—Issuance, sale, form, payment, etc.** For the purpose of providing needed capital improvements for the department of general administration, the institutions of higher education and the department of institutions, the state finance committee is authorized to issue, at any time prior to January 1, 1972, general obligation bonds of the state of Washington in the sum of sixty-three million fifty-nine thousand dollars or so much thereof as shall be required to finance the capital projects set forth in RCW 43.83.100, to be paid and discharged within twenty years of the date of issuance.

The state finance committee is authorized to prescribe the form of such bonds, and the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof: *Provided*, That none of the bonds herein authorized shall be sold for less than the par value thereof, nor shall they bear interest at a rate in excess of six percent per annum.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds. [1967 ex.s. c 148 § 1.]

**Reviser's note:** An amendment to this section submitted to the vote of the people by Referendum Bill No. 22 [1970 ex.s. c 66] was rejected by the electorate.

**43.83.092 General obligation bonds—Proceeds to be deposited in state building and higher education construction account.** The proceeds from the sale of the bonds authorized herein, together with all grants, donations, transferred funds and all other moneys which the state finance committee may direct the state treasurer to deposit therein shall be deposited in the state building and higher education construction account created in the state general fund. [1967 ex.s. c 148 § 2.]

**43.83.094 General obligation bonds—Retirement from state building and higher education bond redemption fund—Retail sales tax collections, continuation of levy.** The state building and higher education bond redemption fund is created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by RCW 43.83.090 through 43.83.104. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the state building and higher education bond redemption fund from moneys transmitted to the state treasurer by the department of revenue and certified by the department of revenue to be sales tax collections; and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof which has been heretofore pledged for the payment of bond principal and interest.

The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein. [1975 1st ex.s. c 278 § 29; 1967 ex.s. c 148 § 3.]

**Construction—Severability—1975 1st ex.s. c 278:** See notes following RCW 11.08.160.

**43.83.096 General obligation bonds—Legislature may provide additional means of raising revenue.** The legislature may provide additional means for raising moneys for the payment of the interest and principal of the bonds authorized herein and RCW 43.83.090 through 43.83.104 shall not be deemed to provide an exclusive method for such payment. [1967 ex.s. c 148 § 4.]

**43.83.098 General obligation bonds—Legal investment for state and local funds.** The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations. [1967 ex.s. c 148 § 5.]

**43.83.100 General obligation bonds—Appropriations for capital improvements and projects.** The following sums, or so much thereof as may be necessary, are appropriated from the state building and higher education construction account: *Provided*, That the legislature may reappropriate the unexpended balance from any

project for other projects within the scope of RCW 43.83.090.

For the Department of General Administration	
Construct and equip addition to state library .....	\$ 562,113
For the Washington Correction Center	
Construct and equip honor housing for 270 inmates .....	\$ 1,875,630
For the Maple Lane School	
Construct and equip treatment security unit .....	\$ 264,970
For the Spruce Canyon Youth Camp	
Construct and equip vocational-gymnasium building .....	\$ 194,411
For the School for the Blind	
Construct and equip student residence hall .....	\$ 373,000
For the School for the Deaf	
Construct and equip field house .....	\$ 150,000
For the Rainier School	
Construct and equip training and service building .....	\$ 650,000
Construct and equip volunteer services building .....	\$ 150,000
For the Fircrest School	
Replace Redwood Hall, Phase II .....	\$ 2,550,000
For the University of Washington	
Construct and equip law school center ..	\$ 5,100,000
Construct and equip psychology building .....	\$ 3,500,000
Construct and equip performing arts building .....	\$ 3,700,000
Construct and equip computer center addition .....	\$ 1,300,000
Construct and equip electrical engineering addition .....	\$ 650,000
Enlarge plant services building .....	\$ 1,900,000
Expand and equip radiation therapy and hospital clinic .....	\$ 2,050,000
For Washington State University	
Construct and equip agricultural services building .....	\$ 3,934,775
Construct and equip physical sciences building .....	\$ 3,148,630
For Western Washington State College	
Construct additional instruction facilities .....	\$ 1,883,500
Construct and equip physical education addition .....	\$ 490,000
Construct and equip classroom building	\$ 1,650,000
Renovation of Old Main .....	\$ 975,000
Complete construction and equipping of education-psychology building .....	\$ 850,000
For Central Washington State College	
Construct and equip instructional center	\$ 3,009,500
Construct and equip library addition ...	\$ 2,070,000

For Eastern Washington State College

Construct and equip health and physical education building .....	\$ 1,125,000
Construct and equip classroom building .....	\$ 1,500,000
Construct and equip radio-television building ... ..	\$ 500,000
Construct and equip drama building ...	\$ 800,000
Construct and equip art building .....	\$ 1,090,000

For the Fourth State College

Construction Phase I .....	\$15,000,000
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For the Finance Committee .....

	\$ 62,471
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[1969 ex.s. c 187 § 1; 1967 ex.s. c 148 § 6.]

*Institutions of higher education project planning appropriations: See note following RCW 43.75.030.*

**43.83.102 General obligation bonds—Capital improvement and capital project defined.** The words "capital improvement" or "capital project" used herein shall mean acquisition of sites, easements, rights of way or improvements thereon or appurtenances thereto, construction and initial equipment, reconstruction, demolition or major alteration of new or presently owned capital assets. [1967 ex.s. c 148 § 7.]

**43.83.104 General obligation bonds—Referral to electorate.** RCW 43.83.090 through 43.83.104 shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1968, in accordance with the provisions of section 3, Article VIII of the state Constitution; and in accordance with the provisions of section 1, Article II of the state Constitution as amended, and the laws adopted to facilitate the operation thereof. [1967 ex.s. c 148 § 8.]

*Reviser's note:* RCW 43.83.090 through 43.83.104 was adopted and ratified by the people at the November 5, 1968 general election (Referendum Bill No. 19). Governor's proclamation declaring approval of measure is dated December 5, 1968. State Constitution Art. 2 § 1 (d) provides: "... Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved ..."

1973 BOND ISSUE

**43.83.110 General obligation bonds—Authorized—Issuance—Payment.** For the purpose of acquiring land, funding and providing the planning, acquisition, construction, remodeling, and furnishing, together with all improvements, enhancements, fixed equipment, and facilities, of capitol office buildings, parking facilities, governor's mansion, and such other buildings and facilities as are determined to be necessary to provide space for the legislature by way of offices, committee rooms, hearing rooms, and work rooms, and to provide executive office and housing for the governor, and to provide executive office space for other elective officials and such other state agencies as may be necessary, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of twenty-seven million dollars, or so much thereof as may be required, to finance the projects

defined in RCW 43.83.110 through 43.83.126 and all costs incidental thereto. Such bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution. [1973 1st ex.s. c 217 § 1.]

**43.83.112 General obligation bonds—Powers and duties of state finance committee.** The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance and redemption. None of the bonds herein authorized shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and notes, if any. Such bonds shall be payable at such places as the committee may provide. [1973 1st ex.s. c 217 § 2.]

**43.83.114 General obligation bonds—Anticipation notes—Proceeds.** At the time the state finance committee determines to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds that may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The proceeds from the sale of bonds authorized by RCW 43.83.110 through 43.83.126 shall be deposited in the state building construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.83.110 through 43.83.126 and for the payment of expenses incurred in the issuance and sale of the bonds. [1973 1st ex.s. c 217 § 3.]

**43.83.116 General obligation bonds—Administration of proceeds from sale.** The principal proceeds from the sale of the bonds or notes deposited in the state building construction account of the general fund shall be administered by the state department of general administration. [1973 1st ex.s. c 217 § 4.]

**43.83.118 General obligation bonds—Payment from bond redemption fund—Procedure—General obligation of state.** The state building bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of the principal of and interest on the bonds authorized by RCW 43.83.110 through 43.83.126. The state finance committee, shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in the state building

bond redemption fund from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues. Bonds issued under the provisions of RCW 43.83.110 through 43.83.126 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by a mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein. [1973 1st ex.s. c 217 § 5.]

**43.83.120 General obligation bonds—Charges against state agencies to reimburse state general fund.** In addition to any other charges authorized by law and to assist in reimbursing the state general fund for expenditures from the general state revenues in paying the principal and interest on the bonds and notes herein authorized, the director of general administration shall assess a charge against each state board, commission, agency, office, department, activity, or other occupant or user for payment of a proportion of costs for each square foot of floor space assigned to or occupied by it. Payment of the amount so billed to the entity for such occupancy shall be made annually and in advance at the beginning of each fiscal year. The director of general administration shall cause the same to be deposited in the state treasury to the credit of the general fund. [1973 1st ex.s. c 217 § 6.]

**43.83.122 General obligation bonds—Legislature may provide additional means for payment.** The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized herein, and RCW 43.83.110 through 43.83.126 shall not be deemed to provide an exclusive method for such payment. [1973 1st ex.s. c 217 § 7.]

**43.83.124 General obligation bonds—Legal investment for state and other public bodies.** The bonds herein authorized shall be a legal investment for all state funds or funds under state control and for all funds of any other public body. [1973 1st ex.s. c 217 § 8.]

**43.83.126 Severability—1973 1st ex.s. c 217.** If any provision of this 1973 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. [1973 1st ex.s. c 217 § 9.]

#### 1975 BOND ISSUE

**43.83.130 General obligation bonds—Authorized—Issuance—Payment.** For the purpose of providing funds for the planning, acquisition, construction, remodeling, and furnishing, together with all improvements, enhancements, and fixed equipment of capital campus facilities and such other buildings and facilities

as are determined to be necessary to provide space for the legislature by way of offices, committee rooms, hearing rooms, and work rooms and such other state agencies as may be necessary, as provided in the capital appropriations act, chapter ....., Laws of 1975 [chapter 276, Laws of 1975 1st ex.s.], for such purposes, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the aggregate principal amount of six million four hundred thousand dollars or so much thereof as may be required to finance said projects, to be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the Constitution of the state of Washington. [1975 1st ex.s. c 249 § 1.]

**43.83.132 General obligation bonds—Powers and duties of state finance committee.** The issuance, sale and retirement of said bonds as authorized in RCW 43.83.130 shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of such bonds and the conditions of sale and issuance thereof. None of the bonds herein authorized shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and notes, if any. Such bonds shall be payable at such places as the committee may provide. [1975 1st ex.s. c 249 § 2.]

**43.83.134 General obligation bonds—Anticipation notes—Proceeds.** At the time the state finance committee determines to issue such bonds as authorized in RCW 43.83.130 through 43.83.148 or a portion thereof, pending the issuance of such bonds, it may issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes". The proceeds from the sale of bonds and notes authorized by RCW 43.83.130 through 43.83.148 shall be deposited in the state building construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.83.130 through 43.83.148 and for the payment of expenses incurred in the issuance and sale of such bonds and notes: *Provided*, That such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and interest on such anticipation notes as have been issued, shall be deposited in the bond redemption fund created in RCW 43.83.138. [1975 1st ex.s. c 249 § 3.]

**43.83.136 General obligation bonds—Administration of proceeds from sale.** The principal proceeds from the sale of the bonds or notes authorized in RCW 43.83.130 through 43.83.148 and deposited in the state building construction account of the general fund shall be administered by the state department of general administration, subject to legislative appropriation. [1975 1st ex.s. c 249 § 4.]



**43.83.138 General obligation bonds—Payment from bond redemption fund—Procedure.** The state building bond redemption fund, 1975, is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of the principal of and interest on the bonds and notes authorized by RCW 43.83.130 through 43.83.148. The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in such state building bond redemption fund from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues. [1975 1st ex.s. c 249 § 5.]

**43.83.140 General obligation bonds—General obligation of state.** Bonds issued under the provisions of RCW 43.83.130 through 43.83.148 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds, by a mandamus or other appropriate proceeding, may require the transfer and payment of funds as directed herein. [1975 1st ex.s. c 249 § 6.]

**43.83.142 General obligation bonds—Charges against state agencies to reimburse state general fund.** In addition to any other charges authorized by law and to assist in reimbursing the state general fund for expenditures from the general state revenues in paying the principal and interest on the bonds and notes authorized in RCW 43.83.130 through 43.83.148, the director of general administration may assess a charge against each state board, commission, agency, office, department, activity, or other occupant or user of any facility or other building as authorized in RCW 43.83.130 for payment of a proportion of costs for each square foot of floor space assigned to or occupied by it. Payment of the amount so billed to the entity for such occupancy shall be made annually and in advance at the beginning of each fiscal year. The director of general administration shall cause the same to be deposited in the state treasury to the credit of the general fund. [1975 1st ex.s. c 249 § 7.]

**43.83.144 General obligation bonds—Legislature may provide additional means for payment.** The legislature may provide additional means for raising moneys for the payment of the principal of an interest on the bonds authorized in RCW 43.83.130 through 43.83.148, and RCW 43.83.130 through 43.83.148 shall not be deemed to provide an exclusive method for such payment. [1975 1st ex.s. c 249 § 8.]

**43.83.146 General obligation bonds—Legal investment for state and other public bodies.** The bonds

authorized in RCW 43.83.130 through 43.83.148 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body. [1975 1st ex.s. c 249 § 9.]

**43.83.148 Severability—1975 1st ex.s. c 249.** If any provision of this 1975 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. [1975 1st ex.s. c 249 § 10.]

### Chapter 43.83A

#### WASTE DISPOSAL FACILITIES BOND ISSUE

##### Sections

- 43.83A.010 Declaration.
- 43.83A.020 General obligation bonds—Authorized—Issuance, sale, terms—Appropriation required.
- 43.83A.030 Proceeds to be deposited in state and local improvements revolving account.
- 43.83A.040 Administration of proceeds—Use of funds—Integration of disposal systems.
- 43.83A.050 Definitions.
- 43.83A.060 Referral to electorate.
- 43.83A.070 Form, terms, conditions, etc., of bonds.
- 43.83A.080 Anticipation notes—Pledge and promise—Seal.
- 43.83A.090 Retirement of bonds from waste disposal facilities bond redemption fund—Retail sales tax collections—Remedies of bond holders.
- 43.83A.100 Legislature may provide additional means for payment of bonds.
- 43.83A.110 Bonds legal investment for public funds.
- 43.83A.900 Appropriation.

**43.83A.010 Declaration.** The long-range development goals for the state of Washington must include the protection of the resources and environment of the state and the health and safety of its people by providing adequate facilities and systems for the collection, treatment, and disposal of solid and liquid waste materials. [1972 ex.s. c 127 § 1.]

**43.83A.020 General obligation bonds—Authorized—Issuance, sale, terms—Appropriation required.** For the purpose of providing funds for the planning, acquisition, construction, and improvement of public waste disposal facilities in this state, the state finance committee is authorized to issue, at any time prior to January 1, 1980, general obligation bonds of the state of Washington in the sum of two hundred twenty-five million dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold. [1972 ex.s. c 127 § 2.]

**43.83A.030 Proceeds to be deposited in state and local improvements revolving account.** The proceeds from the sale of bonds authorized by this chapter and any

interest earned on the interim investment of such proceeds, shall be deposited in the state and local improvements revolving account hereby created in the general fund and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds. [1972 ex.s. c 127 § 3.]

**43.83A.040 Administration of proceeds—Use of funds—Integration of disposal systems.** The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this chapter shall be administered by the state department of ecology subject to legislative appropriation. The department may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish the purpose for which said bonds are issued by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local or other funds are made available on a matching basis for improvements within the purposes of this chapter.

Integration of the management and operation of systems for solid waste disposal with systems of liquid waste disposal holds promise of improved waste disposal efficiency and greater environmental protection and restoration. To encourage the planning for and development of such integration, the legislature may provide for special grant incentives to public bodies which plan for or operate integrated waste disposal management systems. [1972 ex.s. c 127 § 4.]

**43.83A.050 Definitions.** As used in this chapter, the term "waste disposal facilities" shall mean any facilities owned or operated by a public body for the collection, storage, treatment, and disposal of liquid wastes or solid wastes, including, but not limited to, sanitary sewage, storm water, residential, industrial, and commercial wastes, and any combination thereof, and all equipment, utilities, structures, real property, and interests in and improvements on real property, necessary for or incidental to such purpose.

As used in this chapter, the term "public body" means the state of Washington or any agency, political subdivision, taxing district, or municipal corporation thereof, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington. [1972 ex.s. c 127 § 5.]

**43.83A.060 Referral to electorate.** This chapter shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1972, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof. [1972 ex.s. c 127 § 6.]

**Reviser's note:** Chapter 43.83A RCW was adopted and ratified by the people at the November 7, 1972 general election (Referendum Bill No. 26). Governor's proclamation declaring approval of measure is dated December 7, 1972.

State Constitution Art. 2 § 1(d) provides " . . . Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved. . . ."

**43.83A.070 Form, terms, conditions, etc., of bonds.** The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value. [1972 ex.s. c 127 § 7.]

**43.83A.080 Anticipation notes—Pledge and promise—Seal.** When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes. [1972 ex.s. c 127 § 8.]

**43.83A.090 Retirement of bonds from waste disposal facilities bond redemption fund—Retail sales tax collections—Remedies of bond holders.** The waste disposal facilities bond redemption fund is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the waste disposal facilities bond redemption fund from moneys transmitted to the state treasurer by the state department of revenue and certified by the department to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein. [1972 ex.s. c 127 § 9.]

**43.83A.100 Legislature may provide additional means for payment of bonds.** The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this chapter shall not be deemed to provide an

exclusive method for such payment. [1972 ex.s. c 127 § 10.]

**43.83A.110 Bonds legal investment for public funds.** The bonds herein authorized shall be a legal investment for all state funds, or for funds under state control, and for all funds of any other public body. [1972 ex.s. c 127 § 11.]

**43.83A.900 Appropriation.** There is appropriated to the state department of ecology, from the state and local improvements revolving account out of the proceeds of sale of the bonds or notes authorized herein, for the period from the effective date of this act through June 30, 1973, the sum of ten million dollars for use by said department for grants to public bodies as state matching funds for the purpose of aiding in the planning, acquisition, construction, and improvement of waste disposal facilities. [1972 ex.s. c 127 § 12.]

### Chapter 43.83B

#### WATER SUPPLY FACILITIES BOND ISSUE

##### Sections

- 43.83B.010 Declaration.
- 43.83B.020 General obligation bonds—Authorized—Issuance, sale, terms—Appropriation required.
- 43.83B.030 Proceeds to be deposited in state and local improvements revolving account.
- 43.83B.040 Administration of proceeds—Use of funds.
- 43.83B.050 Definitions.
- 43.83B.060 Referral to electorate.
- 43.83B.070 Form, terms, conditions, etc., of bonds.
- 43.83B.080 Anticipation notes—Pledge and promise—Seal.
- 43.83B.090 Retirement of bonds from water supply facilities bond redemption fund—Retail sales tax collections—Remedies of bond holders.
- 43.83B.100 Legislature may provide additional means for payment of bonds.
- 43.83B.110 Bonds legal investment for public funds.

##### AGRICULTURAL WATER SUPPLY FACILITIES

- 43.83B.200 Deposit of proceeds from repayment of loans, interest, gifts, grants, etc., in state and local improvements revolving account—water supply facilities—Use.
- 43.83B.210 Loans or grants from department of ecology—Authorized—Limitations.
- 43.83B.220 Contractual agreements.
- 43.83B.230 Provision for recreation, fish and wildlife enhancement and other public benefits.
- 43.83B.900 Severability—1975 1st ex.s. c 295.

**43.83B.010 Declaration.** The long-range development goals for the state of Washington must include the provision of those supportive public services necessary for the development and expansion of industry, commerce, and employment including the furnishing of an adequate supply of water for domestic, industrial, and agricultural purposes. [1972 ex.s. c 128 § 1.]

**43.83B.020 General obligation bonds—Authorized—Issuance, sale, terms—Appropriation required.** For the purpose of providing funds for the planning, acquisition, construction, and improvement of water supply facilities within the state, the state finance committee is authorized to issue, at any time prior to January 1, 1980, general obligation bonds of the state of Washington in the sum of seventy-five million dollars or

so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold. [1972 ex.s. c 128 § 2.]

**43.83B.030 Proceeds to be deposited in state and local improvements revolving account.** The proceeds from the sale of bonds authorized by this chapter, and any interest earned on the interim investment of such proceeds, shall be deposited in the state and local improvements revolving account hereby created in the general fund and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds. [1972 ex.s. c 128 § 3.]

**43.83B.040 Administration of proceeds—Use of funds.** The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this chapter shall be administered by the state department of ecology subject to legislative appropriation. The department may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish the purpose for which said bonds are issued by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter. [1972 ex.s. c 128 § 4.]

**43.83B.050 Definitions.** As used in this chapter, the term "water supply facilities" shall mean municipal, industrial, and agricultural water supply and distribution systems including, but not limited to, all equipment, utilities, structures, real property, and interests in and improvements on real property, necessary for or incidental to the acquisition, construction, installation, or use of any municipal, industrial, or agricultural water supply or distribution system.

As used in this chapter, the term "public body" means the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, an agency of the federal government, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington. [1975 c 18 § 1; 1972 ex.s. c 128 § 5.]

**43.83B.060 Referral to electorate.** This chapter shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1972, in accordance with the provisions of section 3, Article VIII of the Constitution of the

state of Washington, and in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof. [1972 ex.s. c 128 § 6.]

**Reviser's note:** Chapter 43.83B RCW was adopted and ratified by the people at the November 7, 1972 general election (Referendum Bill No. 27). Governor's proclamation declaring approval of measure is dated December 7, 1972.

State Constitution Art. 2 § 1(d) provides " . . . Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved . . ."

#### **43.83B.070 Form, terms, conditions, etc., of bonds.**

The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value. [1972 ex.s. c 128 § 7.]

**43.83B.080 Anticipation notes—Pledge and promise—Seal.** When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes" Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes. [1972 ex.s. c 128 § 8.]

**43.83B.090 Retirement of bonds from water supply facilities bond redemption fund—Retail sales tax collections—Remedies of bond holders.** The water supply facilities bond redemption fund is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the water supply facilities bond redemption fund from moneys transmitted to the state treasurer by the state department of revenue and certified by the department to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein. [1972 ex.s. c 128 § 9.]

**43.83B.100 Legislature may provide additional means for payment of bonds.** The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this chapter shall not be deemed to provide an exclusive method for such payment. [1972 ex.s. c 128 § 10.]

**43.83B.110 Bonds legal investment for public funds.** The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body. [1972 ex.s. c 128 § 11.]

### **AGRICULTURAL WATER SUPPLY FACILITIES**

**43.83B.200 Deposit of proceeds from repayment of loans, interest, gifts, grants, etc., in state and local improvements revolving account—water supply facilities—Use.** The proceeds from repayment of any loans made for agricultural water supply facilities and the interest earned from such loans, any gifts, grants, or other funds provided to the state for agricultural water supply facilities, and any interest earned on the interim investment of such funds or proceeds shall be deposited in the state and local improvements revolving account—water supply facilities and shall be used exclusively for agricultural water supply facilities. [1975 1st ex.s. c 295 § 1.]

**43.83B.210 Loans or grants from department of ecology—Authorized—Limitations.** The department of ecology is authorized to make loans or grants or combinations thereof to eligible public bodies as defined in RCW 43.83B.050 for rehabilitation or betterment of agricultural water supply facilities, and/or construction of agricultural water supply facilities required to develop new irrigated lands. The department of ecology may make such loans or grants or combinations thereof as matching funds in any case where federal, local, or other funds have been made available on a matching basis. A loan or combination loan and grant shall not exceed fifty percent of the approved eligible project costs for any single proposed project. Any grant or grant portion of a combination loan and grant for any single proposed project shall not exceed fifteen percent of the eligible project costs: *Provided*, That the fifteen percent limitation established herein shall not be applicable to project commitments which the director or deputy director of the state department of ecology made to the bureau of reclamation of the United States department of interior for providing state funding at thirty-five percent of project costs during the period between August 1, 1974, and June 30, 1975. [1975-'76 2nd ex.s. c 36 § 1; 1975 1st ex.s. c 295 § 3.]

**43.83B.220 Contractual agreements.** In addition to the powers granted by \*sections 2 and 3 of this act, the director of the department of ecology or his designee is authorized to make contractual agreements in accordance with provisions of this chapter on behalf of the state of Washington. Contractual agreements shall

include provisions to secure such loans, and shall assure the proper and timely payment of said loans or loan portions of combination loans and grants. [1975 1st ex.s. c 295 § 5.]

**\*Reviser's note:** Section 2 of 1975 1st ex.s. c 295 was vetoed. Section 3 is codified as RCW 43.83B.210.

**43.83B.230 Provision for recreation, fish and wildlife enhancement and other public benefits.** In the course of considering applications under this chapter, the department of ecology shall make known to other state agencies possibilities which may arise to provide public benefits such as recreation or fish and wildlife enhancement in connection with proposed projects. Such agencies, including the department of ecology, are authorized to participate in said projects provided agency funds are made available to pay the full cost of their participation. [1975 1st ex.s. c 295 § 14.]

**43.83B.900 Severability—1975 1st ex.s. c 295.** 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. [1975 1st ex.s. c 295 § 17.]

**\*Reviser's note:** "this act" [1975 1st ex.s. c 295] consists of RCW 43.83B.200–43.83B.230.

### Chapter 43.83C

#### RECREATION IMPROVEMENTS BOND ISSUE

##### Sections

- 43.83C.010 Declaration.
- 43.83C.020 General obligation bonds—Authorized—Issuance, sale, terms—Appropriation required.
- 43.83C.030 Proceeds to be deposited in state and local improvements revolving account.
- 43.83C.040 Administration of proceeds—Division into shares—Use of funds.
- 43.83C.050 Definitions.
- 43.83C.060 Referral to electorate.
- 43.83C.070 Form, terms, conditions, etc., of bonds.
- 43.83C.080 Anticipation notes—Pledge and promise—Seal.
- 43.83C.090 Retirement of bonds from recreation improvements bond redemption fund—Retail sales tax collections—Remedies of bond holders.
- 43.83C.100 Legislature may provide additional means for payment of bonds.
- 43.83C.110 Bonds legal investment for public funds.

**43.83C.010 Declaration.** The long-range development goals for the state of Washington must include the acquisition, preservation, and improvement of recreation areas and facilities for the use and enjoyment of present and future residents of the state and the further development of the state's tourism and recreation economic base. [1972 ex.s. c 129 § 1.]

**43.83C.020 General obligation bonds—Authorized—Issuance, sale, terms—Appropriation required.** For the purpose of providing funds for the planning, acquisition, preservation, development, and improvement of recreation areas and facilities in this state, the state finance committee is authorized to issue, at any time prior to January 1, 1980, general obligation

bonds of the state of Washington in the sum of forty million dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold. [1972 ex.s. c 129 § 2.]

**43.83C.030 Proceeds to be deposited in state and local improvements revolving account.** The proceeds from the sale of bonds authorized by this chapter, and any interest earned on the interim investment of such proceeds, shall be deposited in the state and local improvements revolving account hereby created in the general fund and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds. [1972 ex.s. c 129 § 3.]

**43.83C.040 Administration of proceeds—Division into shares—Use of funds.** The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this chapter shall be divided into three shares as follows:

(1) Thirty-five percent of such proceeds shall be administered, subject to legislative appropriation, by the interagency committee for outdoor recreation through the outdoor recreation account and allocated to the state of Washington, or any agency or department thereof, for the acquisition, preservation, and development of recreation areas and facilities by the state. The committee may use or permit the use of any portion of such share as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter.

(2) Thirty-five percent of such proceeds shall be administered, subject to legislative appropriation, by the interagency committee for outdoor recreation through the outdoor recreation account and allocated to public bodies for the acquisition, preservation, development, and improvement of recreational areas and facilities within the jurisdiction of such bodies. The committee may use or permit the use of any portion of such share for loans or grants to public bodies including use as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter.

(3) Thirty percent of such proceeds shall be allocated to the state parks and recreation commission, subject to legislative appropriation, for improvement of existing state parks and the acquisition and preservation of historic sites and buildings. The commission may use or permit the use of any portion of such share as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter.

In the event that the bonds authorized by this chapter are sold in more than one series the above division into shares shall apply to the total proceeds of the bonds authorized by this chapter and not to the proceeds of each separate series. [1972 ex.s. c 129 § 4.]

**43.83C.050 Definitions.** As used in this chapter, the phrase "acquisition, preservation, development, and improvement of recreation areas and facilities" shall include the acquisition, development, and improvement of real property, or any interest therein, for park and recreation purposes, including the acquisition and construction of all structures, utilities, equipment, and improvements necessary or incidental to such purposes, the acquisition and preservation of historic sites and buildings and of scenic and environmentally valuable areas of the state, and the improvement of existing park and recreation areas and facilities.

As used in this chapter, the term "public body" means any political subdivision, taxing district, or municipal corporation of the state of Washington, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington. [1972 ex.s. c 129 § 5.]

**43.83C.060 Referral to electorate.** This chapter shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1972, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof. [1972 ex.s. c 129 § 6.]

**Reviser's note:** Chapter 43.83C RCW was adopted and ratified by the people at the November 7, 1972 general election (Referendum Bill No. 28). Governor's proclamation declaring approval of measure is dated December 7, 1972.

State Constitution Art. 2 § 1(d) provides ". . . Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved . . ."

**43.83C.070 Form, terms, conditions, etc., of bonds.** The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value. [1972 ex.s. c 129 § 7.]

**43.83C.080 Anticipation notes—Pledge and promise—Seal.** When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes" Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation

notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes. [1972 ex.s. c 129 § 8.]

**43.83C.090 Retirement of bonds from recreation improvements bond redemption fund—Retail sales tax collections—Remedies of bond holders.** The recreation improvements bond redemption fund is hereby created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the recreation improvements bond redemption fund from moneys transmitted to the state treasurer by the state department of revenue and certified by the department to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein. [1972 ex.s. c 129 § 9.]

**43.83C.100 Legislature may provide additional means for payment of bonds.** The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this chapter shall not be deemed to provide an exclusive method for such payment. [1972 ex.s. c 129 § 10.]

**43.83C.110 Bonds legal investment for public funds.** The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and for all funds of any public body. [1972 ex.s. c 129 § 11.]

### Chapter 43.83D SOCIAL AND HEALTH SERVICES FACILITIES 1972 BOND ISSUE

#### Sections

- 43.83D.010 Declaration.
- 43.83D.020 General obligation bonds—Authorized—Issuance, sale, terms—Appropriation required.
- 43.83D.030 Proceeds to be deposited in state and local improvements revolving account.
- 43.83D.040 Administration of proceeds—Comprehensive plan—Use of funds.
- 43.83D.050 Definitions.
- 43.83D.060 Referral to electorate.
- 43.83D.070 Form, terms, conditions, etc., of bonds.
- 43.83D.080 Anticipation notes—Pledge and promise—Seal.
- 43.83D.090 Retirement of bonds from social and health service facilities bond redemption fund—Retail sales tax collections—Remedies of bond holders.

43.83D.100 Legislature may provide additional means for payment of bonds.

43.83D.110 Bonds legal investment for public funds.

**43.83D.010 Declaration.** The physical and mental health of the people of the state directly affects the achievement of economic progress and full employment. The establishment of a system of regional and community health and social service facilities will provide the improved and convenient health and social services needed for an efficient work force and a healthy and secure people. [1972 ex.s. c 130 § 1.]

**43.83D.020 General obligation bonds—Authorized—Issuance, sale, terms—Appropriation required.** For the purpose of providing funds for the planning, acquisition, construction, and improvement of health and social service facilities in this state, the state finance committee is authorized to issue, at any time prior to January 1, 1980, general obligation bonds of the state of Washington in the sum of twenty-five million dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold. [1972 ex.s. c 130 § 2.]

**43.83D.030 Proceeds to be deposited in state and local improvements revolving account.** The proceeds from the sale of bonds authorized by this chapter, and any interest earned on the interim investment of such proceeds, shall be deposited in the state and local improvements revolving account in the general fund and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds. [1972 ex.s. c 130 § 3.]

**43.83D.040 Administration of proceeds—Comprehensive plan—Use of funds.** The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this chapter shall be administered by the state department of social and health services, subject to legislative appropriation. The department shall prepare a comprehensive plan for a system of social and health service facilities for the state and may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish such plan by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter. [1972 ex.s. c 130 § 4.]

**43.83D.050 Definitions.** As used in this chapter, the term "social and health service facilities" shall mean

real property, and interests therein, equipment, buildings, structures, mobile units, parking facilities, utilities, landscaping, and all incidental improvements and appurtenances, developed as a part of a comprehensive plan for a system of social and health service facilities for the state including, without limitation, facilities for social services, adult and juvenile correction or detention, child welfare, day care, drug abuse and alcoholism treatment, mental health, public health, developmental disabilities, and vocational rehabilitation.

As used in this chapter, the term "public body" means the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington. [1972 ex.s. c 130 § 5.]

**43.83D.060 Referral to electorate.** This chapter shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1972, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof. [1972 ex.s. c 130 § 6.]

**Reviser's note:** Chapter 43.83D RCW was adopted and ratified by the people at the November 7, 1972 general election (Referendum Bill No. 29). Governor's proclamation declaring approval of measure is dated December 7, 1972.

State Constitution Art. 2 § 1(d) provides ". . . Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved . . ."

**43.83D.070 Form, terms, conditions, etc., of bonds.** The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value. [1972 ex.s. c 130 § 7.]

**43.83D.080 Anticipation notes—Pledge and promise—Seal.** When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes. [1972 ex.s. c 130 § 8.]

**43.83D.090 Retirement of bonds from social and health service facilities bond redemption fund—Retail sales tax collections—Remedies of bond holders.** The social and health service facilities bond redemption fund is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements, and on July 1 of each year the state treasurer shall deposit such amount in the social and health service facilities bond redemption fund from moneys transmitted to the state treasurer by the state department of revenue and certified by the department to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest. The owner and holder of each of the bonds or the trustee for any of the bonds may, by mandamus or other appropriate proceeding, require the transfer and payment of funds as directed herein. [1972 ex.s. c 130 § 9.]

**43.83D.100 Legislature may provide additional means for payment of bonds.** The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this chapter shall not be deemed to provide an exclusive method for such payment. [1972 ex.s. c 130 § 10.]

**43.83D.110 Bonds legal investment for public funds.** The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body. [1972 ex.s. c 130 § 11.]

#### Chapter 43.83F

### REFUNDING BONDS—CAPITOL FACILITIES REVENUE BONDS, 1969—EAST CAPITOL SITE BONDS, 1969

#### Sections

- 43.83F.010 Refunding bonds—Issuance—Authorization.
- 43.83F.020 Refunding bonds—Powers and duties of state finance committee.
- 43.83F.030 Refunding bonds—Administration of proceeds from sale—Exception.
- 43.83F.040 Refunding bonds—Payment from bond redemption fund—Procedure—General obligation of state.
- 43.83F.050 Refunding bonds—Legislature may provide additional means for payment.
- 43.83F.060 Refunding bonds—Legal investment for state and other public bodies.
- 43.83F.900 Severability—1974 ex.s. c 113.

**43.83F.010 Refunding bonds—Issuance—Authorization.** The state finance committee is authorized to issue general obligation bonds of the state in the amount of twenty-one million dollars, or so much thereof as may be required to refund, at or prior to maturity, the outstanding "State of Washington Capitol

Facilities Revenue Bonds, 1969", dated October 1, 1969, and the outstanding "State of Washington East Capitol Site Bonds, 1969", dated October 1, 1969, and to pay any premium payable with respect thereto and all interest thereon, and to pay all costs incidental thereto and to the issuance of the bonds authorized by this chapter. The bonds authorized by this chapter shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1, of the state Constitution. [1974 ex.s. c 113 § 1.]

**43.83F.020 Refunding bonds—Powers and duties of state finance committee.** The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance and redemption. None of the bonds herein authorized shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds. Such bonds shall be payable at such places as the committee may provide. [1974 ex.s. c 113 § 2.]

**43.83F.030 Refunding bonds—Administration of proceeds from sale—Exception.** The proceeds from the sale of bonds authorized by this chapter shall be set aside for the payment of the bonds to be refunded in accordance with chapter 39.53 RCW, except that investment and reinvestment thereof shall be limited to direct obligations of the United States of America. [1974 ex.s. c 113 § 3.]

**43.83F.040 Refunding bonds—Payment from bond redemption fund—Procedure—General obligation of state.** The state building refunding bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of the principal of and interest on the bonds authorized by this chapter. The state finance committee, shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in the state building bond redemption fund from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues. Bonds issued under the provisions of this chapter shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by a mandamus or other



appropriate proceeding require the transfer and payment of funds as directed herein. [1974 ex.s. c 113 § 4.]

**43.83F.050 Refunding bonds—Legislature may provide additional means for payment.** The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in this chapter, and this chapter shall not be deemed to provide an exclusive method for such payment. [1974 ex.s. c 113 § 5.]

**43.83F.060 Refunding bonds—Legal investment for state and other public bodies.** The bonds authorized in this chapter shall be a legal investment for all state funds or funds under state control and for all funds of any other public body. [1974 ex.s. c 113 § 6.]

**43.83F.900 Severability—1974 ex.s. c 113.** 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. [1974 ex.s. c 113 § 8.]

**Chapter 43.83H  
SOCIAL AND HEALTH SERVICES FACILITIES—  
1975-'76 BOND ISSUE**

Sections

- 43.83H.010 General obligation bonds—Authorized—Issuance, sale, terms, etc.
- 43.83H.020 "Social and health services facilities" defined.
- 43.83H.030 Anticipation notes—Proceeds of bonds and notes.
- 43.83H.040 Administration of proceeds.
- 43.83H.050 Retirement of bonds from social and health services construction bond redemption fund—Source—Remedies of bond holders.
- 43.83H.060 Legal investment for public funds.
- 43.83H.900 Severability—1975-'76 2nd ex.s. c 125.

**43.83H.010 General obligation bonds—Authorized—Issuance, sale, terms, etc.** For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, improving, and equipping of social and health services facilities, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of forty-one million four hundred thousand dollars or so much thereof as shall be required to finance social and health services facilities. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the Constitution of the state of Washington.

The state finance committee is authorized to prescribe the form of such bonds, the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance

committee may authorize the use of facsimile signatures in the issuance of the bonds. [1975-'76 2nd ex.s. c 125 § 1.]

**43.83H.020 "Social and health services facilities" defined.** As used in this chapter, the term "social and health services facilities" shall include, without limitation, facilities for use in veterans' service programs, adult correction programs, juvenile rehabilitation programs, mental health programs, and developmental disabilities programs for which an appropriation is made from the social and health services construction account in the general fund by chapter 276, Laws of 1975 1st ex. sess., the capital appropriations act, or subsequent capital appropriations acts. [1975-'76 2nd ex.s. c 125 § 2.]

**43.83H.030 Anticipation notes—Proceeds of bonds and notes.** At the time the state finance committee determines to issue such bonds authorized in RCW 43.83H.010 or a portion thereof, pending the issuance of such bonds, it may issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes". The proceeds from the sale of bonds and notes authorized by this chapter shall be deposited in the state social and health services construction account of the general fund hereby created in the state treasury and shall be used exclusively for the purposes specified in this chapter and for the payment of expenses incurred in the issuance and sale of such bonds and notes: *Provided*, Such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and interest on such anticipation notes as have been issued, shall be deposited in the bond redemption fund created in RCW 43.83H.050. [1975-'76 2nd ex.s. c 125 § 3.]

**43.83H.040 Administration of proceeds.** The principal proceeds from the sale of the bonds authorized in this chapter and deposited in the social and health services construction account in the general fund shall be administered by the secretary of the department of social and health services. [1975-'76 2nd ex.s. c 125 § 4.]

**43.83H.050 Retirement of bonds from social and health services construction bond redemption fund—Source—Remedies of bond holders.** The state social and health services bond redemption fund of 1976 is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds and notes authorized by this chapter or any social and health services facilities bonds and notes hereafter authorized by the legislature. The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the state social and health services bond redemption fund of 1976 from any general state revenues received in

the state treasury and certified by the state treasurer to be general state revenues.

The owner and holder of each of the bonds or the trustee for any of the bonds, by mandamus or other appropriate proceeding, may require and compel the transfer and payment of funds as directed herein. [1975-'76 2nd ex.s. c 125 § 5.]

**43.83H.060 Legal investment for public funds.** The bonds authorized by this chapter shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations. [1975-'76 2nd ex.s. c 125 § 6.]

**43.83H.900 Severability—1975-'76 2nd ex.s. c 125.** If any provision of this 1976 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. [1975-'76 2nd ex.s. c 125 § 8.]

#### Chapter 43.83I

#### DEPARTMENT OF FISHERIES BOND ISSUE

##### Sections

- 43.83I.010 General obligation bonds—Authorized—Issuance, sale, terms, etc.
- 43.83I.020 Bond anticipation notes—Proceeds of bonds and interest on notes.
- 43.83I.030 Bonds and notes—Powers and duties of state finance committee.
- 43.83I.040 Fisheries capital projects account created—Proceeds deposited in—Exception.
- 43.83I.050 1976 fisheries bond retirement fund created.
- 43.83I.060 Legal investment for public funds.
- 43.83I.900 Severability—1975-'76 2nd ex.s. c 132.

**43.83I.010 General obligation bonds—Authorized—Issuance, sale, terms, etc.** For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, furnishing and equipping of state buildings and facilities for the department of fisheries, the state finance committee is hereby authorized to issue from time to time general obligation bonds of the state of Washington in the aggregate principal amount of five million one hundred thirty-two thousand nine hundred dollars, or so much thereof as shall be required to finance the capital projects relating to the department of fisheries as determined by the legislature in its capital appropriations act, chapter 133, Laws of 1975-'76 2nd ex. sess. for such purposes, to be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1, of the Constitution of the state of Washington. [1975-'76 2nd ex.s. c 132 § 1.]

**43.83I.020 Bond anticipation notes—Proceeds of bonds and interest on notes.** When the state finance committee has determined to issue such general obligation bonds or a portion thereof as authorized in RCW 43.83I.010, it may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of such bonds, which notes shall be designated as "bond anticipation notes". Such portion of the

proceeds of the sale of such bonds as may be required for the payment of the principal and redemption premium, if any, and interest on such notes shall be applied thereto when such bonds are issued. [1975-'76 2nd ex.s. c 132 § 2.]

**43.83I.030 Bonds and notes—Powers and duties of state finance committee.** The state finance committee is authorized to prescribe the form, terms, conditions and covenants of the bonds and/or the bond anticipation notes provided for in RCW 43.83I.010 and 43.83I.020, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

Each such bond and bond anticipation note shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal thereof and interest thereon when due. [1975-'76 2nd ex.s. c 132 § 3.]

**43.83I.040 Fisheries capital projects account created—Proceeds deposited in—Exception.** Except for that portion of the proceeds required to pay bond anticipation notes pursuant to RCW 43.83I.020, the proceeds from the sale of the bonds and/or bond anticipation notes authorized in RCW 43.83I.010 through 43.83I.060, together with all grants, donations, transferred funds, and all other moneys which the state finance committee may direct the state treasurer to deposit therein, shall be deposited in the fisheries capital projects account of the general fund hereby created in the state treasury. All such proceeds shall be used exclusively for the purposes specified in RCW 43.83I.010 through 43.83I.060 and for the payment of the expenses incurred in connection with the sale and issuance of such bonds and bond anticipation notes. [1975-'76 2nd ex.s. c 132 § 4.]

**43.83I.050 1976 fisheries bond retirement fund created.** The 1976 fisheries bond retirement fund is hereby created in the state treasury for the purpose of the payment of the principal of and interest on the bonds authorized to be issued pursuant to RCW 43.83I.010 through 43.83I.060.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on such bonds. On July 1st of each such year the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1976 fisheries bond retirement fund an amount equal to the amount certified by the state finance committee. [1975-'76 2nd ex.s. c 132 § 5.]

**43.83I.060 Legal investment for public funds.** The bonds authorized in RCW 43.83I.010 through 43.83I.060 shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations. [1975-'76 2nd ex.s. c 132 § 6.]

**43.83I.900 Severability—1975-'76 2nd ex.s. c 132.** If any provision of this 1976 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. [1975-'76 2nd ex.s. c 132 § 8.]

### Chapter 43.84 INVESTMENTS AND INTERFUND LOANS

Sections	
43.84.031	Management of permanent funds—Procedural policies—Limitation on purchase, sale or exchange prices for securities.
43.84.041	Management of permanent funds—Disposition of securities.
43.84.051	Management of permanent funds—Collection of interest, income and principal of securities—Disposition.
43.84.061	Management of permanent funds—Degree of judgment and care required in making investments.
43.84.080	Investment of current state funds.
43.84.090	Reserve to be set aside.
43.84.095	Exemption from reserve fund—Motor vehicle fund income from United States securities.
43.84.100	Interfund loans.
43.84.110	Interest on loans.
43.84.120	Investment in state warrants.
43.84.130	Separate accounting as to permanent school fund.
43.84.140	Investment of scientific school, agricultural college, and state university funds in regents' revenue bonds.
43.84.150	Authorized investments for state finance committee, boards and trustees—Power of trustees of funds to authorize state finance committee to make investments, etc.
43.84.160	Investment counseling fees payable from earnings.
43.84.170	Investment of surplus moneys in common school fund, agricultural college fund, normal school fund, scientific school fund or university fund.

*Federal home owner's loan corporation bonds, valid investment for public and trust funds: RCW 39.60.010.*

*Firemen's pension board, investments by: RCW 41.16.040(4).*

*Highway construction bonds, investment in: Chapter 47.10 RCW.*

*Housing authority bonds, authorized as legal investments: RCW 35.82.220.*

*Industrial insurance funds: Chapter 51.44 RCW.*

*Interest on state warrants: RCW 39.56.010.*

*Metropolitan municipal corporation obligations, authorized for public deposits: RCW 35.58.510.*

*Motor vehicle fund warrants for highway acquisition: RCW 47.12-.180-47.12.240.*

*Mutual savings banks, investments in state bonds: RCW 32.20.050.*

*Port district toll facility bonds and notes as legal investments: RCW 53.34.150.*

*Public utility district revenue obligations as legal investments: RCW 54.24.120.*

*Savings and loan associations, investment of public funds in authorized: RCW 33.52.010.*

*School building construction bonds: Chapter 28A.47 RCW.*

*Schools and school districts' bonds, investment of permanent school fund in: State Constitution Art. 16 § 5 (Amendment 44).*

*State employees' retirement funds: RCW 41.40.071, 41.40.075.*

*State patrol retirement fund: RCW 43.43.170.*

*State-wide city employees' retirement system funds: RCW 41.44.100.*

*Teachers' retirement funds: RCW 41.32.200.*

*United States corporation bonds, valid investment for public and trust funds: RCW 39.60.010.*

*Urban renewal bonds: RCW 35.81.110.*

**43.84.031 Management of permanent funds—Procedural policies—Limitation on purchase, sale or**

**exchange prices for securities.** Subject to the limitation of authority delegated by RCW 43.84.031 through 43.84.061 and RCW 43.84.150, the state finance committee may by unanimous approval adopt procedural policies governing the management of said permanent trust funds. [1973 1st ex.s. c 103 § 5; 1965 ex.s. c 104 § 3.]

**Severability—1973 1st ex.s. c 103:** See note following RCW 2.10.080.

**43.84.041 Management of permanent funds—Disposition of securities.** All securities purchased or held on behalf of said funds, shall be held and disbursed through the state treasury and shall be in the physical custody of the state treasurer, who may deposit with the fiscal agent of the state, or with a state depository, such of said securities as he shall consider advisable to be held in safekeeping by said agent or bank for collection of principal and interest, or of the proceeds of sale thereof. [1965 ex.s. c 104 § 4.]

**43.84.051 Management of permanent funds—Collection of interest, income and principal of securities—Disposition.** It shall be the duty of the state treasurer to collect the interest, or other income on, and the principal of the securities held in his custody pursuant to RCW 43.84.041 as the said sums become due and payable, and to pay the same when so collected into the respective funds to which the principal and interest shall accrue. [1965 ex.s. c 104 § 5.]

**43.84.061 Management of permanent funds—Degree of judgment and care required in making investments.** Any investments made hereunder shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived. [1965 ex.s. c 104 § 6.]

**43.84.080 Investment of current state funds.** Wherever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, the state finance committee, or upon authorization from the state finance committee, then the state treasurer, may invest or reinvest such portion of such funds or balances as the state treasurer deems expedient in the following defined securities or classes of investments: *Provided*, That the state treasurer shall provide a monthly report of such investments and reinvestments to the state finance committee:

(1) Certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States;

(2) In state, county, municipal, or school district bonds, or in warrants of taxing districts of the state. Such bonds and warrants shall be only those found to be within the limit of indebtedness prescribed by law for

the taxing district issuing them and to be general obligations. The state finance committee may purchase such bonds or warrants directly from the taxing district or in the open market at such prices and upon such terms as it may determine, and may sell them at such times as it deems advisable;

(3) In motor vehicle fund warrants when authorized by agreement between the committee and the state highway commission requiring repayment of invested funds from any moneys in the motor vehicle fund available for state highway construction;

(4) In federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system. [1975 1st ex.s. c 4 § 1; 1971 c 16 § 1; 1967 c 211 § 1; 1965 c 8 § 43.84.080. Prior: 1961 c 281 § 11; 1955 c 197 § 1; 1935 c 91 § 1; RRS § 5508-1.]

*Motor vehicle fund warrants for state highway acquisition: RCW 47.12.180-47.12.240.*

**43.84.090 Reserve to be set aside.** Twenty percent of all income received from such investments shall be set aside in a reserve account: *Provided*, That the legislature may appropriate such amounts from this account as may be necessary to pay operating expenses of the state treasurer for the servicing of investments and outstanding bonded indebtedness of the state and for operating expenses of the state finance committee and the state building authority, and may transfer further amounts from the reserve account to the general fund on a periodic basis.

Investments purchased for more or less than par shall be amortized to obtain the true amount of income, and the amortized value of the principal, at any time, shall be the cost of the security plus or minus such portion of the income as has been assigned to principal.

Any loss sustained by selling investments for less than the amortized value of the principal may be charged to the reserve fund. Any profits obtained from selling investments for more than the amortized value of the principal shall be considered as income. All income other than that set aside in the reserve fund shall be credited to the deposit interest account in the state general fund. [1975-'76 2nd ex.s. c 123 § 1; 1969 c 50 § 1; 1967 c 66 § 1; 1965 ex.s. c 82 § 1; 1965 c 8 § 43.84.090. Prior: 1935 c 91 § 2; RRS § 5508-2.]

**Expiration date**—1975-'76 2nd ex.s. c 123: "The provisions of this 1976 amendatory act shall expire on June 30, 1979." [1975-'76 2nd ex.s. c 123 § 9.]

**Reviser's note:** The above expiration section apparently applies to the amendments to RCW 43.84.090, 73.32.040, 73.34.040, 73.34.060, 73.34.100, 73.34.110, 82.04.291 and 84.33.080 by 1975-'76 2nd ex.s. c 123.

**43.84.095 Exemption from reserve fund—Motor vehicle fund income from United States securities.** Whenever moneys of the motor vehicle fund shall be invested in bonds, notes, bills or certificates of the

United States treasury payable at par upon demand, or within a term not greater than one year, it shall not be necessary to place any portion of the income therefrom in the reserve fund provided for in RCW 43.84.090. [1965 c 8 § 43.84.095. Prior: 1953 c 56 § 1.]

**43.84.100 Interfund loans.** Whenever there is in any fund in the state treasury insufficient moneys to meet the current expenditures properly payable therefrom and there are in any other funds moneys in excess of the amount required to meet the current expenditures therefrom, the state treasurer, with the consent of the state finance committee, may make temporary loans from the funds having excess moneys to those having insufficient moneys of such sums as may be necessary to meet the demands thereon: *Provided*, That this shall not authorize the loan of any moneys from the permanent common school fund, or from any of the permanent irreducible funds, of the state. [1965 c 8 § 43.84.100. Prior: 1915 c 15 § 1; RRS § 5507.]

**43.84.110 Interest on loans.** When any such loan is made, the state treasurer shall charge the receiving fund with the loan and with interest thereon at the depository interest rate as fixed by the state finance committee and shall repay such loan to the fund from which it was borrowed, at such times and in such amounts as there shall be moneys in the borrowing fund not required to meet the current expenditures payable therefrom, sufficient to repay the loan or a part thereof, and shall credit the loaning fund with the deposit interest, as required by law, the same as if no loan had been made.

The state treasurer shall transfer from the borrowing fund to the credit of the deposit interest fund for the account of the loaning fund the amount of unearned deposit interest, at the then prevailing depository interest rate, occasioned by the withdrawal of the moneys from deposit because of the loan. [1973 c 95 § 2; 1965 c 8 § 43.84.110. Prior: 1915 c 15 § 2; RRS § 5508.]

**43.84.120 Investment in state warrants.** Whenever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, and over and above the amount belonging to the permanent school fund as shown by the separation made by the state treasurer, the state treasurer may invest such portion of such funds or balances over and above that belonging to the permanent school fund in registered warrants of the state of Washington at such times and in such amounts, and may sell them at such times, as he deems advisable: *Provided*, That those funds having statutory authority to make investments are excluded from the provisions of RCW 43.84.120.

Upon such investment being made, the state treasurer shall pay into the appropriate fund the amount so invested, and the warrants so purchased shall be deposited with the state treasurer, who shall collect all interest and principal payments falling due thereon and allocate the same to the proper fund or funds. [1971 ex.s. c 88 § 4; 1965 c 8 § 43.84.120. Prior: 1951 c 232 § 2.]

**Severability**—1971 ex.s. c 88: See note following RCW 39.56.010.

*Interest on state warrants: RCW 39.56.010.*

**43.84.130 Separate accounting as to permanent school fund.** For the purposes of RCW 43.84.120 the state treasurer shall make and keep an accounting separation of the amount of cash balances in the state treasury belonging to the permanent school fund. [1965 c 8 § 43.84.130. Prior: 1951 c 232 § 1.]

**43.84.140 Investment of scientific school, agricultural college, and state university funds in regents' revenue bonds.** In addition to the provisions of \*RCW 43.84.010, the state finance committee is authorized to invest moneys in the scientific school permanent fund and the agricultural college permanent fund in regents' revenue bonds issued by the board of regents of Washington State University for the purposes provided for in RCW 28B.10.300 and to invest moneys in the state university permanent fund in regents' revenue bonds issued by the board of regents of the University of Washington for the purposes provided in RCW 28B.10.300. [1965 c 8 § 43.84.140. Prior: 1959 c 150 § 1.]

\*Reviser's note: "RCW 43.84.010" was repealed by 1965 ex.s. c 104 § 7.

**43.84.150 Authorized investments for state finance committee, boards and trustees—Power of trustees of funds to authorize state finance committee to make investments, etc.** Except where otherwise specifically provided by law, the state finance committee and those boards otherwise responsible for the management of their respective funds shall have full power to invest and reinvest funds in the following classes of securities, and not otherwise:

(1) Bonds, notes, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States, or those guaranteed by, or for which the credit of the United States is pledged for the payment of the principal and interest or dividends thereof, or the obligation of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system.

(2) Bonds, debentures, notes, or other obligations issued, assumed, or unconditionally guaranteed by the international bank for reconstruction and development, the inter-American development bank, the Asian development bank, or by the federal national mortgage association; in addition to bonds, debentures, or other obligations issued by a federal land bank, or by a federal intermediate credit bank, under the act of congress of July 17, 1961, known as the "Federal Farm Loan Act", (as from time to time amended).

(3) First mortgages on unencumbered real property which are insured by the federal housing administration under the national housing act (as from time to time amended) or are guaranteed by the veterans' administration under the servicemen's readjustment act of 1944 (as from time to time amended), or are otherwise insured or guaranteed by the United States of America, or by an agency or instrumentality thereof to the extent

that the investor protection thereby given is essentially the same as that as provided under the foregoing federal enactments.

(4) Conventional fee simple or leasehold first mortgages on real property located within the state of Washington.

(5) Bonds or other evidences of indebtedness of this state or a duly authorized authority or agency thereof; bonds, notes, or other obligations of any municipal corporation, political subdivision or state supported institution of higher learning of this state, issued pursuant to the laws of this state; obligations of any public housing authority or urban redevelopment authority issued pursuant to the laws of this state relating to the creation or operation of a public housing or urban redevelopment authority.

(6) Bonds, notes, or other obligations issued, guaranteed or assumed by any other state or municipal or political subdivision thereof.

(7) Bonds, debentures, notes or other full faith and credit obligations issued, guaranteed, or assumed as to both principal and interest by the government of the Dominion of Canada, or by any province of Canada, or by any city of Canada, which has a population of not less than one hundred thousand inhabitants: *Provided*, That the principal and interest thereof shall be payable in United States funds, either unconditionally or at the option of the holder: *Provided further*, That such securities are rated "A" or better by at least one nationally recognized rating agency.

(8) Bonds, debentures, notes, or other obligations of any corporation duly organized and operating in any state of the United States: *Provided*, That such securities are rated "A" or better by at least one nationally recognized rating agency.

(9) Capital notes, debentures, or other obligations of any national or state commercial or mutual savings bank doing business in the United States of America.

(10) Equipment trust certificates issued by any corporation duly organized and operating in any state of the United States of America: *Provided*, That the bonds or debentures of the company are rated "A" or better by at least one nationally recognized rating agency.

(11) Commercial paper: *Provided*, That it is given the highest attainable rating by at least two nationally recognized rating agencies.

(12) Subject to the limitations hereinafter provided, those funds created under chapters 2.10, 2.12, 41.24, 41.26, 41.32, 41.40, and 43.43 RCW and the accident reserve fund created by RCW 51.44.010 may be invested in the common or preferred stock or shares, whether or not convertible as well as convertible bonds and debentures of corporations created or existing under the laws of the United States, or any state, district or territory thereof: *Provided*, That:

(a) Those trustees responsible for the management of their respective funds shall contract with an investment counseling firm or firms or the trust department of a national or state chartered commercial bank having its principal office or a branch in this state and/or the staff of the state finance committee for the purpose of managing issues defined by subsection (12) of this section.

The trustees shall receive advice which shall become part of the official minutes of the next succeeding meeting of the board. No investment counseling firm shall be engaged in buying, selling or otherwise marketing securities in which commissions or profit credits arising from these activities accrue to the firm during the time of its employment by the boards. Nothing in the preceding sentence shall be deemed to apply to the marketing of bonds, notes or other obligations of the United States or any agency thereof, or of a state or any municipal or political subdivision thereof by a bank in the normal course of its business.

(b) Stock investments to include convertible preferred stock investments, and investments in convertible bonds and debentures shall not exceed twenty-five percent of the total investments (cost basis) of the system: *Provided*, That in the case of the accident reserve fund created by RCW 51.44.010 such stock investments shall not exceed ten percent of the total investments.

(c) Investment in the stock of any one corporation shall not exceed five percent of the common shares outstanding.

(d) No single common stock investment, based on cost, may exceed two percent of the assets of the total investments (cost basis) of the system.

(e) Such corporation has paid a cash and/or stock dividend on its common stock in at least eight of the ten years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash and/or stock dividend in each of the last three years.

(f) In the case of convertible bond, debenture, and convertible preferred stock investments, the common stock into which such investments are convertible otherwise qualifies as an authorized investment under the provisions of this section.

(g) The common stock of any corporation concerned is registered on a national securities exchange provided in the "Securities Exchange Act of 1934" (as from time to time amended). Such registration shall not be required with respect to the following stocks:

(i) The common stock of a bank which is a member of the federal deposit insurance corporation and has capital funds represented by capital, surplus, and undivided profits of at least fifty million dollars.

(ii) The common stock of an insurance company which has capital funds, represented by capital, special surplus, and unassigned surplus of at least fifty million dollars.

(iii) Any preferred stock, as well as any convertible bond, debenture or preferred stock.

(iv) The common stock of Washington corporations meeting all the other qualifications except that of being registered on a national exchange.

(13) Investments in savings and loan associations organized under federal or state law, insured by the federal savings and loan insurance corporation, and operating in this state, including investment in their savings accounts, deposit accounts, bonds, debentures and other obligations or securities (except capital stock) which are

insured or guaranteed by an agency of the federal government or by a private corporation approved by the state insurance commissioner and licensed to insure real estate loans in the state of Washington; savings deposits in commercial banks and mutual savings banks organized under federal or state law, insured by the federal deposit insurance corporation, and operating in this state: *Provided*, That the investment of any one fund in the foregoing institutions shall not exceed the amount insured or guaranteed.

(14) Appropriate contracts of life insurance or annuities from insurers duly organized to do business in the state of Washington, if and when such purchase or purchases would in the judgment of the board be appropriate or necessary to carry out the purposes of this chapter.

(15) Any obligation, equipment trust certificate, or interest in any obligation arising out of any transaction involving the sale of any equipment by, or the lease of any equipment from, any corporation engaged in the business of transportation or manufacturing, with its principal place of business located in Washington state, or by or from any wholly owned subsidiary of any such corporation, provided that either (a) the obligation shall be secured by ownership of the equipment or by a first mortgage or other security interest creating a first lien on such equipment or (b) the obligation shall be guaranteed by the United States government or any agency or instrumentality thereof or by a foreign government or any agency or instrumentality thereof or by any province of Canada.

Subject to the above limitations, the trustees of the several funds shall have the power to authorize the state finance committee to make purchases, sales, exchanges, investments, and reinvestments, of any of the securities and investments in which any of the funds created herein shall have been invested, as well as the proceeds of said investments and any money belonging to said funds. [1975-'76 2nd ex.s. c 17 § 2. Prior: 1975 1st ex.s. c 252 § 1; 1975 1st ex.s. c 81 § 1; 1973 1st ex.s. c 103 § 12.]

**Severability**—1973 1st ex.s. c 103: See note following RCW 2.10.080.

**43.84.160 Investment counseling fees payable from earnings.** Investment counseling fees established by contract shall be payable from the investment earnings derived from those assets being managed by investment counsel. [1973 1st ex.s. c 103 § 13.]

**Severability**—1973 1st ex.s. c 103: See note following RCW 2.10.080.

**43.84.170 Investment of surplus moneys in common school fund, agricultural college fund, normal school fund, scientific school fund or university fund.** Whenever there are surplus moneys available for investment in the permanent common school fund, the agricultural college permanent fund, the normal school permanent fund, the scientific school permanent fund, or the university permanent fund, the state finance committee shall have full power to invest or reinvest such funds in the manner prescribed by RCW 43.84.150, and not otherwise. [1973 1st ex.s. c 103 § 14.]

**Severability**—1973 1st ex.s. c 103: See note following RCW 2.10.080.

*Agricultural college permanent fund: RCW 43.79.130.*

*Normal school permanent fund: RCW 43.79.160.*

*Permanent common school fund: State Constitution Art. 9 § 3, RCW 28A.40.010.*

*Scientific school permanent fund: RCW 43.79.110.*

*University permanent fund: RCW 43.79.060.*

## Chapter 43.85 STATE DEPOSITARIES

### Sections

- 43.85.010 Qualifications of depositaries—Record of commission proceedings.
- 43.85.020 Bank includes trust company.
- 43.85.030 Collateral—Segregation.
- 43.85.070 Deposits deemed in state treasury—Liability.
- 43.85.130 Deposit of land commissioner's funds.
- 43.85.140 Designation of depositaries.
- 43.85.160 Rate of interest.
- 43.85.180 Form of statement—Penalty.
- 43.85.190 Investment deposits and rate of interest.
- 43.85.200 Investment deposits and rate of interest—State moneys defined.
- 43.85.210 Investment deposits and rate of interest—Demand and time accounts authorized.
- 43.85.220 Investment deposits and rate of interest—Members of federal reserve or federal deposit insurance corporation.
- 43.85.230 Investment deposits and rate of interest—Term deposit basis.
- 43.85.241 Deposits and rate of interest—Distribution of interest credited to deposit interest fund.
- 43.85.250 Banks claiming exemption from sales, use or ad valorem taxes—Designation as state depositary prohibited.
- 43.85.260 Banks claiming exemption from sales, use or ad valorem taxes—Deposit of state moneys in prohibited.
- 43.85.270 Banks claiming exemption from sales, use or ad valorem taxes—Construction as to existing contracts or agreements.

*Public depositaries, deposit and investment of public funds: Chapter 39.58 RCW.*

**43.85.010 Qualifications of depositaries—Record of commission proceedings.** Any national or state banking corporation, or other incorporated bank, or branch banks or branches thereof, authorized to do business in the state and approved by the public deposit protection commission, may, upon segregating collateral as provided in RCW 39.58.050 as now or hereafter amended and upon compliance with all other requirements of law, become a qualified public depositary.

No state funds shall be deposited in any institution other than a qualified public depositary except that such funds may be deposited in exempted institutions as defined in RCW 39.58.110 and subject to the limitations referred to therein.

The record of the proceedings of the commission shall be kept in the office of the commission and a duly certified copy thereof, or any part thereof, shall be admissible in evidence in any action or proceedings in any court of this state. [1975 1st ex.s. c 77 § 7; 1973 c 126 § 15; 1969 ex.s. c 193 § 14; 1965 c 8 § 43.85.010. Prior: 1935 c 139 § 1; 1927 c 304 § 1; 1907 c 37 § 1; RRS § 5548.]

**Construction**—**Severability**—1969 ex.s. c 193: See notes following RCW 39.58.010.

**43.85.020 Bank includes trust company.** The word "bank" includes any trust company organized under the laws of the state, engaged in the banking business. [1965 c 8 § 43.85.020. Prior: 1907 c 37 § 7; RRS § 5554.]

**43.85.030 Collateral—Segregation.** Every qualified public depositary, before it shall be entitled to receive any state moneys, shall segregate eligible securities for collateral as provided in RCW 39.58.050 as now or hereafter amended. [1973 c 126 § 16; 1969 ex.s. c 193 § 15; 1967 c 132 § 1; 1965 c 8 § 43.85.030. Prior: 1955 c 78 § 1; 1945 c 129 § 1; 1939 c 146 § 1; 1935 c 139 § 2; 1931 c 87 § 1; 1909 c 151 § 1; 1907 c 37 § 2; Rem. Supp. 1945 § 5549.]

**Construction**—**Severability**—1969 ex.s. c 193: See notes following RCW 39.58.010.

**43.85.070 Deposits deemed in state treasury—Liability.** The state treasurer may deposit with any qualified public depositary which has fully complied with all requirements of law and the regulations of the public deposit protection commission any state moneys in his hands or under his official control and any sum so on deposit shall be deemed to be in the state treasury, and he shall not be liable for any loss thereof resulting from the failure or default of any such depositary without fault or neglect on his part or on the part of his assistants or clerks. [1969 ex.s. c 193 § 18; 1965 c 8 § 43.85.070. Prior: 1945 c 129 § 2; 1943 c 134 § 1; 1935 c 139 § 3; 1931 c 87 § 2; 1907 c 37 § 4; Rem. Supp. 1945 § 5551.]

**Construction**—**Severability**—1969 ex.s. c 193: See notes following RCW 39.58.010.

*Liability of treasurers for losses of deposits: RCW 39.58.140.*

**43.85.130 Deposit of land commissioner's funds.** The commissioner of public lands shall deposit daily all moneys and fees collected or received by him in the discharge of his official duties, including all moneys and fees which remain in his custody and control awaiting disposition under the provisions of the land laws, or the action of the department of natural resources: *Provided*, That all moneys collected or received by him, belonging to the state at the time, or to any department or institution thereof, in payment of principal and interest under outstanding contracts and leases, where no question is raised as to the right of the state to receive payment, shall be paid to the state treasurer daily in the manner provided by law.

Money shall not be deemed to have been paid to the state upon any sale or lease of land until it has been paid to the state treasurer. [1965 c 8 § 43.85.130. Prior: (i) 1911 c 51 § 1; RRS § 5555. (ii) 1909 c 133 § 1, part; 1907 c 96 § 1, part; RRS § 5501, part.]

**43.85.140 Designation of depositaries.** The deposit of all moneys other than the moneys paid to the state treasurer as required by law, shall be made only in special depositaries. The depositaries shall be designated and selected by the state finance committee in the manner provided for the designation of state depositaries, and after such selection and designation by the committee

notice thereof shall be given to the commissioner of public lands, and the commissioner shall thereupon make daily deposits therein of the moneys in his official custody and control. [1965 c 8 § 43.85.140. Prior: 1911 c 51 § 2; RRS § 5556.]

**43.85.160 Rate of interest.** The state finance committee shall from time to time fix the rate of interest to be paid by depositaries upon moneys deposited with them by the commissioner of public lands. [1965 c 8 § 43.85.160. Prior: 1935 c 60 § 1; 1911 c 51 § 4; RRS § 5558.]

**43.85.180 Form of statement—Penalty.** The statements required of the depositaries shall be upon such forms as may be prescribed by the state finance committee and shall be accompanied by the affidavit of the president and cashier of such depositary, to the effect that it is in all respects true and correct, and that except for the interest therein credited, neither said depositary nor any officer, agent or employees thereof, nor any person in its behalf, has in any way whatsoever given, paid, or rendered, or promised to give, pay, or render to any member of the state finance committee or to any person or corporation whatever, any money, credit, service, or benefit whatsoever by reason or in consideration of a deposit with it of any portion of the moneys in the custody, possession, or control of the commissioner of public lands. Any person who shall make any false statement in any such affidavit shall be guilty of perjury. [1965 c 8 § 43.85.180. Prior: 1911 c 51 § 6.]

**43.85.190 Investment deposits and rate of interest.** It is the purpose of RCW 43.85.190 through 43.85.240 to authorize the state treasurer to make investment deposits of state moneys or funds in his custody in state depositaries at a rate of interest fixed by the public deposit protection commission in accordance with RCW 39.58-.120. [1969 ex.s. c 193 § 21; 1965 c 8 § 43.85.190. Prior: 1955 c 198 § 1.]

**Construction—Severability—1969 ex.s. c 193:** See notes following RCW 39.58.010.

**43.85.200 Investment deposits and rate of interest—State moneys defined.** All moneys or funds belonging to or in the custody of the state under the control of the state treasurer shall be considered as state moneys or funds. [1965 c 8 § 43.85.200. Prior: 1955 c 198 § 2.]

**43.85.210 Investment deposits and rate of interest—Demand and time accounts authorized.** The state treasurer may deposit state moneys or funds at interest in any qualified state depositary bank upon a demand or time account basis. [1965 c 8 § 43.85.210. Prior: 1955 c 198 § 3.]

**43.85.220 Investment deposits and rate of interest—Members of federal reserve or federal deposit insurance corporation.** If state depositaries are member banks of the federal reserve system, or are banks the deposits of which, within certain limits, are insured by

the federal deposit insurance corporation and, as such, are prohibited by a statute of the United States or by a lawful regulation of the federal reserve system or of the federal deposit insurance corporation, or of any authorized agency of the federal government, from paying interest upon demand deposits of public funds of a state, the payment of interest shall not be required of such depositaries to the extent and for the period of time that payment thereof is prohibited. [1965 c 8 § 43.85.220. Prior: 1955 c 198 § 4.]

**43.85.230 Investment deposits and rate of interest—Term deposit basis.** The state treasurer, upon approval by the state finance committee, may deposit moneys not required to meet current demands upon a term deposit basis not to exceed one year at such interest rates and upon such conditions as to withdrawals of such moneys as may be agreed upon between the state finance committee and any qualified depositary bank or banks in the state. [1965 c 8 § 43.85.230. Prior: 1955 c 198 § 5.]

**43.85.241 Deposits and rate of interest—Distribution of interest credited to deposit interest fund.** On or before July 20 of each year, the state treasurer shall distribute all interest credited to the deposit interest fund as of June 30, which fund is hereby reestablished. Said fund shall be divided among the various funds from which such investments and investment deposits are made, in proportion to the respective amounts thereof. Interest so distributed shall be credited to the proper fund in the fiscal year in which it was collected: *Provided*, That interest earned on the balances of the forest reserve fund, the liquor excise tax fund, the tort claims revolving fund, the deposit interest fund, the suspense fund, the undistributed receipts fund, the state payroll revolving fund, the agency payroll revolving fund, the agency vendor payment revolving fund, and the local sales and use tax revolving fund shall be credited to the state treasurer's service fund. [1973 c 27 § 1; 1971 ex.s. c 72 § 2.]

*State treasurer's service fund: RCW 43.08.190.*

**43.85.250 Banks claiming exemption from sales, use or ad valorem taxes—Designation as state depositary prohibited.** The state finance committee shall not approve, designate or select as a depositary for any state funds any bank which claims exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state. The director of revenue shall notify the state finance committee on or before July 1, 1969, and quarterly on the first day of October, January, April and July thereafter of the names and addresses of any banks which have claimed exemption from the payment of any of said taxes. [1969 ex.s. c 230 § 1.]

**43.85.260 Banks claiming exemption from sales, use or ad valorem taxes—Deposit of state moneys in prohibited.** The state treasurer or any other state officer shall not deposit state moneys in any bank which claims exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state.



The director of revenue shall notify the state treasurer on or before July 1, 1969, and quarterly on the first day of October, January, April and July thereafter of the names and addresses of any banks which have claimed exemption from the payment of any said taxes. [1969 ex.s. c 230 § 2.]

**43.85.270 Banks claiming exemption from sales, use or ad valorem taxes—Construction as to existing contracts or agreements.** Nothing contained in RCW 35.38.120 through 35.38.140, 36.48.160 through 36.48.180 and 43.85.250 and 43.85.260 shall be construed or interpreted to impair the obligation of any contract. RCW 35.38.120 through 35.38.140, 36.48.160 through 36.48.180 and 43.85.250 and 43.85.260 shall be construed to limit the obligations of the state, any county, or any city or town on any existing contract or agreement for the deposit of public moneys or funds to that which is specifically provided in any such contract to the shortest term or period of time authorized by such contract. All options of the state, a county, or city or town to terminate in any manner whatsoever any agreement in conflict with the provisions of RCW 35.38.120 through 35.38.140, 36.48.160 through 36.48.180 and 43.85.250 and 43.85.260 shall be and hereby are exercised. Every officer, board, commission and employee administering any of the affairs or matters of the state, a county, or city or town and having the right to exercise such an option is hereby directed to exercise such option. [1969 ex.s. c 230 § 9.]

### Chapter 43.86A

#### SURPLUS FUNDS—INVESTMENT PROGRAM

##### Sections

- 43.86A.010 Finding—Objectives.
- 43.86A.020 Surplus funds held as demand deposits to be limited.
- 43.86A.030 Time certificate of deposit investment program—Funds available for—Allocation.
- 43.86A.040 Other investment powers of state treasurer not limited.
- 43.86A.050 Implementation of chapter by state treasurer.

*Public funds, deposit and investment, public depositaries: Chapter 39.58 RCW.*

**43.86A.010 Finding—Objectives.** The legislature finds that a procedure should be established for the management of short term treasury surplus funds by the state treasurer in order to insure a maximum return while they are on deposit in public depositaries. The objectives of this procedure are to minimize noninterest earning demand deposits and provide fair compensation to banks for services rendered to the state through the investment of state funds in time deposits. [1973 c 123 § 1.]

**43.86A.020 Surplus funds held as demand deposits to be limited.** After March 19, 1973, the state treasurer shall limit surplus funds held as demand deposits to an amount necessary for current operating expenses including direct warrant redemption payments, investments and revenue collection. The state treasurer may hold such additional funds as demand deposits as he deems

necessary to insure efficient treasury management. [1973 c 123 § 2.]

**43.86A.030 Time certificate of deposit investment program—Funds available for—Allocation.** Funds held in public depositaries not as demand deposits as provided in RCW 43.86A.020 and 43.86A.030, shall be available for a time certificate of deposit investment program according to the following formula: The state treasurer shall apportion to all participating depositaries an amount equal to five percent of the three year average mean of general state revenues as certified in accordance with Article VIII, section 1 (b) of the state Constitution, or fifty percent of the total surplus treasury investment availability, whichever is less. Within thirty days after certification, those funds determined to be available according to this formula for the time certificate of deposit investment program shall be deposited in qualified public depositaries. These deposits shall be allocated among the participating depositaries on a basis to be determined by the state treasurer. The formula so devised shall be a matter of public record giving consideration to, but not limited to deposits, assets, loans, capital structure, investments or some combination of these factors. [1973 c 123 § 3.]

**43.86A.040 Other investment powers of state treasurer not limited.** Except as provided in RCW 43.86.020 and 43.86.030, nothing in this chapter shall be construed as a limitation upon the powers of the state treasurer to determine the amount of surplus treasury funds which may be invested in time certificates of deposit. [1973 c 123 § 4.]

**43.86A.050 Implementation of chapter by state treasurer.** The state treasurer shall devise the necessary formulae and methodology to implement the provisions of this chapter. Periodically, but at least once every six months, the state treasurer shall review all rules and shall adopt, amend or repeal them as may be necessary. These rules and a list of time certificate of deposit allocations shall be published in the treasurer's monthly financial report as required under the provisions of RCW 43.08.150. [1973 c 123 § 5.]

### Chapter 43.88

#### BUDGET AND ACCOUNTING

##### Sections

- 43.88.010 Purpose—Intent.
- 43.88.020 Definitions.
- 43.88.025 "Budget director" means "director of program planning and fiscal management"
- 43.88.030 Content of the budget document or documents—Separate budget document or schedules—Changes.
- 43.88.035 Changes in accounting methods, practices or statutes—Explanation in budget document or appendix required—Contents.
- 43.88.040 Cash surplus.
- 43.88.050 Cash deficit.
- 43.88.060 Legislative review of budget document and budget bill or bills.
- 43.88.070 Appropriations.
- 43.88.080 Adoption of budget.
- 43.88.090 Development of budget.
- 43.88.100 Executive hearings.

- 43.88.110 Expenditure programs—Allotments—Reserves.  
 43.88.115 Reductions in general fund expenditures for elected public officials and educational agencies.  
 43.88.120 Revenue estimates.  
 43.88.130 When contracts and expenditures prohibited.  
 43.88.140 Lapsing of appropriations.  
 43.88.150 Priority of expenditures—Appropriated and nonappropriated funds.  
 43.88.155 Office of program planning and fiscal management.  
 43.88.160 Fiscal management—Powers and duties of officers and agencies.  
 43.88.170 Refunds of erroneous or excessive payments.  
 43.88.180 When appropriations required or not required.  
 43.88.190 Revolving funds.  
 43.88.195 Establishment of accounts or funds outside treasury without permission of director of the office of program planning and fiscal management prohibited.  
 43.88.200 Public records.  
 43.88.205 Federal funds and programs—Participating agencies to give notice—Progress reports.  
 43.88.210 Transfer of certain powers and duties.  
 43.88.220 Federal law controls in case of conflict—Rules.  
 43.88.230 Legislative agencies and committees deemed part of legislative branch.  
 43.88.240 Exemption of certain fruit, dairy, agricultural commissions.  
 43.88.250 Emergency expenditures.  
 43.88.260 Deficiencies prohibited.  
 43.88.270 Penalty for violations.  
 43.88.901 Severability—1973 1st ex.s. c 100.  
 43.88.902 Severability—1975 1st ex.s. c 293.  
 43.88.910 Effective date—1975 1st ex.s. c 293.

*Agreements and transactions between state agencies, charges, credits, transfers and advances: RCW 39.34.130–39.34.170.*

*Budget, governor to recommend salaries for state elective officials in: RCW 43.03.045.*

*Financial plan for ensuing fiscal period—State colleges and universities: RCW 28B.10.180.*

*Fiscal year defined: RCW 43.86.140.*

*Investments and interfund loans: Chapter 43.84 RCW.*

*Legislative budget committee: Chapter 44.28 RCW.*

*Post-audit: RCW 43.09.290–43.09.330.*

*Reporting periods: RCW 43.01.035.*

*State auditor: Chapter 43.09 RCW.*

*State board for community college education: RCW 28B.50.070.*

*State director of program planning and fiscal management: Chapter 43.41 RCW.*

*State finance committee: Chapter 43.33 RCW.*

*State funds: Chapter 43.79 RCW.*

*State payroll revolving fund, agency payroll revolving fund: RCW 42.16.010–42.16.017.*

*State treasurer: Chapter 43.08 RCW.*

*Warrants: Chapter 43.08 RCW.*

**43.88.010 Purpose—Intent.** It is the purpose of this chapter to establish an effective budget and accounting system for all activities of the state government; to prescribe the powers and duties of the governor as these relate to securing such fiscal controls as will promote effective budget administration; and to prescribe the responsibilities of agencies of the executive branch of the state government.

It is the intent of the legislature that the powers conferred by this chapter, as amended, shall be exercised by the executive in cooperation with the legislature and its standing, special, and interim committees in its status as a separate and coequal branch of state government. [1973 1st ex.s. c 100 § 1; 1965 c 8 § 43.88.010. Prior: 1959 c 328 § 1.]

**43.88.020 Definitions.** (1) "Budget" shall mean a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures;

(2) "Budget document" shall mean a formal, written statement offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) "Director of program planning and fiscal management" shall mean the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The director of program planning and fiscal management shall be head of the office of program planning and fiscal management which shall be in the office of the governor.

(4) "Agency" shall mean and include every state office, officer, each institution, whether educational, correctional or other, and every department, division, board and commission, except as otherwise provided in this chapter.

(5) "Public funds", for purposes of this chapter, shall mean all moneys, including cash, checks, bills, notes, drafts, stocks and bonds, whether held in trust or for operating purposes and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation.

(6) "Regulations" shall mean the policies, standards and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or his designated agent, and which shall have the force and effect of law.

(7) "Ensuing biennium" shall mean the fiscal biennium beginning on July 1st of the same year in which a regular session of the legislature is held pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.

(8) "Dedicated fund" means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated or set aside for a limited object or purpose; but "dedicated fund" shall not include a revolving fund or a trust fund.

(9) "Revolving fund" means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds.

(10) "Trust fund" means a fund in the state treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.

(11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment.

(12) "Fiscal year" means the year beginning July 1st and ending the following June 30th. [1975-'76 2nd ex.s.

c 83 § 4; 1973 1st ex.s. c 100 § 2; 1969 ex.s. c 239 § 9; 1965 c 8 § 43.88.020. Prior: 1959 c 328 § 2.]

*Office of program planning and fiscal management: Chapter 43.41 RCW.*

**43.88.025 "Budget director" means "director of program planning and fiscal management".** Unless the context clearly requires a different interpretation, whenever "budget director" is used in this chapter, it shall mean the director of program planning and fiscal management created in RCW 43.41.060. [1969 ex.s. c 239 § 10.]

**43.88.030 Content of the budget document or documents—Separate budget document or schedules—Changes.** (1) The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, and those anticipated for the ensuing biennium;

(b) Cash surplus or deficit, by fund, to the extent provided by RCW 43.88.040 and 43.88.050;

(c) Such additional information dealing with expenditures, revenues, workload, performance and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, activity and object.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of anticipated revenues shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the

immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium.

(3) A separate budget document or schedule may be submitted consisting of:

(a) Expenditures incident to current or pending capital projects and to proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts proposed to be raised therefor by the issuance of bonds during the fiscal period;

(b) A capital program consisting of proposed capital projects for at least the two fiscal periods succeeding the next fiscal period. The capital program shall include for each proposed project a statement of the reason or purpose for the project along with an estimate of its cost;

(c) Such other information bearing upon capital projects as the governor shall deem to be useful to the legislature;

(d) Such other information relating to capital improvement projects as the legislature may direct by law or concurrent resolution.

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document presented to a regular legislative session in an odd-numbered year relative to the format of the budget document which was presented to the previous regular session of the legislature in an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative budget committee if the legislature is not in session. [1973 1st ex.s. c 100 § 3; 1965 c 8 § 43.88.030. Prior: 1959 c 328 § 3.]

**43.88.035 Changes in accounting methods, practices or statutes—Explanation in budget document or appendix required—Contents.** Any changes in accounting methods and practices or in statutes affecting expenditures or revenues for the ensuing biennium relative to the then current fiscal period which the governor may wish to recommend shall be clearly and completely explained in the text of the budget document, in a special appendix thereto, or in an alternative budget document. This explanatory material shall include, but need not be limited to, estimates of revenues and expenditures based on the same accounting practices and methods and existing statutes relating to revenues and expenditure effective for the then current fiscal period, together with alternative estimates required by any changes in accounting methods and practices and by any statutory changes the governor may wish to recommend. [1973 1st ex.s. c 100 § 9.]

**43.88.040 Cash surplus.** Surplus available for appropriation shall be limited to cash surplus, defined for purposes of this chapter as any money, assets or other resources available for expenditure over and above any liabilities which are expected to be incurred by the close

of the current fiscal period. If the aggregate of estimated revenues for the next ensuing fiscal period, together with the surplus, if any, for the current fiscal period exceeds the applicable appropriations proposed by the governor for the next ensuing fiscal period, the governor shall include in Part I of the budget document his recommendations for the use of said excess of anticipated revenues, and said surplus, over applicable appropriations for the reduction of indebtedness, for the reduction of taxation or for other purposes as in his discretion shall serve the best interests of the state. [1965 c 8 § 43.88.040. Prior: 1959 c 328 § 4.]

**43.88.050 Cash deficit.** Cash deficit of the current fiscal period is defined for purposes of this chapter as the amount by which the aggregate of expenditures charged to a fund will exceed the aggregate of receipts credited to such fund in the current fiscal period, less the extent to which such deficit may have been provided for from available reserve funds.

If, for any applicable fund, the estimated revenues for the next ensuing period plus cash surplus shall be less than the aggregate of appropriations proposed by the governor for the next ensuing fiscal period, the governor shall include in Part I of the budget document his proposals as to the manner in which the anticipated deficit shall be met, whether by an increase in the indebtedness of the state, by the imposition of new taxes, by increases in tax rates or an extension thereof, or in any like manner. The governor may provide for orderly liquidation of the currently existing deficit over a period of one or more fiscal periods, if, in his discretion, such manner of liquidation would best serve the public interest. [1965 c 8 § 43.88.050. Prior: 1959 c 328 § 5.]

**43.88.060 Legislative review of budget document and budget bill or bills.** The governor shall submit the budget document for the 1975–77 biennium and each succeeding biennium to the legislature no later than the twentieth day of December in the year preceding the session during which the budget is to be considered. The governor shall also submit a budget bill or bills which for purposes of this chapter is defined to mean the appropriations proposed by the governor as set forth in the budget document. Such representatives of agencies as have been designated by the governor for this purpose shall, when requested, by either house of the legislature, appear to be heard with respect to the budget document and the budget bill or bills and to supply such additional information as may be required. [1973 1st ex.s. c 100 § 4; 1965 c 8 § 43.88.060. Prior: 1959 c 328 § 6.]

**43.88.070 Appropriations.** Appropriations shall be deemed maximum authorizations to incur expenditures but the governor shall exercise all due supervision and control to ensure that expenditure rates are such that program objectives are realized within these maximums. [1965 c 8 § 43.88.070. Prior: 1959 c 328 § 7.]

**43.88.080 Adoption of budget.** Adoption of the omnibus appropriation bill or bills by the legislature shall constitute adoption of the budget and the making

of appropriations therefor. A budget for state government shall be finally adopted not later than thirty calendar days prior to the beginning of the ensuing biennium. [1973 1st ex.s. c 100 § 5; 1965 c 8 § 43.88.080. Prior: 1959 c 328 § 8.]

**43.88.090 Development of budget.** For purposes of developing his budget proposals to the legislature, the governor shall have the power, and it shall be his duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as he shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget. Estimates for the legislature and for the supreme court shall be included in the budget without revision. Copies of all such estimates shall be transmitted to the standing committees on ways and means of the house and senate at the same time as they are filed with the governor and the office of program planning and fiscal management. In the year of the gubernatorial election, the governor shall invite the governor-elect or his designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or his designee with such information as will enable him to gain an understanding of the state's budget requirements. The governor-elect or his designee may ask such questions during the hearings and require such information as he deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the standing committees on ways and means of the house and senate. [1975 1st ex.s. c 293 § 5; 1973 1st ex.s. c 100 § 6; 1965 c 8 § 43.88.090. Prior: 1959 c 328 § 9.]

**43.88.100 Executive hearings.** The governor may provide for hearings on all agency requests for expenditures to enable him to make determinations as to the need, value or usefulness of activities or programs requested by agencies. The governor may require the attendance of proper agency officials at his hearings and it shall be their duty to disclose such information as may be required to enable the governor to arrive at his final determination. [1965 c 8 § 43.88.100. Prior: 1959 c 328 § 10.]

**43.88.110 Expenditure programs—Allotments—Reserves.** Subdivisions (1) and (2) of this section set forth the expenditure programs and the allotment and reserve procedures to be followed by the executive branch.

(1) Before the beginning of the fiscal period, all agencies shall submit to the governor a statement of proposed agency expenditures at such times and in such form as may be required by him. The statement of proposed expenditures shall show, among other things, the requested allotments of appropriations for the ensuing fiscal period for the agency concerned for such periods as may be determined by the budget director for the

entire fiscal period. The governor shall review the requested allotments in the light of the agency's plan of work and, with the advice of the budget director, he may revise or alter agency allotments: *Provided*, That revision of allotments shall not be made for agencies headed by elective officials. The aggregate of the allotments for any agency shall not exceed the total of appropriations available to the agency concerned for the fiscal period.

(2) Except for agencies headed by elective officials, approved allotments may be revised during the course of the fiscal period in accordance with the regulations issued pursuant to this chapter. If at any time during the fiscal period the governor shall ascertain that available revenues for the applicable period will be less than the respective appropriations, he shall revise the allotments concerned so as to prevent the making of expenditures in excess of available revenues. To the same end, and with the exception stated in this section for allotments involving agencies headed by elective officials the governor is authorized to withhold and to assign to, and to remove from, a reserve status any portion of an agency appropriation which in the governor's discretion is not needed for the allotment. No expenditures shall be made from any portion of an appropriation which has been assigned to a reserve status except as provided in this section.

(3) It is expressly provided that all agencies shall be required to maintain accounting records and to report thereon in the manner prescribed in this chapter and under the regulations issued pursuant to this chapter. [1975 1st ex.s. c 293 § 6; 1965 c 8 § 43.88.110. Prior: 1959 c 328 § 11.]

**43.88.115 Reductions in general fund expenditures for elected public officials and educational agencies.** Either the legislative budget committee or the standing committees on ways and means of the house and senate are authorized and may order reductions in general fund expenditures for other elected public officials and all public educational agencies and their facilities up to the amount of reductions which are required by agencies under the control of the governor, to the end that while the independence of such elective offices and educational agencies be assured, necessary measures of economy shall be shared by all agencies concerned with the functions of government. [1975 1st ex.s. c 293 § 7; 1971 ex.s. c 263 § 1.]

**43.88.120 Revenue estimates.** Before the beginning of any fiscal period, any agency engaged in the collection of revenues shall submit to the governor statements of revenue estimates for the ensuing biennium at such times and in such form as may be required by him. A copy of such revenue estimates shall be filed with the legislative budget committee at the same time. [1973 1st ex.s. c 100 § 7; 1965 c 8 § 43.88.120. Prior: 1959 c 328 § 12.]

**43.88.130 When contracts and expenditures prohibited.** No agency shall expend or contract to expend any money or incur any liability in excess of the amounts appropriated for that purpose: *Provided*, That nothing in this section shall prevent the making of contracts or the

spending of money for capital improvements, nor the making of contracts of lease or for service for a period exceeding the fiscal period in which such contract is made, when such contract is permitted by law. Any contract made in violation of this section shall be null and void. [1965 c 8 § 43.88.130. Prior: 1959 c 328 § 13.]

**43.88.140 Lapsing of appropriations.** All appropriations shall lapse at the end of the fiscal period to the extent that they have not been expended or lawfully obligated. Any remaining unexpended and unobligated balance of appropriations shall revert to the fund from which the appropriation was made. [1965 c 8 § 43.88.140. Prior: 1959 c 328 § 14.]

**43.88.150 Priority of expenditures—Appropriated and nonappropriated funds.** For those agencies which make expenditures from both appropriated and nonappropriated funds, the governor is authorized to direct such agencies to charge their expenditures in such ratio, as between appropriated and nonappropriated funds, as will conserve appropriated funds. [1965 c 8 § 43.88.150. Prior: 1959 c 328 § 15.]

**43.88.155 Office of program planning and fiscal management.** See chapter 43.41 RCW.

**Reviser's note:** Central budget agency abolished by RCW 43.41.940 and powers, duties and functions transferred to office of program planning and fiscal management: Chapter 43.41 RCW.

**43.88.160 Fiscal management—Powers and duties of officers and agencies.** This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of program planning and fiscal management. The governor, through his director of program planning and fiscal management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for comprehensive central accounts in the office of program planning and fiscal management. The director of program planning and fiscal management may require such financial, statistical and other reports as he deems necessary from all agencies covering any period.

In addition, the director of program planning and fiscal management, as agent of the governor, shall:

(a) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and he shall authorize expenditures for employee training to

the end that the state may benefit from training facilities made available to state employees;

(b) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(c) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: *Provided*, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. He shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials.

(d) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by him except that he shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

(e) Promulgate regulations to effectuate provisions contained in subsections (a) through (d) hereof.

(2) The treasurer shall:

(a) Receive, keep and disburse all public funds of the state not expressly required by law to be received, kept and disbursed by some other persons: *Provided*, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under his supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by him, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the director of program planning and fiscal management. Said forms shall provide for authentication and certification by the agency head or his designee that the services have been rendered or the materials have been furnished; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of program planning and fiscal management; and the treasurer shall not be liable under his surety bond for erroneous or improper payments so made: *Provided*, That when services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount

by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services: *And provided further*, That no payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or his designee in accordance with regulations issued pursuant to this chapter.

(3) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end he may, in his discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds. The current post audit of each agency may include a section on recommendations to the legislature as provided in subsection (3)(c) of this section.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make his official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

Determinations as to whether agencies, in making expenditures, complied with the laws of this state: *Provided*, That nothing in \*this act shall be construed to grant the state auditor the right to perform performance audits. A performance audit for the purpose of this act shall be the examination of the effectiveness of the administration, its efficiency and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature. The authority and responsibility to conduct such an examination shall be vested in the legislative budget committee as prescribed in RCW 44.28.085 as now or hereafter amended.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of program planning and fiscal management. It shall be the duty of the director of program planning and fiscal management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Shall promptly report any irregularities to the attorney general.

(4) The legislative budget committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in RCW 44.28.085 as now or

hereafter amended. To this end the committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management. [1975 1st ex.s. c 293 § 8; 1975 c 40 § 11; 1973 c 104 § 1; 1971 ex.s. c 170 § 4; 1967 ex.s. c 8 § 49; 1965 c 8 § 43.88.160. Prior: 1959 c 328 § 16.]

**\*Reviser's note:** The term "this act" first appeared in 1971 ex.s. c 170, which act consists of the 1971 amendments to RCW 43.09.050, 43.09.310, 43.88.160 and to RCW 44.28.085.

**Severability—1971 ex.s. c 170:** See note following RCW 43.09.050.

*Legislative budget committee: Chapter 44.28 RCW.*

*Post-audit: RCW 43.09.290–43.09.330.*

*Powers and duties of director of general administration as to official bonds: RCW 43.19.540.*

*State auditor, duties: Chapter 43.09 RCW.*

*State director of program planning and fiscal management: Chapter 43.41 RCW.*

*State treasurer, duties: Chapter 43.08 RCW.*

**43.88.170 Refunds of erroneous or excessive payments.** Whenever any law which provides for the collection of fees or other payment by an agency does not authorize the refund of erroneous or excessive payments thereof, refunds may be made or authorized by the agency which collected the fees or payments of all such amounts received by the agency in consequence of error, either of fact or of law. The regulations issued by the governor pursuant to this chapter shall prescribe the procedure to be employed in making refunds. [1965 c 8 § 43.88.170. Prior: 1959 c 328 § 17.]

*Refunds: RCW 43.01.072–43.01.075.*

**43.88.180 When appropriations required or not required.** Appropriations shall not be required for refunds, as provided in RCW 43.88.170, nor in the case of payments other than for administrative expenses or capital improvements to be made from trust funds specifically created by law to discharge awards, claims, annuities and other liabilities of the state. Said trust funds shall include, but shall not be limited to, the accident fund, medical aid fund, retirement system fund, Washington state patrol retirement fund and unemployment trust fund. Appropriations may be required in the case of public service enterprises defined for the purposes of this section as proprietary functions conducted by an agency of the state. An appropriation may be required to permit payment of obligations by revolving funds, as

provided in RCW 43.88.190. [1973 1st ex.s. c 100 § 8; 1965 c 8 § 43.88.180. Prior: 1959 c 328 § 18.]

**43.88.190 Revolving funds.** Revolving funds shall not be created by law except to finance the operations of service units, or units set up to supply goods and services to other units or agencies. Such service units where created shall be self-supporting operations featuring continuous turnover of working capital. The regulations issued by the governor pursuant to this chapter shall prescribe the procedures to be employed by agencies in accounting and reporting for revolving funds and may provide for the keeping of such funds in the custody of the treasurer. [1965 c 8 § 43.88.190. Prior: 1959 c 328 § 19.]

**43.88.195 Establishment of accounts or funds outside treasury without permission of director of the office of program planning and fiscal management prohibited.** After August 11, 1969, no state agency, state institution, state institution of higher education, which shall include all state universities, state colleges, and community colleges, shall establish any new accounts or funds which are to be located outside of the state treasury: *Provided*, That the office of program planning and fiscal management shall be authorized to grant permission for the establishment of such an account or fund outside of the state treasury only when the requesting agency presents compelling reasons of economy and efficiency which could not be achieved by placing such funds in the state treasury. When the director of the office of program planning and fiscal management authorizes the creation of such fund or account, he shall forthwith give written notice of the fact to the standing committees on ways and means of the house and senate. [1975 1st ex.s. c 293 § 9; 1969 ex.s. c 248 § 1.]

**43.88.200 Public records.** All agency records reflecting financial transactions, such records being defined for purposes of this chapter to mean books of account, financial statements, and supporting records including expense vouchers and other evidences of obligation, shall be deemed to be public records and shall be available for public inspection in the agency concerned during official working hours. [1965 c 8 § 43.88.200. Prior: 1959 c 328 § 20.]

**43.88.205 Federal funds and programs—Participating agencies to give notice—Progress reports.** (1) Whenever an agency makes application, enters into a contract or agreement, or submits state plans for participation in, and for grants of federal funds under any federal law, the agency making such application shall at the time of such action, give notice in such form and manner as the director of program planning and fiscal management may prescribe, or the chairman of the legislative budget committee, standing committees on ways and means of the house and senate, the chief clerk of the house, or the secretary of the senate may request.

(2) Whenever any such application, contract, agreement, or state plan is amended, such agency shall notify each such officer of such action in the same manner as

prescribed or requested pursuant to subsection (1) of this section.

(3) Such agency shall promptly furnish such progress reports in relation to each such application, contract, agreement, or state plan as may be requested following the date of the filing of the application, contract, agreement, or state plan; and shall also file with each such officer a final report as to the final disposition of each such application, contract, agreement, or state plan if such is requested. [1975 1st ex.s. c 293 § 10; 1973 2nd ex.s. c 17 § 3; 1967 ex.s. c 41 § 4.]

*Acceptance of funds by governor, administration, payment of expenses, reports to legislature: RCW 43.06.120–43.06.140.*

**43.88.210 Transfer of certain powers and duties.** It is the intent of this chapter to assign to the governor's office authority for developing and maintaining budgeting, accounting, reporting and other systems necessary for effective expenditure and revenue control among agencies.

To this end:

(1) All powers and duties and functions of the state auditor relating to the disbursement of public funds by warrant or check are hereby transferred to the state treasurer as the governor may direct but no later than ninety days after the start of the next fiscal biennium, and the state auditor shall deliver to the state treasurer all books, records, accounts, equipment, or other property relating to such function. In all cases where any question shall arise as to the proper custody of any such books, records, accounts, equipment or property, or pending business, the governor shall determine the question;

(2) In all cases where reports, notices, certifications, vouchers, disbursements and similar statements are now required to be given to any agency the duties and responsibilities of which are being assigned or reassigned by this chapter, the same shall be given to the agency or agencies in the manner provided for in this chapter. [1965 c 8 § 43.88.210. Prior: 1959 c 328 § 21.]

**43.88.220 Federal law controls in case of conflict—Rules.** If any part of this chapter shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this chapter is hereby declared to be inoperative solely to the extent of such conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned. The rules and regulations under this chapter shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state. [1965 c 8 § 43.88.220. Prior: 1959 c 328 § 22.]

**43.88.230 Legislative agencies and committees deemed part of legislative branch.** For the purposes of this chapter, the statute law committee, the legislative

budget committee, and all legislative standing committees of both houses shall be deemed a part of the legislative branch of state government. [1975 1st ex.s. c 293 § 11; 1965 c 8 § 43.88.230. Prior: 1959 c 328 § 23.]

**43.88.240 Exemption of certain fruit, dairy, agricultural commissions.** This chapter shall not apply to the Washington state apple advertising commission, the Washington state fruit commission, the Washington state dairy products commission, or any agricultural commodity commission created under the provisions of chapter 15.66 RCW: *Provided*, That all such commissions shall submit estimates and such other necessary information as may be required for the development of the budget and shall also be subject to audit by the appropriate state auditing agency or officer. [1965 c 8 § 43.88.240. Prior: 1959 c 328 § 24.]

**43.88.250 Emergency expenditures.** Whenever an emergency shall arise necessitating an expenditure for the preservation of peace, health or safety, or for the carrying on of the necessary work required by law of any state agency for which insufficient or no appropriations have been made, the head of such agency shall submit to the governor, duplicate copies of a sworn statement, setting forth the facts constituting the emergency and the estimated amount of money required therefor. If the governor approves such estimate in whole or in part, the governor shall indorse on each copy of the statement the governor's approval, together with a statement of the amount approved as an allocation from any appropriation available for allocation for emergency purposes and transmit one copy to the head of the agency thereby authorizing the emergency expenditures. [1975-'76 2nd ex.s. c 83 § 1.]

**43.88.260 Deficiencies prohibited.** It shall be unlawful for any agency head or disbursing officer to incur any deficiency and any appointive officer or employee violating the provisions of this section shall be subject to summary removal. [1975-'76 2nd ex.s. c 83 § 2.]

**43.88.270 Penalty for violations.** Any officer or employee violating, or wilfully refusing or failing to comply with, any provision of this chapter shall be guilty of a misdemeanor. [1975-'76 2nd ex.s. c 83 § 3.]

**43.88.901 Severability—1973 1st ex.s. c 100.** If any provision of this 1973 amendatory 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. [1973 1st ex.s. c 100 § 10.]

**43.88.902 Severability—1975 1st ex.s. c 293.** If any provision of this 1975 amendatory 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. [1975 1st ex.s. c 293 § 22.]



**43.88.910 Effective date—1975 1st ex.s. c 293.** This 1975 amendatory 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 on July 1, 1975. [1975 1st ex.s. c 293 § 23.]

**Chapter 43.89**  
**TELETYPEWRITER COMMUNICATIONS**  
**NETWORK**

Sections	
43.89.010	Teletypewriter communications network—Establishment—Use—Charges—Duties of chief of state patrol.
43.89.030	Connection with and participation in network by political subdivisions.
43.89.040	Transfer of powers, duties, functions, contracts, rules, property, appropriation, etc., to chief of state patrol.
43.89.050	Transfer of powers, duties and functions not to terminate or affect state liability.

**43.89.010 Teletypewriter communications network—Establishment—Use—Charges—Duties of chief of state patrol.** The chief of the Washington state patrol is hereby authorized to establish a teletypewriter communications network which will inter-connect the law enforcement agencies of the state and its political subdivisions into a unified written communications system. The chief of the Washington state patrol is authorized to lease or purchase such facilities and equipment as may be necessary to establish and maintain such teletypewriter communications network.

(1) The communications network shall be used exclusively for the official business of the state, and the official business of any city, county, city and county, or other public agency.

(2) This section does not prohibit the occasional use of the state's communications network by any other state or public agency thereof when the messages transmitted relate to the enforcement of the criminal laws of the state.

(3) The chief of the Washington state patrol shall fix the monthly operational charge to be paid by any department or agency of state government, or any city, county, city and county, or other public agency participating in the communications network: *Provided*, That in computing charges to be made against a city, county, or city and county the state shall bear at least fifty percent of the costs of such service as its share in providing a modern unified communications network to the law enforcement agencies of the state.

(4) The chief of the Washington state patrol is authorized to arrange for the connection of the communications network with the law enforcement communications system of any adjacent state, or the Province of British Columbia, Canada. [1965 ex.s. c 60 § 2; 1965 c 8 § 43.89.010. Prior: 1963 c 160 § 1.]

**Effective date—1965 ex.s. c 60:** "This 1965 amendatory act shall take effect on July 1, 1965." [1965 ex.s. c 60 § 6.]

**43.89.030 Connection with and participation in network by political subdivisions.** Any city, county, city and county, or other public agency may connect with and

participate in the teletypewriter communications network subject to the rules, regulations, procedures and methods of operation adopted by the state communications advisory committee: *Provided*, That such city, county, city and county, or other public agency shall first agree to pay such installation charges as may be necessary for such connection and such monthly operational charges as may be established by the chief of the Washington state patrol. [1965 ex.s. c 60 § 4; 1965 c 8 § 43.89.030. Prior: 1963 c 160 § 3.]

**43.89.040 Transfer of powers, duties, functions, contracts, rules, property, appropriation, etc., to chief of state patrol.** The powers, duties, and functions of the director of budget relating to the state teletypewriter communication network are transferred to the chief of the Washington state patrol. All existing contracts, orders, rules, regulations, records, and obligations together with communications equipment, motor vehicles, and any other property, device, or thing and any remaining appropriation pertaining to such communication network shall be transferred by the director of budget or his agent to the chief of the Washington state patrol as of July 1, 1965. [1965 ex.s. c 60 § 1.]

**43.89.050 Transfer of powers, duties and functions not to terminate or affect state liability.** The transfer of the powers, duties, and functions relating to the state teletypewriter communication network from the director of budget to the chief of the Washington state patrol shall not terminate or affect the liability of the state accruing with respect to such communications network to any person, company, or corporation. [1965 ex.s. c 60 § 5.]

**Chapter 43.92**  
**GEOLOGICAL SURVEY**

Sections	
43.92.010	Duty of director—Supervisor of geology.
43.92.020	Objects of survey.
43.92.030	Report to legislature.
43.92.040	Printing and distribution of reports.
43.92.050	Materials distributed to schools.
43.92.060	Cooperation with federal geological survey.
43.92.070	Topographic map—Stream measurements.
43.92.080	Entry on lands authorized.

**Reviser's note:** The powers, duties and functions of the department of conservation with respect to geology as set forth in chapter 43.92 RCW were transferred to the department of natural resources by 1967 c 242 § 15 [RCW 43.27A.130].

**43.92.010 Duty of director—Supervisor of geology.** There shall be a geological survey of the state which shall be under the direction of the director of conservation who shall have general charge of the survey, and shall appoint as supervisor of the survey a geologist of established reputation, to be known as the supervisor of geology. [1965 c 8 § 43.92.010. Prior: 1901 c 165 § 1; 1890 p 647 § 1; 1890 p 249 § 1; RRS § 5993.]

**43.92.020 Objects of survey.** The survey shall have for its objects:

An examination of the economic products of the state, viz: The gold, silver, copper, lead, and iron ores, as well as building stones, clays, coal, and all mineral substances of value; an examination and classification of the soils, and the study of their adaptability to particular crops; investigation and report upon the water supplies, artesian wells, the water power of the state, gauging the streams, etc., with reference to their application for irrigation and other purposes; an examination and report upon the occurrence of different road building material; an examination of the physical features of the state with reference to their practical bearing upon the occupations of the people; the preparation of special geological and economic maps to illustrate the resources of the state; the preparation of special reports with necessary illustrations and maps, which shall embrace both the general and detailed description of the geology and natural resources of the state, and the consideration of such other kindred scientific and economic questions as in the judgment of the director shall be deemed of value to the people of the state. [1965 c 8 § 43.92.020. Prior: 1901 c 165 § 2; 1890 p 249 § 3; 1890 p 648 §§ 3, 4, 5, 6, 7; RRS § 5994.]

**43.92.030 Report to legislature.** The director of conservation shall cause to be prepared a report to the legislature before each regular session, showing the progress and condition of the survey, together with such other information as he may deem necessary and useful or as the legislature may require. [1965 c 8 § 43.92.030. Prior: 1901 c 165 § 3; RRS § 5995.]

**43.92.040 Printing and distribution of reports.** The regular and special reports of the survey with proper illustrations and maps, shall be printed as the director may direct, and the reports shall be distributed or sold by him as the interests of the state and of science demand; and all money obtained by the sale of reports shall be paid into the state treasury. [1965 c 8 § 43.92.040. Prior: 1901 c 165 § 4; RRS § 5996.]

**43.92.050 Materials distributed to schools.** All materials collected after having served the purpose of the survey shall be distributed by the director to the University of Washington, Washington State University, the Colleges of Education, and the leading high schools of the state in such a manner as to be of the greatest advantage to the educational interests of the state. [1965 c 8 § 43.92.050. Prior: 1901 c 165 § 5; RRS § 5997.]

**43.92.060 Cooperation with federal geological survey.** The director may make provisions for topographic, geologic, and hydrographic surveys of the state in cooperation with the United States geological survey in such manner as in his opinion will be of the greatest benefit to the agricultural, industrial, and geological requirements of the state: *Provided*, That the director of the United States geological survey agrees to expend on the part of the United States upon such surveys a sum equal to that expended by the state. [1965 c 8 § 43.92.060. Prior: 1903 c 157 § 1; 1901 c 165 § 6; RRS § 5998.]

**43.92.070 Topographic map—Stream measurements.** In order to complete the topographic map of the state and for the purpose of making more extensive stream measurements, and otherwise investigating and determining the water supply of the state, the director may enter into such agreements with the director of the United States geological survey as will insure that the surveys and investigations be carried on in the most economical manner, and that the maps and data be available for the use of the public as quickly as possible. [1965 c 8 § 43.92.070. Prior: 1909 c 245 § 1; RRS § 5999.]

**43.92.080 Entry on lands authorized.** In order to carry out the purposes of this chapter all persons employed hereunder are authorized to enter and cross all land within the state doing thereby no damage to private property. [1965 c 8 § 43.92.080. Prior: 1909 c 245 § 3; RRS § 6000.]

### Chapter 43.94

#### OCEANOGRAPHIC COMMISSION

##### Sections

43.94.010	Declaration.
43.94.020	Commission created—Composition—Terms—Vacancies—Expenses.
43.94.030	Chairman—Secretary—Employees—Meetings—Quorum—Voting.
43.94.040	Powers, duties and functions.
43.94.050	Oceanographic institute—Formation—Composition—Powers and duties.
43.94.900	Severability—1967 c 243.

**43.94.010 Declaration.** The state of Washington is geographically endowed with a seacoast centered adjacent to a vast continental shelf area and an inland sea known as Puget Sound which constitutes the largest salt water harbor in the world. Situated in a temperate climate, this virtually unspoiled area with its developments in industrial and educational fields presents a natural base for expanding efforts to uncover and utilize the potentially rich food, oil and mineral natural resources of the western Pacific Ocean continental shelf, to locate and harvest abundant fish and marine life, to develop fish farms and aquatic agriculture through the utilization of the estuaries and bays of Puget Sound, to conduct studies of marine and aquatic life, to research and develop seafood uses and seafood processing plants, to locate a temperate zone marine laboratory, to collect and distribute living marine organisms for marine and biological research, and to conduct research into weather forecasting and modification. A permanent organization is vitally needed to fully exploit the strategic position of this state as a natural base for these activities with due regard to the ancillary needs of providing planned waterfront development, public recreation, conservation, and prevention of water pollution and to assist the University of Washington and other participating institutions in the development and operation of local and regional programs under the National Sea Grant College and Program Act of 1966. [1967 c 243 § 1.]

**Effective date—1967 c 243:** "The effective date of this act is July 1, 1967." [1967 c 243 § 7.]

**43.94.020 Commission created—Composition—Terms—Vacancies—Expenses.** There is created the oceanographic commission of Washington to consist of twelve members to be selected as follows: Five to be appointed by the governor from the public at large, at least one of whom shall be representative of higher education, one representative of private industry, and one representative of labor; three members of the state senate, no more than two of whom shall be members of the same political party, to be appointed by the president of the senate; and three members of the house of representatives, no more than two of whom shall be members of the same political party, to be appointed by the speaker of the house. The chairman of the state marine resources and development committee shall be an ex officio member without a vote. Members shall serve for terms of five years expiring on January 15th: *Provided*, That of the members first appointed by the governor, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. The position of any legislative member shall be deemed vacated whenever such member ceases to be a member of the house or senate from which he was appointed. Any vacancies occurring in the membership of the commission shall be filled for the remainder of the unexpired term by the appointive power of the position vacated. Members shall serve without compensation but shall be reimbursed for necessary travel and other expenses incurred in the performance of their duties as commission members on the same basis as provided under RCW 44.04.120, as now or hereafter amended. [1967 c 243 c 2.]

**43.94.030 Chairman—Secretary—Employees—Meetings—Quorum—Voting.** The commission shall by majority vote select a chairman. The commission shall employ an executive secretary and may employ and fix the compensation of such other persons as may be necessary to carry out its powers and duties. All matters relating to payment of compensation and other expenses of the commission shall be subject to the state budget and accounting system.

The commission shall meet at least four times each year and at such other times as determined by the chairman. A majority of the members shall constitute a quorum. No member shall vote on any matter from which he would derive any direct economic benefit. [1967 c 243 § 3.]

**43.94.040 Powers, duties and functions.** The commission shall have the following powers, duties and functions:

- (1) Encourage, assist, develop and maintain a coordinated program in oceanography for the benefit of the citizens of the state and the nation;
- (2) Encourage private industrial enterprise to utilize the Puget Sound area as a base for oceanographic work;
- (3) Promote national interest in Puget Sound as a base for national oceanographic programs;

(4) Assist in developing educational programs to provide the professional and technical graduates required by oceanographic expansion in the area;

(5) Undertake projects designed to inform the citizenry of the importance of oceanography to the development of the area;

(6) Assist in the study of problems of waterfront development, pollution, and parks and recreation areas for public use;

(7) Accept funds, gifts, bequests, and devisees from any lawful source given or made available for the purposes of this chapter, including but not limited to grants of funds made with or without a matching requirement by the federal government;

(8) Encourage, supplement and assist the development of programs under the National Sea Grant College and Program Act of 1966 by the University of Washington and other participating educational institutions of the state and region. The programs and mission of the commission and its institute are not to be in duplication of the existing program of the University of Washington or other educational institutions of the state in oceanographic research, training or public service, or of the program developed under the National Sea Grant College and Program Act of 1966;

(9) Make annual reports to the Washington state legislature, or to the appropriate interim committee thereof, all activities undertaken in connection with the power, duties and functions assigned in this section together with any recommendations for new legislation designed to accomplish the purposes of this chapter;

(10) Delegate in its discretion and to the extent permitted by the state Constitution, any of the powers and duties set forth in subsections (1) through (8) to the Oceanographic Institute of Washington formed pursuant to RCW 43.94.050. [1967 c 243 § 4.]

**43.94.050 Oceanographic institute—Formation—Composition—Powers and duties.** To facilitate the exercise of its powers, duties and functions, the members of the commission are empowered to form a nonprofit corporation under the provisions of chapter 24.04 RCW. The members of the commission shall be members and trustees of any such corporation as long as they are members of the commission. The commission members of such corporation shall accept by majority vote additional members of the corporation so that the total membership thereof including commission members shall be comprised of not less than thirteen and not more than twenty members. Any nonprofit corporation so formed shall be known and designated as the Oceanographic Institute of Washington.

The Oceanographic Institute of Washington shall, subject to the advice and consent of the commission, coordinate, promote and carry out such policies for oceanographic programs and development as may be formulated by the commission. In the coordination, promotion and carrying out of commission policies, the institute shall have in addition to powers prescribed in chapter 24.04 RCW, the power to accept, use and expend such public funds as may be lawfully made available to it for such purposes by the federal or state

governments, or any political subdivision or municipal corporation, and such other powers and duties as may be lawfully delegated to it by the commission.

The institute may employ, engage and retain such staff and consultants as it deems necessary in carrying out its duties. [1967 c 243 § 5.]

**43.94.900 Severability—1967 c 243.** If any provision of this chapter, or its application to any person, public or private organization, or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons, public or private organizations, or circumstances is not affected. [1967 c 243 § 6.]

### Chapter 43.96B EXPO '74

#### Sections

- 43.96B.010 Declaration of purpose.
  - 43.96B.020 Approval and adoption of report and recommendations.
  - 43.96B.030 Name of exposition.
  - 43.96B.040 Expo '74 commission—Created—Membership—Meetings.
  - 43.96B.050 Members may be directors of nonprofit corporation—Duty to stage exposition.
  - 43.96B.060 Cooperation with agencies, political subdivisions, states, federal and foreign governments enjoined.
  - 43.96B.070 Acquisition of site—Acquisition, lease, or construction of buildings for state use—Plans and surveys.
  - 43.96B.080 Acquisition of site by department of commerce and economic development.
  - 43.96B.090 Lease of land by state building authority from department or construction of buildings—Lease or release of buildings to department.
  - 43.96B.100 Leasing by department authorized.
  - 43.96B.110 Rental rates.
  - 43.96B.120 Determination of building costs—Right of department to purchase buildings and land, terminate lease.
  - 43.96B.130 Use of site and buildings by Expo '74 commission.
  - 43.96B.140 Declaration of public purpose.
- STATE PAVILION—BOND ISSUE**
- 43.96B.200 Legislative finding.
  - 43.96B.205 Bond issue—Authorized.
  - 43.96B.210 Bond issue—Issuance and sale of bonds—Form, terms, conditions, etc.—Authority of state finance committee.
  - 43.96B.215 Bond issue—Anticipation notes—Disposition of proceeds—Acquisition of property by Expo '74 commission authorized.
  - 43.96B.220 Bond issue—Administration of proceeds.
  - 43.96B.225 Bond issue—Redemption fund—Payment of bonds.
  - 43.96B.230 Bond issue—Additional means of payment.
  - 43.96B.235 Bond issue—Legal investment for public funds.
  - 43.96B.240 Appropriation.
  - 43.96B.245 Severability—1973 1st ex.s. c 116.
  - 43.96B.900 Severability—1971 ex.s. c 3.

**43.96B.010 Declaration of purpose.** The Alaska-Yukon-Pacific and the Century 21 Expositions held in Seattle in 1909 and 1962, respectively, contributed substantially to the growth of this state and the eminence which it enjoys by exhibiting to our sister states and the world at large our agriculture, trade, and manufacturing capabilities. In the almost ten years that have elapsed since Century 21, man's place in nature and his relation to his environment has become the most critical concern of our state and nation. Today all sectors of society

question man's ability to relate himself to the environment in a manner which will continue to support life on this planet. Because of this state's unique natural endowments, the state of Washington is capable of demonstrating to the nation and the world at large that man can live in harmony with his environment. It is therefore fitting that another exposition be held in the state of Washington which will demonstrate to people everywhere our great natural resources, our great forests and rivers, and our great outdoor recreational capabilities. It is also fitting that this exposition be held in the city of Spokane, the queen city of the Inland Empire, which in 1974 will celebrate the commencement of its second hundred years of growth. [1971 ex.s. c 1 § 1.]

**43.96B.020 Approval and adoption of report and recommendations.** A complete study, investigation, and report of the feasibility and desirability of such an exposition has been made and this report and its recommendations on participation of the state of Washington in such an exposition is hereby approved and adopted. [1971 ex.s. c 1 § 2.]

**43.96B.030 Name of exposition.** The exposition shall be known and called "Expo '74". [1971 ex.s. c 1 § 3.]

**43.96B.040 Expo '74 commission—Created—Membership—Meetings.** There is created the Expo '74 commission to consist of fifteen members to be selected as follows: Five by the governor, of whom one shall be designated by the governor as chairman of the commission, three by the president of the senate (lieutenant governor) and three by the speaker of the house of representatives to serve until April 30, 1975, the lieutenant governor, the speaker of the house of representatives, one member of the board of county commissioners of Spokane county to be appointed by such board, and one member of the Spokane city council to be appointed by such council. The commission shall serve without compensation and shall meet at such time as it is called by the governor or by the chairman of the commission. [1971 ex.s. c 1 § 4.]

**43.96B.050 Members may be directors of nonprofit corporation—Duty to stage exposition.** The members of the exposition commission may become directors of Expo '74, a nonprofit corporation organized under the provisions of chapter 24.03 RCW and may remain directors of the corporation as long as they are members of the commission or until their successors are appointed and qualified. The exposition commission through the nonprofit corporation shall stage an exposition in the city of Spokane during the year 1974 or as soon thereafter as deemed practical by the commission and shall carry out the purposes of the exposition by suitable exhibits. [1971 ex.s. c 1 § 5.]

**43.96B.060 Cooperation with agencies, political subdivisions, states, federal and foreign governments enjoined.** The department of commerce and economic development and the department of ecology, as well as all other interested departments and agencies, shall

cooperate with the exposition commission to the end that the exposition to be conducted by the commission shall become a memorable success.

The exposition commission and all other state departments and agencies are further enjoined to cooperate in all respects with the city of Spokane and with other departments, agencies, political subdivisions, and municipal corporations of this state. The department of commerce and economic development and the exposition commission shall cooperate with the government of the United States and with governments or agencies of other states or foreign countries or their lesser subdivisions to the extent required to secure their participation in the exposition. [1971 ex.s. c 1 § 6.]

**43.96B.070 Acquisition of site—Acquisition, lease, or construction of buildings for state use—Plans and surveys.** The state building authority is authorized to acquire by gift, purchase, lease, or condemnation a site in the city of Spokane on or in the vicinity of Havermale Island and to construct or otherwise acquire or lease a building or buildings and appurtenant improvements at a cost to the building authority to approximate but not to exceed the sum of seven million five hundred thousand dollars thereon for use by the state for purposes to be prescribed hereafter by the legislature and to be used temporarily as a portion of the grounds and a building for and exposition known as "Expo '74".

The state building authority is further authorized to make all necessary plans and surveys for such acquisition and construction and any such plans shall be subject to the approval of the department of commerce and economic development and the Expo '74 commission created by the legislature. The authority may delegate responsibility for such plans and surveys to the department of general administration or the department of commerce and economic development. The provisions of RCW 43.19.450 shall govern with regard to such delegation. [1971 ex.s. c 3 § 1.]

**43.96B.080 Acquisition of site by department of commerce and economic development.** In furtherance of the purposes of RCW 43.96B.070 through 43.96B.140 and in lieu of the acquisition of the building site by the state building authority, the department of commerce and economic development may acquire such site by gift, purchase or condemnation. [1971 ex.s. c 3 § 2.]

**43.96B.090 Lease of land by state building authority from department or construction of buildings—Lease or release of buildings to department.** The state building authority may contract with the department of commerce and economic development to lease land from such department acquired by such department for the purpose of erecting thereon the building or buildings as requested by such department for the purposes specified in RCW 43.96B.070 or the authority may, on land acquired by the authority, construct such building or buildings and appurtenant facilities. Such building or buildings, together with the land upon which it shall be built, shall be leased or released by the authority to the department of commerce and economic development at

any time prior to or subsequent to the commencement of construction thereof for a term of years not to exceed seventy-five at reasonable rental rates. [1971 ex.s. c 3 § 3.]

**43.96B.100 Leasing by department authorized.** The department of commerce and economic development is authorized to enter into a lease as provided in RCW 43.96B.070 through 43.96B.140. The lease shall provide for the building or buildings erected to become or remain the sole property of the department upon termination of the lease. [1971 ex.s. c 3 § 4.]

**43.96B.110 Rental rates.** The provisions of RCW 43.75.060 shall apply with respect to the fixing of rental rates for the building or buildings leased by the state building authority to the department of commerce and economic development. [1971 ex.s. c 3 § 5.]

**43.96B.120 Determination of building costs—Right of department to purchase buildings and land, terminate lease.** Upon the completion of construction of the building or buildings, the authority shall make a determination of the cost thereof and the amount required to reimburse the authority for its expenditures in connection therewith. The department of commerce and economic development shall have the right to purchase the interest of the authority in any building or buildings and land pertaining thereto at any time and to terminate the lease thereon by paying to the authority the amount agreed upon by the authority and the department. [1971 ex.s. c 3 § 6.]

**43.96B.130 Use of site and buildings by Expo '74 commission.** The department of commerce and economic development is authorized to lease or otherwise permit for a temporary period the site and building or buildings herein provided for to be used by the Expo '74 commission in conducting or assisting to be conducted such exposition. [1971 ex.s. c 3 § 7.]

**43.96B.140 Declaration of public purpose.** The acquisition and development of a site and the purchase, construction, or acquisition by any lawful means of the building or buildings, equipment, and appurtenances therefor suitable for use as a site for an exposition and for the future use by the state in promoting and fostering the well-being of its citizens is declared to be a state public purpose. [1971 ex.s. c 3 § 8.]

#### STATE PAVILION—BOND ISSUE

**43.96B.200 Legislative finding.** The legislature finds that an expansion of the state pavilion at Expo '74 initially authorized for construction by the 1971 legislature is consistent with the purposes of the exposition and the needs of the state of Washington in order that the facility produced will both more adequately serve the state during the exposition and as a permanent structure for the benefit of the state afterwards. [1973 1st ex.s. c 116 § 1.]

**43.96B.205 Bond issue—Authorized.** For the purpose of providing additional space for the Washington State Pavilion at Expo '74 as determined to be necessary by the Expo '74 commission, including the planning, acquisition, construction, remodeling and equipping, together with all improvements and enhancements of said project, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of two million nine hundred thousand dollars, or so much thereof as may be required, to finance the projects defined in RCW 43.96B.200 through 43.96B.245 and all costs incidental thereto. Such bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution. [1973 1st ex.s. c 116 § 2.]

**43.96B.210 Bond issue—Issuance and sale of bonds—Form, terms, conditions, etc.—Authority of state finance committee.** The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance and redemption. None of the bonds authorized in RCW 43.96B.200 through 43.96B.245 shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and notes, if any. Such bonds shall be payable at such places as the committee may provide. [1973 1st ex.s. c 116 § 3.]

**43.96B.215 Bond issue—Anticipation notes—Disposition of proceeds—Acquisition of property by Expo '74 commission authorized.** At the time the state finance committee determines to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes" Such portion of the proceeds of the sale of such bonds that may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The proceeds from the sale of bonds authorized by RCW 43.96B.200 through 43.96B.245 and any interest earned on the interim investment of such proceeds, shall be deposited in the state building construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.96B.200 through 43.96B.245 and for the payment of expenses incurred in the issuance and sale of the bonds. The Expo '74 commission is hereby authorized to acquire property, real and personal, by lease, purchase[,] condemnation or gift to achieve the objectives of chapters 1, 2, and 3, Laws of 1971 ex. sess., and RCW 43.96B.200 through 43.96B.245. The commission is further directed pursuant to RCW 43.19.450 to utilize the

department of general administration services to accomplish the purposes set forth herein. [1973 1st ex.s. c 116 § 4.]

**43.96B.220 Bond issue—Administration of proceeds.** The principal proceeds from the sale of the bonds or notes deposited in the state building construction account of the general fund shall be administered by the Expo '74 commission. [1973 1st ex.s. c 116 § 5.]

**43.96B.225 Bond issue—Redemption fund—Payment of bonds.** The state building bond redemption fund, 1973–A, is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of the principal of and interest on the bonds authorized by RCW 43.96B.200 through 43.96B.245. The state finance committee, shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in the state building bond redemption fund, 1973–A, from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues. Bonds issued under the provisions of RCW 43.96B.200 through 43.96B.245 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by a mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein. [1973 1st ex.s. c 116 § 6.]

**43.96B.230 Bond issue—Additional means of payment.** The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized herein, and RCW 43.96B.200 through 43.96B.245 shall not be deemed to provide an exclusive method for such payment. [1973 1st ex.s. c 116 § 7.]

**43.96B.235 Bond issue—Legal investment for public funds.** The bonds authorized in RCW 43.96B.200 through 43.96B.245 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body. [1973 1st ex.s. c 116 § 8.]

**43.96B.240 Appropriation.** There is hereby appropriated to the Expo '74 commission from the state building construction account of the general fund the sum of two million nine hundred thousand dollars or so much thereof as may be necessary to accomplish the purposes of RCW 43.96B.200 through 43.96B.245. [1973 1st ex.s. c 116 § 9.]

**43.96B.245 Severability—1973 1st ex.s. c 116.** 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. [1973 1st ex.s. c 116 § 10.]

**43.96B.900 Severability**—1971 ex.s. c 3. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. [1971 ex.s. c 3 § 9.]

### Chapter 43.97

#### COLUMBIA RIVER GORGE COMMISSION

##### Sections

43.97.005	Legislative finding and declaration.
43.97.010	Definition.
43.97.020	Commission created—Members—Terms—Vacancies.
43.97.030	Preparation of plan to carry out purpose of chapter—Implementation.
43.97.040	Powers and duties—Limitation.
43.97.060	Travel expenses.
43.97.070	Environmental impact statements filed with commission.
43.97.080	Staff services of office of planning and community affairs—Authorized.
43.97.090	Washington portion of Columbia River Gorge—Jurisdiction.
43.97.900	Severability—1975 1st ex.s. c 48.

**43.97.005 Legislative finding and declaration.** The legislature finds that a portion of the Columbia River Gorge is among the most valuable of the state's natural resources and that there is great concern throughout the state relating to its utilization, protection, preservation and restoration. The legislature, therefore, declares that portion of the Columbia River Gorge beginning at the western-most boundary of the Columbia River Gorge as described in RCW 43.97.090 and extending easterly to include all of Section 17 and the west halves of Sections 9 and 4 in Township 2 North, Range 13 East, to be an area of state-wide significance, wherein preference shall be given to uses which:

- (1) Recognize and protect the state-wide interest.
- (2) Result in long term rather than short term benefit.
- (3) Protect the resources and ecology of the Gorge.
- (4) Increase public access to publicly owned areas.
- (5) Increase recreational opportunities for the public.
- (6) Explore economic utilization.

The legislature further declares that all agencies of state and local government, shall, in their planning and management, give full consideration to the environmental protection and economic utilization of the Columbia River Gorge, and the best interests of the state and people in general, in conformity with the plan to be prepared pursuant to RCW 43.97.030. [1975 1st ex.s. c 48 § 4.]

**43.97.010 Definition.** As used in this chapter unless the context requires otherwise, "commission" means the Columbia River Gorge commission. [1965 c 8 § 43.97.010. Prior: 1959 c 74 § 1.]

**43.97.020 Commission created—Members—Terms—Vacancies.** There is hereby created a nonpartisan and nonsalaried commission to be known as the

Columbia River Gorge commission consisting of six members three of whom are residents of Skamania county, two of whom are residents of Klickitat county, and one of whom is a resident of Clark county, to be appointed by the governor for six year terms and who shall be removable at his pleasure. The term of office shall commence January 1st of the year of appointment; provided original terms shall be of such length as to require appointment of one member to the commission annually: *Provided*, That the terms of any present members of the commission shall not be reduced because of the provisions of \*this 1975 amendatory act. Vacancies shall be filled for the unexpired term in the same manner as other appointments are made. [1975 1st ex.s. c 48 § 1; 1965 c 8 § 43.97.020. Prior: 1959 c 74 § 2.]

\*Reviser's note: "this 1975 amendatory act" consists of RCW 43.97.005, 43.97.060-43.97.090, 43.97.900, amendments to RCW 43.97.020-43.97.040, and the repeal of RCW 43.97.050.

**43.97.030 Preparation of plan to carry out purpose of chapter—Implementation.** For the purpose of preserving, developing and protecting the scenic, historical and geological qualities of the Columbia River Gorge in a manner which provides for environmental protection and for economic utilization within the Gorge, the commission shall be responsible for preparation of a plan to accomplish the purpose of this chapter. In carrying out this responsibility, the commission is directed to act as an advisory and coordinating body for the involvement of affected local, state and federal agencies and of private entities for the development of the plan, which shall be submitted to the governor for his consideration and approval. The plan may then be implemented by local government ordinances and by the services of existing state agencies acting within their respective areas of normal responsibility. [1975 1st ex.s. c 48 § 2; 1965 c 8 § 43.97.030. Prior: 1959 c 74 § 3.]

**43.97.040 Powers and duties—Limitation.** The commission shall have the following duties and powers:

(1) To acquire land in the name of the state by purchase, exchange, transfer, gift, or devise, but shall not have the right of eminent domain.

(2) To make expenditures, from available funds for the development, protection, and maintenance of land and property under its control.

(3) To enter into such contracts as are necessary to carry out the provisions of this chapter.

(4) To assist, coordinate, and cooperate with other agencies and political subdivisions of the state, state agencies and political subdivisions of the state of Oregon, the federal government, special purpose districts, private organizations and individuals to the extent necessary to carry out the provisions of this chapter.

(5) To receive any gifts, either inter vivos or testamentary in character.

(6) To review and comment on all environmental impact statements regarding developments within the Columbia River Gorge as defined in this chapter. [1975 1st ex.s. c 48 § 3; 1965 c 8 § 43.97.040. Prior: 1959 c 74 § 4.]

**43.97.060 Travel expenses.** Members of the commission shall receive reimbursement for travel expenses incurred by them in the performance of the duties of the commission as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [1975-'76 2nd ex.s. c 34 § 124; 1975 1st ex.s. c 48 § 5.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.97.070 Environmental impact statements filed with commission.** All environmental impact statements relating to projects within the Columbia River Gorge as defined in this chapter shall be filed with the commission. [1975 1st ex.s. c 48 § 6.]

**43.97.080 Staff services of office of planning and community affairs—Authorized.** The office of planning and community affairs is hereby authorized to provide certain staff services from its existing personnel as are feasible and necessary to assist the commission to perform its duties and powers as set forth in the provisions of this chapter. [1975 1st ex.s. c 48 § 7.]

**43.97.090 Washington portion of Columbia River Gorge—Jurisdiction.** As used in this chapter unless the context requires otherwise, the Washington portion of the Columbia River Gorge means the eighty-four mile strip along the Washington shore of the Columbia river, and including the islands in the Washington portion of the Columbia river, incorporating the visual basin, consisting of the area falling within the approximate line of sight from interstate highway 80 North to the hillcrests running along the course of the Columbia river between Reed Island and Miller Island, and including all the area between state road No. 14 and the river bank, including all islands and portions thereof lying within the Washington portion of the Columbia river between Reed Island and Miller Island in Klickitat county.

The area over which the Columbia River Gorge commission shall have jurisdiction as set forth in this chapter, shall be particularly described as follows:

All islands and portions thereof lying within the Washington portion of the Columbia river beginning with and including Reed Island in the west, and running to Miller Island in the east as well as the mainland portion of the Washington portion of the Columbia River Gorge which is an area described as follows:

In township 1 north, range 4 east: All of section 21, township 1 north, range 4 east, lying east of Cottonwood Point on the bank of the Columbia; that portion of section 16 lying to the east of a line beginning at Cottonwood Point and running north for approximately five-eighths of a mile, and thence east for approximately one-eighth of a mile, and thence north to the north section line of section 16; all of section 22; all of section 15; all of section 23; all of section 14; all of section 24; and all of section 13.

In township 1 north, range 5 east: All of section 19, township 1 north, range 5 east; The southern half and the northwest quarter of section 18; all of section 20; all of section 17; all of section 16; the southern half and the

northeast quarter of section 9; all of section 15; all of section 10; the southeast quarter of section 3; all of section 11; all of section 2; all of section 12; and all of section 1.

In township 2 north, range 5 east: The southern half and the northeast quarter of section 36, township 2 north, range 5 east.

In township 1 north, range 6 east: All of section 6, township 1 north, range 6 east; all of section 5; all of section 4; and all of section 3.

In township 2 north, range 6 east: All of section 31, township 2 north, range 6 east; the southeast quarter of section 30; all of section 32; the southern half and the northeast quarter of section 29; all of section 33; the southern half and the northwest quarter of section 28; all of section 34; the southern half of section 27; all of section 35; all of section 26; the eastern half of section 23; the southeast quarter of section 14; all of section 36; all of section 25; all of section 24; and the southern half of section 13.

In township 2 north, range 7 east: All of section 30, township 2 north, range 7 east; all of section 19; all of section 18; all of section 29; all of section 20; all of section 17; the southeast quarter of section 18; all of section 21; all of section 16; all of section 22; the southern half of section 15; all of section 14; all of section 11; all of section 2; and all of section 1.

In township 3 north, range 7 east: The southeast quarter of section 35, township 3 north, range 7 east; all of section 36; and the southeast quarter of section 25.

In township 3 north, range 7 1/2 east: All of section 36, township 3 north, range 7 1/2 east; and the southern half of section 25.

In township 3 north, range 8 east: All of section 31, township 3 north, range 8 east; the southern half and the northeast quarter of section 30; all of section 32; all of section 29; all of section 28; all of section 34; the southern half and the northwest quarter of section 27; all of section 35; the southern half of section 26; all of section 36; and the southwest quarter of section 25.

In township 3 north, range 9 east: All of section 31, township 3 north, range 9 east; the southeast quarter of section 30; all of section 32; the southern half and the northeast quarter of section 29; all of section 33; all of section 28; the southern half of section 21; all of section 34; all of section 27; the southern half of section 22; all of section 35; all of section 26; the southern half of section 23; all of section 36; and all of section 25.

In township 3 north, range 10 east: All of section 30, township 3 north, range 10 east; the southern half of section 19; all of section 29; the southern half and the northeast quarter of section 20; the eastern half of section 17; the southeast quarter of section 8; all of section 28; all of section 21; all of section 16; the southern half of section 9; all of section 22; all of section 15; the southern half of section 10; all of section 23; all of section 14; the southern half of section 11; all of section 25; and the southern half and the northwest quarter of section 24.

In township 3 north, range 11 east: All of section 31, township 3 north, range 11 east, all of section 30; the southern half and the northeast quarter of section 19; all



of section 32; all of section 29; all of section 20; the southwest quarter of section 17; all of section 33; the southern half and the northwest quarter of section 28; all of section 34; all of section 35; the southeast quarter of section 26; all of section 36; and the southern half of section 25.

In township 2 north, range 12 east: All of section 3, township 2 north, range 12 east; all of section 2; all of section 12; and all of section 1.

In township 3 north, range 12 east: All of section 31, township 3 north, range 12 east; the southern half of section 30; all of section 32; the southern half of section 29; all of section 33; the southeast quarter of section 28; all of section 34; the southwest quarter of section 27; and the southern half of section 35.

In township 2 north, range 13 east: All of section 7, township 2 north, range 13 east; all of section 6; all of section 17; all of section 8; all of section 5; the western half of section 9; and the western half of section 4.

In township 2 north, range 6 east: The eastern half of section 4, township 2 north, range 6 east; the eastern half of section 15; the southeastern quarter and the northern half of section 10; all of section 3; the western half of section 23; the southwestern quarter and the northern half of section 14; all of section 11; all of section 2; the northern half of section 13; all of section 12; and all of section 1.

In township 3 north, range 6 east: The southwestern quarter of section 34, township 3 north, range 6 east; all of section 36; and the southeastern quarter of section 25.

In township 2 north, range 7 east: All of section 7, township 2 north, range 7 east; all of section 6; the southwestern quarter and the northern half of section 8; all of section 5; all of section 9; all of section 4; the northern half of section 15; all of section 10; and all of section 3.

In township 3 north, range 7 east: All of section 31, township 3 north, range 7 east; all of section 30; all of section 32; the southern half and the northwest quarter of section 29; all of section 33; the southern half and the northeastern quarter of section 28; the southeastern quarter of section 21; all of section 34; all of section 27; the southern half of section 22; the southwestern quarter and the northern half of section 35; all of section 26; the southern half of section 23; the southwestern quarter and the northern half of section 25; and the southern half of section 24.

In township 3 north, range 8 east: The southeastern quarter of section 21, township 3 north, range 8 east; the northeastern quarter of section 27; all of section 22; the southern half of section 15; the northern half of section 26; all of section 23; the southeastern quarter and the northern half of section 25; all of section 24; and the southern half of section 13.

In township 3 north, range 9 east: The southwestern quarter and the northern half of section 30, township 3 north, range 9 east; all of section 19; all of section 18; the southern half of section 7; the northwestern quarter of section 29; the western half of section 20; and the western half of section 17.

In township 3 north, range 11 east: The northeastern quarter of section 28, township 3 north, range 11 east;

the southeastern quarter of section 21; all of section 27; the southern half and the northeastern quarter of section 22; the southwestern quarter and the northern half of section 26; all of section 23; the southeastern quarter of section 14; the northern half of section 25; all of section 24; and the southern half of section 13.

In township 3 north, range 12 east: The northern half of section 30, township 3 north, range 12 east; all of section 19; all of section 18; the northwestern quarter of section 29; all of section 20; and the southern half and the northwestern quarter of section 17.

In township 2 north, range 13 east: All of section 33, township 2 north, range 13 east; all of section 28; all of section 21; all of section 16; the eastern half of section 9; the eastern half of section 4; all of section 34; all of section 27; all of section 22; all of section 15; all of section 10; all of section 3; all of section 35; all of section 26; all of section 23; all of section 14; all of section 11; all of section 2; all of section 36; all of section 25; all of section 24; all of section 13; all of section 12; and all of section 1.

In township 3 north, range 13 east: The southern half of section 34, township 3 north, range 13 east; the southern half and the northeastern quarter of section 35; and all of section 36.

In township 2 north, range 14 east: All of section 30, township 2 north, range 14 east; all of section 19; all of section 18; all of section 7; all of section 6; all of section 20; all of section 17; all of section 8; all of section 5; all of section 16; all of section 9; all of section 4; all of section 15; all of section 10; all of section 3; all of section 14; all of section 11; all of section 2; all of section 13; all of section 12; and all of section 1.

In township 3 north, range 14 east: All of section 31, township 3 north, range 14 east; all of section 32; and the southern half of section 33.

In township 2 north, range 15 east: All of section 18, township 3 north, range 15 east; all of section 7; all of section 6; all of section 17; all of section 8; the southern half and the northwestern quarter of section 5; all of section 16; all of section 9; the southern half of section 4; all of section 22; all of section 15; all of section 10; the southern half of section 3; all of section 23; all of section 14; all of section 11; and the southern half and the northeastern quarter of section 2. [1975 1st ex.s. c 48 § 8.]

**43.97.900 Severability**—1975 1st ex.s. c 48. If any provision of this 1975 amendatory 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. [1975 1st ex.s. c 48 § 10.]

**Chapter 43.98  
OUTDOOR RECREATIONAL FACILITIES**

Sections	
43.98.010	General obligation bonds authorized.
43.98.020	Disposition of proceeds of sale.
43.98.030	Bonds payable from proceeds of corporation fees.
43.98.040	Outdoor recreational bond redemption fund.
43.98.050	Remedies of bondholders.

- 43.98.060 Legislature may provide additional means of support.  
 43.98.070 Bonds legal investment for funds of state and municipal corporations.  
 43.98.080 Undertaking to impose corporation fees—Use, proration of one-half of proceeds.  
 43.98.090 Consent of world fair bondholders prerequisite to issuance of bonds authorized by this chapter.

*Marine recreation land act: Chapter 43.99 RCW.*

**43.98.010 General obligation bonds authorized.** For the purpose of providing funds for the development of outdoor recreational facilities in the state, the state finance committee is hereby authorized to issue, at any time prior to January 1, 1970, general obligation bonds of the state of Washington in the sum of ten million dollars, or so much thereof as shall be required to finance the program for which these bonds are being authorized: *Provided*, That funds realized from the sale of such bonds shall be used solely for the acquisition of land and attached appurtenances and such property shall be for outdoor recreational use.

The state finance committee is authorized to prescribe the form of such bonds and the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. [1965 c 8 § 43.98.010. Prior: 1963 ex.s. c 12 § 1.]

**43.98.020 Disposition of proceeds of sale.** The proceeds from the sale of the bonds authorized herein shall be deposited in the parks and parkways account of the general fund or such other account or fund as shall be established for this purpose. Any agency or commission charged with the administration of the account or fund is authorized to use or permit the use of any funds derived from the sale of bonds authorized under this chapter as matching funds in any case where federal or other funds are made available on a matching basis for projects within the purposes of this chapter. [1965 c 8 § 43.98.020. Prior: 1963 ex.s. c 12 § 2.]

*Outdoor recreation account, deposit of proceeds in: RCW 43.99.060.*

**43.98.030 Bonds payable from proceeds of corporation fees.** The bonds issued under the provisions of this chapter shall be payable from the proceeds of one-half of the corporation fees collected under all the provisions of chapter 70, Laws of 1937, as now or hereafter amended. The bonds and interest shall, so long as any portion thereof remains unpaid, constitute a prior and exclusive claim, subject only to amounts previously pledged for the payment of interest on and retirement of bonds heretofore issued, upon that portion of the corporation fees so collected. [1965 c 8 § 43.98.030. Prior: 1963 ex.s. c 12 § 3.]

**Reviser's note:** Chapter 70, Laws of 1937 referred to above is affected by chapter 53, Laws of 1965 which enacts a new corporations code effective July 1, 1967 (Title 23A RCW). Section 166 thereof repeals it subject to the savings and continuation provision contained in section 165 which reads as follows: "Nothing contained in this act shall

be construed as an impairment of any obligation of the state as evidenced by bonds held for any purpose, and subsections 2 and 13 of section 135, subsections 1 and 2 of section 136, and sections 137, 138, 139, 140, 141, 142, 146, and 147 shall be deemed to be a continuation of chapter 70, Laws of 1937, as amended, for the purpose of payment of:

(1) world's fair bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961, and

(2) outdoor recreation bonds authorized by referendum bill number 11 (chapter 12, Laws of 1963 extraordinary session), approved by the people on November 3, 1964."

**43.98.040 Outdoor recreational bond redemption fund.** The outdoor recreational bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. [1965 c 8 § 43.98.040. Prior: 1963 ex.s. c 12 § 4.]

**43.98.050 Remedies of bondholders.** The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein. [1965 c 8 § 43.98.050. Prior: 1963 ex.s. c 12 § 5.]

**43.98.060 Legislature may provide additional means of support.** The legislature may provide additional means for raising moneys for the payment of the interest and principal of the bonds authorized herein and this chapter shall not be deemed to provide an exclusive method for such payment. [1965 c 8 § 43.98.060. Prior: 1963 ex.s. c 12 § 6.]

**43.98.070 Bonds legal investment for funds of state and municipal corporations.** The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations. [1965 c 8 § 43.98.070. Prior: 1963 ex.s. c 12 § 7.]

**43.98.080 Undertaking to impose corporation fees—Use, proration of one-half of proceeds.** See RCW 43.31.620 and 43.31.740.

**43.98.090 Consent of world fair bondholders prerequisite to issuance of bonds authorized by this chapter.** No bonds authorized by this chapter shall be issued until there shall first be obtained and filed in the office of the state finance committee the written consent of the holders of all outstanding bonds issued under authority of chapter 174, Laws of 1957, as amended by chapter 152, Laws of 1961, to the changes effected by this chapter and the 1963 amendments of RCW 43.31.620 and 43.31.740 in the order of priority of payment of said world fair bonds out of the proceeds of the corporation fees collected under chapter 70, Laws of 1937 as amended. [1965 c 8 § 43.98.090. Prior: 1963 ex.s. c 12 § 10.]

**Reviser's note:** See note following RCW 43.98.030.

**Chapter 43.99**  
**MARINE RECREATION LAND—INTERAGENCY**  
**COMMITTEE FOR OUTDOOR RECREATION**

**Sections**

- 43.99.010 Purpose.  
 43.99.020 Definition of terms.  
 43.99.030 Determination of proportion of motor vehicle fuel tax moneys derived from tax on marine fuel—Studies—Costs.  
 43.99.040 Marine fuel tax refund account—Motor vehicle fund moneys derived from tax on marine fuel—Refunding and placement in marine fuel tax refund account—Exception.  
 43.99.050 Marine fuel tax refund account—Claims for refunds paid from.  
 43.99.060 Outdoor recreation account—Deposits.  
 43.99.070 Outdoor recreation account—Transfers of moneys to from marine fuel tax account.  
 43.99.080 Outdoor recreation account—Distribution of moneys transferred.  
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 43.99.100 Conversion of marine recreation land to other uses—Approval—Substitution.  
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 43.99.120 Plans for public outdoor recreation land acquisition or improvement—Contents—Submission—Recommendations.  
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 43.99.124 Participation in federal programs—Authority.  
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 43.99.130 Assistance furnished by state departments—Employment of administrator and personnel.  
 43.99.135 Washington state recreation trails system, duties of interagency committee for outdoor recreation.  
 43.99.150 Appropriations by subsequent legislatures.  
 43.99.900 Severability—1965 c 5.  
 43.99.910 Short title.

**Reviser's note:** (1) Throughout this chapter "director of licenses" and "department of licenses" have been changed to read "director of motor vehicles" and "department of motor vehicles" under the authority of chapter 156, Laws of 1965.

(2) Chapter 5, Laws of 1965, codified herein was Initiative Measure No. 215 which was adopted by the people November 3, 1964, and was declared effective law by proclamation signed by the governor on December 3, 1964.

*Disposition of ATV registration fees: RCW 46.09.110.*

*Outdoor recreation account moneys appropriated, 1971 act: See note following RCW 46.09.010.*

*Outdoor recreational facilities: Chapter 43.98 RCW.*

**43.99.010 Purpose.** Washington is uniquely endowed with fresh and salt waters rich in scenic and recreational value. This outdoor heritage enriches the lives of citizens, attracts new residents and businesses to the state, and is a major support of its expanding tourist industry. Rising population, increased income and leisure time, and the rapid growth of boating and other water sports have greatly increased the demand for water related recreation, while waterfront land is rapidly rising in value and disappearing from public use. There is consequently an urgent need for the acquisition or improvement of waterfront land on fresh and salt water suitable for marine recreational use by Washington residents and visitors. To meet this need, it is necessary and proper that the portion of motor vehicle fuel taxes paid by boat

owners and operators on fuel consumed in their watercraft and not reclaimed as presently provided by law should be expended for the acquisition or improvement of marine recreation land on the Pacific Ocean, Puget Sound, bays, lakes, rivers, reservoirs and other fresh and salt waters of the state. [1965 c 5 § 1.]

**43.99.020 Definition of terms.** Definitions: As used in this chapter:

(1) "Marine recreation land" means any land with or without improvements which (a) provides access to, or in whole or in part borders on, fresh or salt water suitable for recreational use by watercraft, or (b) may be used to create, add to, or make more usable, bodies of water, waterways, or land, for recreational use by watercraft.

(2) "Public body" means any county, city, town, port district, park and recreation district, metropolitan park district, or other municipal corporation which is authorized to acquire or improve public outdoor recreation land, and shall also mean Indian tribes now or hereafter recognized as such by the federal government for participation in the land and water conservation program.

(3) "Tax on marine fuel" means motor vehicle fuel tax which is (a) tax on fuel used in, or sold or distributed for use in, any watercraft, (b) refundable pursuant to chapter 82.36 RCW, and (c) paid to the director of motor vehicles with respect to taxable sales, distributions, or uses occurring on or after December 3, 1964.

(4) "Watercraft" means any boat, vessel, or other craft used for navigation on or through water.

(5) "Committee" means the interagency committee for outdoor recreation. [1972 ex.s. c 56 § 1; 1965 c 5 § 2.]

**Construction—1972 ex.s. c 56:** "The provisions of this 1972 amendatory act are intended to be remedial and procedural and shall be construed to apply retroactively." [1972 ex.s. c 56 § 2.] This applies to the 1972 ex.s. amendment to this section.

**43.99.030 Determination of proportion of motor vehicle fuel tax moneys derived from tax on marine fuel—Studies—Costs.** From time to time, but at least once each four years, the director of motor vehicles shall determine the amount or proportion of moneys paid to him as motor vehicle fuel tax which is tax on marine fuel. The director shall make or authorize the making of studies, surveys, or investigations to assist him in making such determination, and shall hold one or more public hearings on the findings of such studies, surveys, or investigations prior to making his determination. The studies, surveys, or investigations conducted pursuant to this section shall encompass a period of twelve consecutive months each time. The final determination by the director shall be implemented as of the first day of the calendar month, which date falls closest to the midpoint of the time period for which the study data were collected. The director may delegate his duties and authority under this section to one or more persons of the department of motor vehicles if he finds such delegation necessary and proper to the efficient performance of these duties. Costs of carrying out the provisions of this section shall be paid from the marine fuel tax

refund account created in RCW 43.99.040, upon legislative appropriation. [1975-'76 2nd ex.s. c 50 § 1; 1969 ex.s. c 74 § 1; 1965 c 5 § 3.]

**43.99.040 Marine fuel tax refund account—Motor vehicle fund moneys derived from tax on marine fuel—Refunding and placement in marine fuel tax refund account—Exception.** There is created the marine fuel tax refund account in the general fund. From time to time, but at least once each biennium, the director of motor vehicles shall request the state treasurer to refund from the motor vehicle fund amounts which have been determined to be tax on marine fuel. The state treasurer shall refund such amounts and place them in the marine fuel tax refund account to be held for those entitled thereto pursuant to chapter 82.36 RCW and RCW 43.99.050, except that he shall not refund and place in the marine fuel tax refund account for any period for which a determination has been made pursuant to RCW 43.99.030 more than the greater of the following amounts: (1) an amount equal to two percent of all moneys paid to him as motor vehicle fuel tax for such period, (2) an amount necessary to meet all approved claims for refund of tax on marine fuel for such period. [1965 c 5 § 4.]

**43.99.050 Marine fuel tax refund account—Claims for refunds paid from.** Claims submitted pursuant to chapter 82.36 RCW for refund of tax on marine fuel which has been placed in the marine fuel tax refund account shall, if approved, be paid from that account. [1965 c 5 § 5.]

**43.99.060 Outdoor recreation account—Deposits.** There is created the outdoor recreation account in the general fund, in which shall be deposited all moneys received from the marine fuel tax refund account pursuant to RCW 43.99.070, the proceeds of the bond issue authorized by chapter 12, Laws of 1963, extraordinary session, and any moneys made available to the state of Washington by the federal government for outdoor recreation not specifically designated for another fund or agency.

Grants, gifts, or other financial assistance awarded or designated for a particular purpose, or proceeds received from public bodies as administrative cost contributions, may be received and, when appropriated by the legislature, may be expended in accordance with the general budget and accounting act. [1967 ex.s. c 62 § 1; 1965 c 5 § 6.]

**Reviser's note:** 'chapter 12 RCW, Laws of 1963, extraordinary session' is codified as chapter 43.98 RCW, RCW 43.31.620 and 43.31.740.

**43.99.070 Outdoor recreation account—Transfers of moneys to from marine fuel tax account.** Upon expiration of the time limited by RCW 82.36.330 for claiming of refunds of tax on marine fuel, the state of Washington shall succeed to the right to such refunds. From time to time, but at least once each biennium, the director of motor vehicles, after taking into account past and anticipated claims for refunds from and deposits to

the marine fuel tax refund account and the costs of carrying out the provisions of RCW 43.99.030, shall request the state treasurer to transfer to the outdoor recreation account such of the moneys in the marine fuel tax refund account as shall not be required for payment of such refund claims or costs, and the state treasurer shall make such transfer. [1965 c 5 § 7.]

**43.99.080 Outdoor recreation account—Distribution of moneys transferred.** Moneys transferred to the outdoor recreation account from the marine fuel tax refund account may be used when appropriated by the legislature, as well as any federal or other funds now or hereafter available, to pay the necessary administrative and coordinative costs of the interagency committee for outdoor recreation established by RCW 43.99.110. All moneys so transferred, except those appropriated as aforesaid, shall be divided into two equal shares and shall be used to benefit watercraft recreation in this state as follows:

(1) One share by the state for (a) acquisition of title to, or any interests or rights in, marine recreation land, (b) capital improvement of marine recreation land, or (c) matching funds in any case where federal or other funds are made available on a matching basis for purposes described in (a) or (b);

(2) One share as grants to public bodies to help finance (a) acquisition of title to, or any interests or rights in, marine recreation land, or (b) capital improvement of marine recreation land. A public body is authorized to use a grant, together with its own contribution, as matching funds in any case where federal or other funds are made available for purposes described in (a) or (b). The committee may prescribe further terms and conditions for the making of grants in order to carry out the purposes of this chapter. [1971 ex.s. c 140 § 1; 1965 ex.s. c 136 § 1; 1965 c 5 § 8.]

**43.99.095 Interest on funds granted by committee to be returned to outdoor recreation account.** Interest earned on funds granted or made available by the committee shall not be expended by the recipient but shall be returned to the outdoor recreation account of the general fund for disbursement by the committee in accordance with general budget and accounting procedure. [1967 ex.s. c 62 § 7.]

**43.99.100 Conversion of marine recreation land to other uses—Approval—Substitution.** Marine recreation land with respect to which money has been expended under RCW 43.99.080 shall not, without the approval of the committee, be converted to uses other than those for which such expenditure was originally approved. The committee shall only approve any such conversion upon conditions which will assure the substitution of other marine recreation land of at least equal fair market value at the time of conversion and of as nearly as feasible equivalent usefulness and location. [1965 c 5 § 10.]

**43.99.110 Interagency committee for outdoor recreation—Created—Membership—Terms—Travel**

**expenses.** There is created the interagency committee for outdoor recreation consisting of the commissioner of public lands, the director of parks and recreation, the director of game, the director of fisheries, the director of highways, and the director of commerce and economic development, the director of the department of ecology, and, by appointment of the governor, five members from the public at large who have a demonstrated interest in and a general knowledge of outdoor recreation in the state. The terms of members appointed from the public at large shall commence on January 1st of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies which shall be for the remainder of the unexpired term; provided the first such members shall be appointed for terms as follows: One member for one year, two members for two years, and two members for three years. The governor shall appoint one of the members from the public at large to serve as chairman of the committee for the duration of the member's term. Members employed by the state shall serve without additional pay and participation in the work of the committee shall be deemed performance of their employment. Members from the public at large shall serve without pay, but shall be entitled to reimbursement individually for travel expenses incurred in performance of their duties as members of the committee in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [1975-'76 2nd ex.s. c 34 § 125; 1971 c 60 § 1; 1967 ex.s. c 62 § 2; 1965 c 5 § 11.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

*Construction and maintenance of outdoor recreation facilities by department of natural resources, review by interagency committee for outdoor recreation: RCW 43.30.300.*

*Energy facility site evaluation council, membership: RCW 80.50.030.*

**43.99.120 Plans for public outdoor recreation land acquisition or improvement—Contents—Submission—Recommendations.** Any public body or any agency of state government authorized to acquire or improve public outdoor recreation land which desires funds from the outdoor recreation account shall submit to the committee a six-year plan for developing outdoor recreation facilities within its authority and detailed plans for the projects sought to be financed from the outdoor recreation account, including estimated cost and such other information as the committee may require. The committee shall analyze all proposed plans and projects, and, except as provided in \*RCW 43.99.140, shall recommend to the governor for inclusion in the budget such projects as it may approve and find to be consistent with an orderly plan for the acquisition and improvement of outdoor recreation lands in the state. [1965 c 5 § 12.]

**\*Reviser's note:** "RCW 43.99.140" was repealed by 1971 ex.s. c 140 § 3.

**43.99.122 Comprehensive plan for development of outdoor recreation resources.** The committee subject to the authority and responsibility of the state planning agency is authorized to prepare, maintain, and keep up-

to-date a comprehensive plan for the development of the outdoor recreation resources of the state. [1967 ex.s. c 62 § 4.]

**43.99.124 Participation in federal programs—Authority.** The committee may apply to any appropriate agency or officer of the United States for participation in or the receipt of aid from any federal program respecting outdoor recreation not specifically designated for another fund or agency. It may enter into contracts and agreements with the United States or any appropriate agency thereof, keep financial and other records relating thereto, and furnish to appropriate officials and agencies of the United States such reports and information as may be reasonably necessary to enable such officials and agencies to perform their duties under such programs. [1967 ex.s. c 62 § 5.]

**43.99.126 Commitments or agreements forbidden unless sufficient funds available—Agreements with federal agencies on behalf of state or local agencies—Conditions.** The committee for outdoor recreation shall make no commitment nor enter into any agreement until it has determined that sufficient funds are available to meet project costs. It is the legislative intent that, to such extent as may be necessary to assure the proper operation and maintenance of areas and facilities acquired or developed pursuant to any program participated in by this state under authority of this chapter, such areas and facilities shall be publicly maintained for outdoor recreation purposes. When requested by a state agency or public body, the committee may enter into and administer agreements with the United States or any appropriate agency thereof for planning, acquisition, and development projects involving participating federal-aid funds on behalf of any state agency, public body, or subdivision of this state: *Provided*, That recipients of funds give necessary assurances to the committee that they have available sufficient matching funds to meet their shares, if any, of the cost of the project and that the acquired or developed areas will be operated and maintained at the expense of such state agency, public body, or subdivision for public outdoor recreation use. [1967 ex.s. c 62 § 6.]

**43.99.130 Assistance furnished by state departments—Employment of administrator and personnel.** When requested by the committee, members employed by the state shall furnish assistance to the committee from their departments for the analysis and review of proposed plans and projects, and such assistance shall be a proper charge against the appropriations to the several agencies represented on the committee. Assistance may be in the form of money, personnel, or equipment and supplies, whichever is most suitable to the needs of the committee.

The committee shall employ an administrator and may employ an assistant administrator to serve at the pleasure of the committee and shall appoint such professional, technical, and clerical personnel and other assistants and employees as may be necessary to carry out the

work of the committee. [1967 ex.s. c 62 § 3; 1965 c 5 § 13.]

**43.99.135 Washington state recreation trails system, duties of interagency committee for outdoor recreation.** See chapter 67.32 RCW.

**43.99.150 Appropriations by subsequent legislatures.** The 1967 and subsequent legislatures shall appropriate funds requested in the budget for state agencies from the outdoor recreation account directly to the state agencies which are to expend such funds, and shall appropriate funds requested in the budget for grants to public bodies from the outdoor recreation account to the committee for allocation and disbursement. [1965 c 5 § 15.]

**43.99.900 Severability—1965 c 5.** If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected. [1965 c 5 § 17.]

**43.99.910 Short title.** This chapter shall be known and may be cited as the Marine Recreation Land Act of 1964. [1965 c 5 § 18.]

### Chapter 43.99A OUTDOOR RECREATIONAL AREAS AND FACILITIES—1967 BOND ACT

#### Sections

- 43.99A.010 Declaration of purpose.
- 43.99A.020 General obligation bonds authorized.
- 43.99A.030 Form of bonds—Rate of interest—Sale and issuance.
- 43.99A.040 Full faith and credit of state pledged—Call prior to due date—Facsimile signatures.
- 43.99A.050 Disposition of proceeds of sale.
- 43.99A.060 Outdoor recreational bond redemption fund of 1967—Created—Use—Sales tax revenues deposited in.
- 43.99A.070 Proceeds from sale of bonds—Administration—Disposition and use.
- 43.99A.080 Construction of phrase "acquisition and development of outdoor recreational areas and facilities".
- 43.99A.090 Legislature may provide additional means for payment of bonds.
- 43.99A.100 Bonds legal investment for funds of state and municipal corporations.
- 43.99A.110 Referral to electorate.

*Outdoor recreational facilities—1963 bond act: Chapter 43.98 RCW.*

**43.99A.010 Declaration of purpose.** The state of Washington possesses unsurpassed natural wealth in the form of mountains, forests, and waters, ideal not only for recreation, but for supplying the special kind of spiritual regeneration that only close association with the outdoors can provide. As the state grows in population, this wilderness is increasingly threatened; prompt action is necessary to preserve it before much of it permanently disappears. Further, the physical expansion of our cities and towns has made it imperative that outdoor breathing space be set aside and permanently reserved for the people who live in them. Such breathing space may take the form of "green belts" especially planned to relieve the monotony of miles of uninterrupted urban or suburban

development, or it may take the form of traditional parks. In any case, it must be acquired as soon as possible, while land is still available; and where appropriate, this land must be developed in order to meet the recreational needs of growing numbers of potential users. [1967 ex.s. c 126 § 1.]

**43.99A.020 General obligation bonds authorized.** For the purpose of providing funds for the acquisition and development of outdoor recreational areas and facilities in this state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of forty million dollars or so much thereof as may be required to finance the projects described in RCW 43.99A.070 and 43.99A.080. These bonds shall be paid and discharged within twenty years of the date of issuance. [1970 ex.s. c 40 § 1; 1967 ex.s. c 126 § 2.]

**Adoption and ratification—1970 ex.s. c 40:** The amendment to RCW 43.99A.020 and 43.99A.030 by 1970 ex.s. c 40 was adopted and ratified by the people at the November 3, 1970 general election (Referendum Bill No. 21).

**Effective, when—1970 ex.s. c 40:** "Sections 1 and 2 of this 1970 amendatory act shall not become effective unless this act is adopted and ratified at the referendum election provided for in section 3 of this 1970 amendatory act." [1970 ex.s. c 40 § 4.] The above annotations together with RCW 43.99A.020 and 43.99A.030 as amended in 1970 ex.s. c 40 constitute "this 1970 amendatory act"

**Referral of act to electorate, when—1970 ex.s. c 40:** "In the event all of the bonds authorized by RCW 43.99A.010 through 43.99A.110 have not been issued on or before September 2, 1970, then this act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1970, in accordance with the provisions of section 3, Article VIII of the state Constitution; and in accordance with the provisions of section 1, Article II of the state Constitution as amended, and the laws adopted to facilitate the operation thereof." [1970 ex.s. c 40 § 3.]

**43.99A.030 Form of bonds—Rate of interest—Sale and issuance.** The state finance committee is authorized to prescribe the form of the bonds, the maximum rate of interest the same shall bear, the time of sale of all or any portion of them, and the conditions of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value. [1970 ex.s. c 40 § 2; 1967 ex.s. c 126 § 3.]

**Reviser's note:** See notes following RCW 43.99A.020.

**43.99A.040 Full faith and credit of state pledged—Call prior to due date—Facsimile signatures.** The bonds shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to their due date under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds. [1967 ex.s. c 126 § 4.]

**43.99A.050 Disposition of proceeds of sale.** The proceeds from the sale of bonds authorized by this chapter shall be deposited in the outdoor recreation account of the general fund and shall be used exclusively for the purposes of carrying out the provisions of the chapter

and for payment of the expense incurred in the issuance and sale of the bonds. [1967 ex.s. c 126 § 5.]

**43.99A.060 Outdoor recreational bond redemption fund of 1967—Created—Use—Sales tax revenues deposited in.** The outdoor recreational bond redemption fund of 1967 is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the outdoor recreational bond redemption fund from moneys transmitted to the state treasurer by the department of revenue and certified by the department of revenue to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest.

The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein. [1971 c 37 § 1; 1967 ex.s. c 126 § 6.]

**43.99A.070 Proceeds from sale of bonds—Administration—Disposition and use.** The proceeds from the sale of bonds deposited in the outdoor recreation account of the general fund under the terms of RCW 43.99A.050 shall be administered by the interagency committee for outdoor recreation. All such proceeds shall be divided into two equal shares. One share shall be allocated for the acquisition and development of outdoor recreation areas and facilities on behalf of the state as the legislature may direct by appropriation. The other share shall be allocated to public bodies as defined in RCW 43.99.020 for the acquisition and development of outdoor recreational areas and facilities within the jurisdiction of such public bodies. The interagency committee for outdoor recreation is authorized to use or permit the use of any funds derived from the sale of bonds authorized under this chapter as matching funds in any case where federal or other funds are made available on a matching basis for projects within the purposes of this chapter. [1967 ex.s. c 126 § 7.]

**43.99A.080 Construction of phrase "acquisition and development of outdoor recreational areas and facilities".** As used in this chapter, the phrase "acquisition and development of outdoor recreational areas and facilities" shall be liberally construed in accordance with the broad interpretation suggested by RCW 43.99A.010. It shall include, but shall not be limited to, acquisition of fee simple or any lesser interests in land, and the development of outdoor areas and facilities for either a single

recreational use or multiple recreational uses. The preservation of land or water areas in an unspoiled or undeveloped state shall be among the alternatives permissible under this chapter. [1967 ex.s. c 126 § 8.]

**43.99A.090 Legislature may provide additional means for payment of bonds.** The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this chapter shall not be deemed to provide an exclusive method for such payment. [1967 ex.s. c 126 § 9.]

**43.99A.100 Bonds legal investment for funds of state and municipal corporations.** The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and for all funds of municipal corporations. [1967 ex.s. c 126 § 10.]

**43.99A.110 Referral to electorate.** This chapter shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November 1968, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof. [1967 ex.s. c 126 § 11.]

**Reviser's note:** Chapter 43.99A RCW was adopted and ratified by the people at the November 5, 1968 general election (Referendum Bill No. 18). Governor's proclamation declaring approval of measure is dated December 5, 1968. State Constitution Art. 2 § 1(d) provides: ". . . Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved . . ."

## Chapter 43.101 CRIMINAL JUSTICE TRAINING COMMISSION—EDUCATION AND TRAINING STANDARDS BOARDS

Sections	
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43.101.020	Commission created—Purpose.
43.101.030	Membership.
43.101.040	Terms of members—Vacancies.
43.101.050	Cessation of membership upon termination of office or employment.
43.101.060	Chairman and vice chairman—Quorum—Meetings.
43.101.070	Reimbursement of travel expenses.
43.101.080	Commission powers and duties—Rules and regulations.
43.101.090	Training standards and education boards—Created and established—Purposes.
43.101.100	Training standards and education boards—Members.
43.101.110	Training standards and education boards—Terms—Vacancies.
43.101.120	Training standards and education boards—Cessation of membership upon termination of office or employment.
43.101.130	Training standards and education boards—Chairman and vice chairman—Meetings—Quorum.
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- 43.101.160 Training standards and education boards—Recommendations to commission—Adoption.  
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 43.101.900 Severability—1974 ex.s. c 94.  
 43.101.910 Transfer of appropriation—1974 ex.s. c 94.

**43.101.010 Definitions.** When used in this chapter:

(1) The term "commission" means the Washington state criminal justice training commission.

(2) The term "boards" means the education and training standards boards, the establishment of which are authorized by this chapter.

(3) The term "criminal justice personnel" means any person who serves in a county, city, state, or port commission agency engaged in crime prevention, crime reduction, or enforcement of the criminal law.

(4) The term "law enforcement personnel" means any employee or volunteer of any municipal, county, state, or combination thereof, agency having as its primary function the enforcement of criminal laws in general as distinguished from an agency possessing peace officer powers, the primary function of which is the implementation of specialized subject matter areas.

(5) The term "correctional personnel" means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment, education, supervision, or counseling of those individuals whose civil rights have been limited in some way by legal sanction.

(6) The term "judicial personnel" means any judge, employee, or volunteer of any municipal, district, or superior court and any justice, employee, or volunteer of the state appellate court or the state supreme court. [1974 ex.s. c 94 § 1.]

**43.101.020 Commission created—Purpose.** There is hereby created and established a state commission to be known and designated as the Washington state criminal justice training commission.

The purpose of such commission shall be to provide programs and standards for the training of criminal justice personnel. [1974 ex.s. c 94 § 2.]

**43.101.030 Membership.** The commission shall consist of eleven members, who shall be selected as follows:

(1) The governor shall appoint two incumbent sheriffs and two incumbent chiefs of police.

(2) The governor shall appoint one person employed in a county correctional system and one person employed in the state correctional system.

(3) The governor shall appoint one incumbent county prosecuting attorney or municipal attorney.

(4) The governor shall appoint one incumbent superior or district court judge.

(5) The governor shall appoint one elected official of a local government.

(6) The two remaining members shall be:

(a) The attorney general; and

(b) The special agent in charge of the Seattle office of the federal bureau of investigation. [1974 ex.s. c 94 § 3.]

**43.101.040 Terms of members—Vacancies.** All members appointed to the commission by the governor shall be appointed for terms of six years, such terms to commence on July first, and expire on June thirtieth: *Provided*, That of the members first appointed three shall be appointed for two year terms, three shall be appointed for four year terms, and three shall be appointed for six year terms: *Provided, further*, That the terms of the two members appointed as incumbent police chiefs shall not expire in the same year nor shall the terms of the two members appointed as representing correctional systems expire in the same year nor shall the terms of the two members appointed as incumbent sheriffs expire in the same year. Any member chosen to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member he is to succeed. Any member may be reappointed for additional terms. [1974 ex.s. c 94 § 4.]

**43.101.050 Cessation of membership upon termination of office or employment.** Any member of the commission appointed pursuant to RCW 43.101.030 as an incumbent official or as an employee in a correctional system, as the case may be, shall immediately upon the termination of his holding of said office or employment, cease to be a member of the commission. [1974 ex.s. c 94 § 5.]

**43.101.060 Chairman and vice chairman—Quorum—Meetings.** The commission shall elect a chairman and a vice chairman from among its members. Six members of the commission shall constitute a quorum. The governor shall summon the commission to its first meeting.

Meetings may be called by the chairman and shall be called by him upon the written request of five members. [1974 ex.s. c 94 § 6.]

**43.101.070 Reimbursement of travel expenses.** Members of the commission shall be reimbursed for their travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Attendance at meetings of the commission shall be deemed performance by a member of the duties of his employment. [1975-'76 2nd ex.s. c 34 § 126; 1974 ex.s. c 94 § 7.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.101.080 Commission powers and duties—Rules and regulations.** The commission shall have all of the following powers:

(1) To meet at such times and places as it may deem proper;

(2) To adopt any rules and regulations as it may deem necessary;

(3) To contract for services as it deems necessary in order to carry out its duties and responsibilities;



(4) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;

(5) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it;

(6) To select and employ an executive director, and to empower him to perform such duties and responsibilities as it may deem necessary;

(7) To assume legal, fiscal, and program responsibility for all training conducted by the commission;

(8) To establish, by rule and regulation, standards for the training of criminal justice personnel where such standards are not prescribed by statute;

(9) To establish and operate, or to contract with other qualified institutions or organizations for the operation of, training and education programs for criminal justice personnel and to lease for a period not to exceed three years a training facility or facilities necessary to the conducting of such programs: *Provided*, That the commission shall not have the power to invest any moneys received by it from any source for the purchase of a training facility without prior approval of the legislature;

(10) To establish, by rule and regulation, minimum curriculum standards for all training programs conducted for employed criminal justice personnel;

(11) To review and approve or reject standards for instructors of training programs for criminal justice personnel, and to employ personnel on a temporary basis as instructors without any loss of employee benefits to those instructors;

(12) To direct the development of alternative, innovative, and interdisciplinary training techniques;

(13) To review and approve or reject training programs conducted for criminal justice personnel and rules establishing and prescribing minimum training and education standards recommended by the training standards and education boards;

(14) To allocate financial resources among training and education programs conducted by the commission;

(15) To allocate training facility space among training and education programs conducted by the commission;

(16) To issue diplomas certifying satisfactory completion of any training or education program conducted or approved by the commission to any person so completing such a program;

(17) To provide for the employment of such personnel as may be practical to serve as temporary replacements for any person engaged in a basic training program as defined by the commission;

(18) To establish rules and regulations recommended by the training standards and education boards prescribing minimum standards relating to physical, mental and moral fitness which shall govern the recruitment of criminal justice personnel where such standards are not prescribed by statute or constitutional provision.

All rules and regulations adopted by the commission shall be adopted and administered pursuant to the administrative procedure act, chapter 34.04 RCW, and the open public meetings act, chapter 42.30 RCW.

[1975-'76 2nd ex.s. c 17 § 3. Prior: 1975 1st ex.s. c 103 § 1; 1975 1st ex.s. c 82 § 1; 1974 ex.s. c 94 § 8.]

#### **43.101.090 Training standards and education boards—Created and established—Purposes.**

(1) There are hereby created and established training standards and education boards to be known and designated as (a) the board on law enforcement training standards and education, (b) the board on prosecutor training standards and education, (c) the board on correctional training standards and education, and (d) the board on judicial training standards and education.

(2) The purpose of the board on law enforcement training standards and education shall be to provide programs and standards for the training and education of law enforcement personnel.

(3) The purpose of the board on prosecutor training standards and education shall be to provide programs and standards for the training and education of county prosecuting attorneys, municipal attorneys, and attorneys who are engaged primarily in the defense of persons charged with offenses.

(4) The purpose of the board on correctional training standards and education shall be to provide programs and standards for the training and education of correctional personnel.

(5) The purpose of the board on judicial training standards and education shall be to provide programs and standards for the training and education of judicial personnel. [1974 ex.s. c 94 § 9.]

#### **43.101.100 Training standards and education boards—Members.**

(1) The board on law enforcement training standards and education shall consist of eleven members, who shall be appointed by the governor from incumbent law enforcement personnel. Two members shall be from police departments of cities having a population in excess of one hundred thousand and of whom one shall be a police chief, two members shall be from police departments of cities having a population of less than one hundred thousand and of whom one shall be a police chief, two members shall be from sheriffs' departments of class AA or A counties and of whom one shall be a sheriff, two members shall be from sheriffs' departments of counties less than class A and of whom one shall be a sheriff, one member shall represent the community colleges of the state, one member shall represent the four-year colleges and universities, and the final member shall be the chief of the state patrol.

(2) The board on prosecutor training standards and education shall consist of eleven members, who shall be appointed by the governor from incumbent county prosecuting attorneys, municipal attorneys, and attorneys who are engaged primarily in the defense of persons charged with offenses. Three members shall be from county prosecuting attorneys' offices, three members shall be from municipal attorneys' offices, three members shall be attorneys who are primarily engaged in the defense of persons charged with offenses, and two members shall be professors of law, and not from the same college or university.

(3) The board on correctional training standards and education shall consist of eleven members, who shall be appointed by the governor from incumbent correctional personnel. Three members shall be employed in the state correctional system, three members shall be employed in county correctional systems, three members shall be employed in the juvenile correctional system, one member shall represent the community colleges of the state, and one member shall represent the four-year colleges and universities.

(4) The board on judicial training standards and education shall consist of nine members, who shall be appointed by the chief justice of the state supreme court from incumbent judicial personnel. One member shall be an incumbent justice of the supreme court, one member shall be an incumbent judge of the appellate court, three members shall be incumbent judges of superior courts, two members shall be incumbent judges of district courts, one member shall be an incumbent judge of a municipal court, and one member shall be an incumbent court administrator. [1974 ex.s. c 94 § 10.]

**43.101.110 Training standards and education boards—Terms—Vacancies.** All members of each of the training standards and education boards as set forth in RCW 43.101.100 shall be appointed for terms of six years, such terms to commence on July first, and expire on June thirtieth: *Provided*, That of the members first appointed, three shall serve for terms of two years, four shall serve for terms of four years, and four shall serve for terms of six years: *Provided further*, That of the members of the board on judicial training standards and education first appointed, three shall serve for terms of two years, three shall serve for terms of four years, and three shall serve for terms of six years. Any member chosen to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member he is to succeed. Any member may be reappointed for additional terms. [1974 ex.s. c 94 § 11.]

**43.101.120 Training standards and education boards—Cessation of membership upon termination of office or employment.** Any member of the training standards and education boards appointed pursuant to RCW 43.101.100 as an incumbent official or because of his employment, shall immediately upon the termination of his holding of said office or employment, cease to be a member of a training standards and education board. [1974 ex.s. c 94 § 12.]

**43.101.130 Training standards and education boards—Chairman and vice chairman—Meetings—Quorum.** Each training standards and education board shall elect a chairman and vice chairman from among its members. A simple majority of the members of a training standards and education board shall constitute a quorum. The commission shall summon each of the training standards and education boards to its first meeting. [1974 ex.s. c 94 § 13.]

**43.101.140 Training standards and education boards—Travel expenses.** Members of the training

standards and education boards shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Attendance at meetings of a training standards and education board shall be deemed performance by a member of the duties of his employment. [1975-'76 2nd ex.s. c 34 § 127; 1974 ex.s. c 94 § 14.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.101.150 Training standards and education boards—Powers—Reports.** The training standards and education boards shall have all of the following powers:

(1) To meet at such times and places as they may deem proper;

(2) To adopt rules and regulations as to the conduct of their business as deemed necessary by each board;

(3) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, or city government, and commissions affected by or concerned with the business of the commission;

(4) To do any and all things necessary or convenient to enable them fully and adequately to perform their duties and to exercise the power granted to them;

(5) To advise the commission of the training and education needs of criminal justice personnel within their specific purview;

(6) To recommend to the commission standards for the training and education of criminal justice personnel within their specific purview;

(7) To recommend to the commission minimum curriculum standards for all training and education programs conducted for criminal justice personnel within their specific purview;

(8) To recommend to the commission standards for instructors of training and education programs for criminal justice personnel within their specific purview;

(9) To recommend to the commission alternative, innovative, and interdisciplinary training and education techniques for criminal justice personnel within their specific purview;

(10) To review and recommend to the commission the approval of training and education programs for criminal justice personnel within their specific purview;

(11) To monitor and evaluate training and education programs for criminal justice personnel within their specific purview;

(12) To recommend to the commission minimum standards relating to physical, mental and moral fitness which shall govern the recruitment of criminal justice personnel within their specific purview where such standards are not prescribed by statute or constitutional provision.

Each training standards and education board shall report to the commission at the end of each fiscal year on the effectiveness of training and education programs for criminal justice personnel within its specific purview. [1975 1st ex.s. c 82 § 2; 1974 ex.s. c 94 § 15.]

**43.101.160 Training standards and education boards—Recommendations to commission—Adoption.** For the purpose of raising the level of competence of criminal justice personnel, the commission shall adopt, as provided in RCW 43.101.080, rules recommended by the training standards and education boards establishing and prescribing:

(1) The requirements of minimum training and education which all criminal justice personnel appointed to probationary terms, except members of the Washington state patrol, shall complete before being eligible for certification by the commission, and the time within which basic training must be completed following such appointment to the probationary term;

(2) Categories or classifications of advanced and specialized training and education programs and minimum courses of study and attendance requirements with respect to such categories or classifications. [1974 ex.s. c 94 § 16.]

**43.101.170 Training and education obtained at approved existing institutions.** In establishing standards for training and education, the commission may, so far as consistent with the purposes of RCW 43.101.160, permit required training and education of any criminal justice personnel to be obtained at existing institutions approved for such training by the commission. [1974 ex.s. c 94 § 17.]

**43.101.180 Priorities.** The first priority of the commission shall be to provide for basic law enforcement training and education programs. In addition, the commission shall provide training programs for other criminal justice personnel. [1974 ex.s. c 94 § 18.]

**43.101.190 Receipt of grants, funds or gifts authorized—Administration—Utilization of federal funds.** The commission, or the executive director acting on its behalf, is authorized to accept, receive, disburse, and administer grants or other funds or gifts from any source, including private individuals or agencies, the federal government, and other public agencies, for the purpose of carrying out the provisions of this chapter.

The services provided by the state through the establishment and maintenance of the programs of the commission are primarily intended for the benefit of the criminal justice agencies of the counties, cities, and towns of this state. To the extent that funds available to the state under the Crime Control Act of 1973 are utilized by the commission, it is the determination of the legislature that, to the maximum extent permitted by federal law, such funds as are so utilized shall be charged against that portion of United States law enforcement assistance administration funds which the state is required to make available to units of local government pursuant to section 303(a)(2) of Part C of the Crime Control Act of 1973. [1974 ex.s. c 94 § 19.]

**43.101.900 Severability—1974 ex.s. c 94.** If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the

chapter, or the application of the provision to other persons or circumstances is not affected. [1974 ex.s. c 94 § 20.]

**43.101.910 Transfer of appropriation—1974 ex.s. c 94.** Any appropriation heretofore made to the law enforcement officers' training commission shall on July 24, 1974 be transferred and credited to the Washington state criminal justice training commission for the remainder of the 1973-1975 fiscal biennium to provide for the operating expenses of the commission and training standards and education boards. Whenever any question arises as to the transfer of any funds including unexpended balances within any accounts transferred under \*this 1974 act, the director of the office of program planning and fiscal management shall make a determination as to the proper allocation and certify the same to the state agencies concerned. [1974 ex.s. c 94 § 22.]

*\*Reviser's note: "this 1974 act" consists of RCW 43.101.010-43.101.190, 43.101.900 and 43.101.910, and the repeal of RCW 43.100.010, 43.100.020, 43.100.030, 43.100.040, 43.100.050, 43.100.060, 43.100.070, 43.100.080, 43.100.085, 43.100.090, 43.100.100, 43.100.110, 43.100.120, 43.100.130, 43.100.140, 43.100.150, 43.100.160, 43.100.170, 43.100.900 and 43.100.910.*

## Chapter 43.105 DATA PROCESSING AND COMMUNICATIONS SYSTEMS

### Sections

- 43.105.010 Purpose.
- 43.105.016 Legislative intent.
- 43.105.020 Definitions.
- 43.105.032 Data processing authority—Created—Composition—Travel expenses.
- 43.105.041 Powers and duties of data processing authority.
- 43.105.043 Tasks to be completed within specified time periods—Progress reports by legislative budget committee.
- 43.105.045 Executive director—Responsibility—Staff—Salary.
- 43.105.050 Distribution of costs—Utilization of services of department of general administration.
- 43.105.060 Contracts by state and local agencies with authority.
- 43.105.070 Confidential or privileged information.
- 43.105.080 Data processing revolving fund—Created—Purposes—Sources.
- 43.105.100 Washington library network computer system—Defined.
- 43.105.110 Washington library network computer system—Revolving fund created.
- 43.105.120 Washington library network computer system—Sources of revolving fund.
- 43.105.130 Washington library network computer system—Schedule of user fees.
- 43.105.900 Severability—1973 1st ex.s. c 219.

*Legislative information system, data processing services for legislature, judicial and legal offices: RCW 1.08.100.*

**43.105.010 Purpose.** It is the purpose of this chapter to provide, through the Washington state data processing authority, for the efficient and coordinated utilization of data processing equipment, techniques, and personnel to achieve optimum effectiveness and economy in collection, storage, interchange, retrieval, processing, and transmission of information; to authorize development, implementation, and maintenance of a coordinated state-wide plan for data processing and data

communications systems; to achieve consolidation of automated data processing resources and centralization of control over automated data processing; and to ensure that automated data processing systems shall serve the management and other needs of the legislative, executive, and judicial branches of state and local government. [1973 1st ex.s. c 219 § 1; 1967 ex.s. c 115 § 1.]

**Effective date—**1967 ex.s. c 115: "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, 1967." [1967 ex.s. c 115 § 8.] This applies to chapter 43.105 RCW.

**43.105.016 Legislative intent.** It is the intention of the legislature that this chapter shall form the basis for the formulation of a long range state automated data processing plan to satisfy the requirements of the legislative, executive, and judicial branches of state government. Each legislative, executive, and judicial agency of state government shall study and define its automated data processing requirements in order that the plan allow for the unique requirements of each branch. All agencies of state government are required to cooperate with and support the development and implementation of this plan. To effectuate this intention, the state data processing authority shall have the authority to direct and require the submittal of data from all state agencies, including data from the state auditor, concerning local government agencies. In addition, the state auditor shall conduct a fiscal-legal audit of the completion of the tasks for the authority specified by RCW 43.105.043, and the legislative budget committee, or its successor, shall conduct a performance audit of such tasks. [1973 1st ex.s. c 219 § 2.]

**43.105.020 Definitions.** As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

(1) "Authority" means the Washington state data processing authority created by RCW 43.105.032;

(2) "Automatic data processing" means that method of processing information using punch card (EAM) and/or electronic (EDP) equipment and includes data communication devices used in connection with automatic data processing equipment for the transmission of data;

(3) "Local government agencies" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;

(4) "Director" means the executive director of the authority;

(5) "State agency" means all offices, departments, agencies, institutions, and commissions of state government;

(6) "System" means an organized collection of men, machines, and methods to accomplish a specific objective;

(7) "Applications system" means a computerized system which accomplishes a specific objective (i.e., a payroll system or an inventory system). [1973 1st ex.s. c 219 § 3; 1967 ex.s. c 115 § 2.]

**43.105.032 Data processing authority—Created—Composition—Travel expenses.** There is hereby created the Washington state data processing authority consisting of eleven members appointed by the governor, and serving at his pleasure. The governor shall make such appointments within thirty days after April 25, 1973.

Members of the authority shall not be compensated for service on the authority but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060, as now existing or hereafter amended.

The authority shall elect a chairman from among its members and shall appoint an executive director within sixty days after April 25, 1973, subject to confirmation by a majority vote of the senate. [1975-'76 2nd ex.s. c 34 § 128; 1973 1st ex.s. c 219 § 5.]

**Effective date—Severability—**1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

**Data processing advisory committee abolished, transfer of personnel, etc.:** "The data processing advisory committee created by section 1, chapter 212, Laws of 1969 ex. sess. is hereby abolished. The staff of such committee and the data processing coordinator and his staff from the office of program planning and fiscal management shall be transferred to the authority, along with such records, files, data, materials, equipment, and supplies as they may possess, within ninety days of the effective date of this 1973 amendatory act." [1973 1st ex.s. c 219 § 4.]

**43.105.041 Powers and duties of data processing authority.** The authority shall have the following powers and duties:

(1) To study, organize, and/or develop automated data processing systems to serve interagency and intra-agency needs of state agencies, to provide services of said nature, and to require the development of interagency automated data processing systems;

(2) To examine the desirability of removing common application systems, such as the payroll application system, from the individual agencies and assigning such functions to a single state agency;

(3) To make contracts, and to hire employees and consultants necessary or convenient for the purposes of this chapter, and fix their compensation; to enter into appropriate agreements for the utilization of state agencies and, where deemed feasible by the state data processing authority, of local government agencies, and their facilities, services, and personnel in developing and coordinating plans and systems, or other purposes of this chapter; to contract with any and all other governmental agencies for any purpose of this chapter including but not limited to mutual furnishing or utilization of facilities and services or for interagency, intergovernmental, or interstate cooperation in the field of data processing and communications;

(4) To develop and publish standards to implement the purposes of this chapter, including but not limited to standards for the coordinated acquisition and maintenance of data processing equipment and services, requirements for the furnishing of information and data concerning existing data processing systems by state offices, departments, and agencies and local government agencies, where deemed feasible by the state data processing authority, and standards and regulations to

establish and maintain the confidential nature of information insofar as such confidentiality may be necessary for individual privacy and the protection of private rights in connection with data processing and communications;

(5) To purchase, lease, rent, or otherwise acquire and maintain automatic data processing equipment, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire and maintain automatic data processing equipment: *Provided*, That in exercising such authority due consideration and effect shall be given to the overall purpose of this chapter and the statutory obligations, total management, and needs of each agency: *Provided, further*, That, agencies and institutions of state government are expressly prohibited from acquiring data processing equipment without such delegation of authority. The acquisition of automatic data processing equipment is exempt, as provided in RCW 43.19.1901, from the provisions of RCW 43.19-.190 through 43.19.210;

(6) To require the consolidation of computing resources into central data processing service center or to establish central data processing service centers;

(7) To develop and maintain all state-wide or interagency data processing policies, standards, and procedures;

(8) To delegate to a single agency the responsibility for maintaining interagency applications systems;

(9) To provide to state agencies such automatic data processing technical training as is necessary or convenient to implement standardization of automatic data processing techniques;

(10) To carry out the tasks assigned in RCW 43.105-.043 and to report periodically and as requested by the legislature to the legislature on its progress;

(11) To enact such rules and regulations as may be necessary to carry out the purposes of this chapter. [1973 1st ex.s. c 219 § 6.]

**43.105.043 Tasks to be completed within specified time periods—Progress reports by legislative budget committee.** The authority shall complete the following tasks within the number of days after April 25, 1973 allotted for each task contingent upon the funding of the authority:

(1) Task 1: Preparation of an organization and staffing plan; to be accomplished within one hundred five days;

(2) Task 2: Staffing of the authority; consisting of the transfer of the data processing advisory committee's staff and the data processing coordinator and his staff to the authority within ninety days; and additional staffing to be accomplished within one hundred fifty days;

(3) Task 3: Formulation, publication, and implementation of automatic data processing language standards; to be accomplished within two hundred forty days;

(4) Task 4: Formulation and implementation of standards for resources utilization reporting, including hardware, software, and personnel; to be accomplished within two hundred seventy days;

(5) Task 5: Formulation and implementation of system development standards; to be accomplished within two hundred seventy days;

(6) Task 6: Evaluation of (a) the regional educational computer network study authorized by the council of presidents of the institutions of higher education and (b) the comprehensive plan for computing in the community colleges adopted by the board of community college education; both to be accomplished within three hundred days;

(7) Task 7: Development of a short range resource plan, including a supplemental budget request; to be accomplished within three hundred days;

(8) Task 8: Formulation of agency requirements reporting standards; to be accomplished within three hundred thirty days;

(9) Task 9: Taking inventory of local government automated data processing resources; to be accomplished within three hundred thirty days;

(10) Task 10: Presentation of a preliminary report on the status of automated data processing of the institutions of higher education and of Olympia based state agencies with recommendations for consolidation of such resources of the Olympia based state agencies; to be accomplished within three hundred thirty days;

(11) Task 11: Presentation of a progress report on the definition of standard common business identifiers; to be accomplished within three hundred sixty days;

(12) Task 12: Presentation of a report on policies and procedures for confidentiality and privacy of data; to be accomplished within three hundred sixty days;

(13) Task 13: Presentation of a preliminary progress report to the governor and to the legislature; to be accomplished within three hundred sixty days;

(14) Task 14: Summarization of consolidated agencies and institutions automated data processing requirements; to be accomplished within three hundred ninety days;

(15) Task 15: Presentation of a budget plan and request for the 1975-1977 fiscal biennium; to be accomplished within four hundred eighty days;

(16) Task 16: Development of an internal performance measurement and auditing system; to be accomplished within five hundred ten days;

(17) Task 17: Development of a standard plan for data center operation; to be accomplished within five hundred forty days;

(18) Task 18: Definition of common application systems; to be accomplished within five hundred forty days; and

(19) Task 19: Transmittal to the governor and to the legislature, a Washington state comprehensive data processing plan, which includes the recommended organization of all data processing related functions, a recommendation whether the authority should be phased out and all state data processing functions transferred to a single state agency, and development of an orderly plan for implementation of such recommendations; to the governor to be accomplished within five hundred seventy-five days. The legislative budget committee shall report to the legislature ten days prior to the first legislative session in 1974 and yearly thereafter regarding the progress being made by the authority in fulfilling the

mandates and directives of this chapter. [1973 1st ex.s. c 219 § 7.]

**43.105.045 Executive director—Responsibility—Staff—Salary.** The executive director of the authority shall be responsible for carrying into effect the authority's orders and rules and regulations. The director shall also be authorized to employ such staff as is necessary, including but not limited to two assistant executive directors and a confidential secretary. The director shall be paid such salary as shall be deemed reasonable by the state committee on salaries. [1973 1st ex.s. c 219 § 8.]

**43.105.050 Distribution of costs—Utilization of services of department of general administration.** In order to facilitate proper distribution of the costs of automatic data processing equipment and services, the services of the department of general administration, and its division of purchasing, central stores and central stores revolving fund may be utilized to facilitate such purchasing or contracting and apportioning of costs. [1967 ex.s. c 115 § 5.]

*Division of purchasing, central stores: RCW 43.19.190–43.19.199.*

**43.105.060 Contracts by state and local agencies with authority.** State and local government agencies are authorized to enter into any contracts with the authority or its successor which may be necessary or desirable to effectuate the purposes and policies of this chapter or for maximum utilization of facilities and services which are the subject of this chapter. [1973 1st ex.s. c 219 § 9; 1967 ex.s. c 115 § 6.]

**43.105.070 Confidential or privileged information.** This chapter shall in no way affect or impair any confidence or privilege imposed by law. Confidential or privileged information shall not be subject to submittal to the common data bank: *Provided*, That where statistical information can be derived from such classified material without violating any such confidence, the submittal of such statistical material may be required. [1969 ex.s. c 212 § 4.]

**43.105.080 Data processing revolving fund—Created—Purposes—Sources.** For the purposes of distributing and apportioning the full cost of data processing and data communication to its users and for the purpose of extending the useful life of state owned data processing and data communication equipment, and for such other purposes as may be necessary or convenient to carry out the purposes of this chapter, there is hereby created within the state treasury a revolving fund to be known as the "data processing revolving fund" which shall be used for the acquisition of data processing and data communication services, supplies and equipment handled or rented by the Washington state data processing authority or under its authority by any Washington state data processing service center designee, and the payment of salaries, wages and other costs incidental to the acquisition, operation and administration of acquired data processing services, supplies and

equipment. The data processing revolving fund shall be credited with all receipts from the rental, sale or distribution of supplies, equipment and services rendered to governmental agencies. The data processing moneys presently held in, or hereafter accruing to, the present central stores revolving fund created by RCW 43.19.1923 are hereby transferred to the data processing revolving fund created by this section. As used in this section, the word "supplies" shall not be interpreted to delegate or abrogate the division of purchasing's responsibilities and authority to purchase supplies as described in RCW 43.19.190 and \*43.19.210. [1974 ex.s. c 129 § 1.]

\*Reviser's note: RCW 43.19.210 was repealed by 1967 ex.s. c 104 § 7.

**43.105.100 Washington library network computer system—Defined.** As used in RCW 43.105.110 through 43.105.130 "Washington library network computer system" means the communication facilities, computers, and peripheral computer devices supporting the automated library system developed by the state of Washington. [1975-'76 2nd ex.s. c 110 § 1.]

**Effective date—1975-'76 2nd ex.s. c 110:** "This act shall take effect on July 1, 1977." [1975-'76 2nd ex.s. c 110 § 6.]

*Washington library network: Chapter 27.26 RCW.*

**43.105.110 Washington library network computer system—Revolving fund created.** There is hereby created a fund within the state treasury to be known as the "Washington library network computer system revolving fund" referred to in RCW 43.105.120 as "fund". [1975-'76 2nd ex.s. c 110 § 2.]

**43.105.120 Washington library network computer system—Sources of revolving fund.** The fund shall be credited with all receipts from the rental, sale, or distribution of supplies, equipment, and services rendered to users of the Washington library network computer system. All expenditures from the fund shall be authorized by law. [1975-'76 2nd ex.s. c 110 § 3.]

**43.105.130 Washington library network computer system—Schedule of user fees.** The data processing authority and the state library commission shall develop jointly a schedule of user fees for users of the Washington library network computer system for the purpose of distributing and apportioning to such users, by the 1979–81 biennium, the full cost of operation and continued development of data processing and data communication services related to the network. Such schedule shall generate sufficient revenue to cover the costs, by the 1979–81 biennium, relating to the library network of:

(1) The acquisition of data processing and data communication services, supplies, and equipment handled or rented by the data processing authority or under its authority by any other state data processing service center designee; and

(2) The payment of salaries, wages, and other costs including but not limited to the acquisition, operation,

and administration of acquired data processing services, supplies, and equipment.

As used in this section the term "supplies" shall not be interpreted to delegate or abrogate the \*division of purchasing's responsibilities and authority to purchase supplies as provided for in chapter 43.19 RCW. [1975-'76 2nd ex.s. c 110 § 4.]

\*Reviser's note: "division of purchasing" changed to "state purchasing and material control director". See RCW 43.19.180.

**43.105.900 Severability**—1973 1st ex.s. c 219. If any provision of this 1973 amendatory 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. [1973 1st ex.s. c 219 § 10.]

### Chapter 43.110

#### MUNICIPAL RESEARCH COUNCIL

##### Sections

- 43.110.010 Council created—Membership—Terms—Travel expenses.  
43.110.020 Transmission of funds to council from general fund for allocation—Contracts—Purposes.

**43.110.010 Council created—Membership—Terms—Travel expenses.** There shall be a state agency which shall be known as the municipal research council. The council shall be composed of eighteen members. Four members shall be appointed by the president of the senate, with equal representation from each of the two major political parties; four members shall be appointed by the speaker of the house of representatives, with equal representation from each of the two major political parties; one member shall be appointed by the governor, and the other nine members, who shall be city officials, shall be appointed by the board of directors of the Association of Washington Cities. Of the members appointed by the association, at least one shall be an official of a city having a population of twenty thousand or more; at least one shall be an official of a city having a population of one thousand five hundred to twenty thousand; and at least one shall be an official of a town having a population of less than one thousand five hundred.

No members shall be appointed by the speaker of the house of representatives until the second Monday in January, 1971, and no members shall be appointed by the president of the senate until the second Monday in January, 1973. In the meantime the governor shall appoint two additional members, one from each of the two major political parties, and the municipal research council shall consist of ten members only during such interim period until January, 1971.

The terms of members shall be for two years and shall not be dependent upon continuance in legislative or city office. Vacancies shall be filled in the same manner as original appointments were made. The first members shall be appointed on or before July 31, 1969, and shall take office August 1, 1969. The terms of all members except legislative members shall commence on the first day of August in every odd-numbered year. The speaker

of the house of representatives and the president of the senate shall make their appointments on or before the third Monday in January in each odd-numbered year, and the terms of the members thus appointed shall commence on the third Monday of January in each odd-numbered year. The terms of the two interim members appointed by the governor shall expire on the third Monday of January in each odd-numbered year until January, 1973, when they shall not be renewed. Certificates of appointment of all members shall be filed in the offices of the association within ten days after the appointments are made. The initial meeting of the council shall be held on or before September 1, 1969, and shall be called by the member who is an official of a city having a population of at least twenty thousand who shall act as a temporary chairman. At such first meeting, the council shall elect a chairman and a vice chairman and appoint a secretary.

Council members shall receive no compensation but shall be reimbursed from the municipal research account for travel expenses at rates in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, except that members of the council who are also members of the legislature shall be reimbursed from such account at the rates provided by RCW 44.04.120. None of the funds derived herein from motor vehicle excise taxes shall be used for any other expenses of the council. [1975-'76 2nd ex.s. c 34 § 129; 1975 1st ex.s. c 218 § 1; 1969 c 108 § 2.]

**Effective date—Severability**—1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

**Severability—Effective date**—1969 c 108: See notes following RCW 82.44.160.

**43.110.020 Transmission of funds to council from general fund for allocation—Contracts—Purposes.** See RCW 82.44.160.

### Chapter 43.115

#### STATE COMMISSION ON MEXICAN-AMERICAN AFFAIRS

##### Sections

- 43.115.010 Legislative declaration.  
43.115.020 Commission created.  
43.115.030 Membership—Terms—Vacancies—Travel expenses—Quorum.  
43.115.040 Officers and employees—Rules and regulations.  
43.115.050 Duties—Advisory council.  
43.115.060 Relationships with local government and private industry.  
43.115.900 Severability—1971 ex.s. c 34.

**43.115.010 Legislative declaration.** The legislature declares that the public policy of this state is to insure equal opportunity for all of its citizens. The legislature finds that Mexican-Americans and other Spanish speaking Americans have unique and special problems. It is the purpose of this chapter to improve the well-being of Mexican-Americans and other Spanish speaking Americans by insuring their participation in the fields of government, business, and education. The legislature further finds that it is necessary to aid Mexican-Americans and other Spanish speaking Americans in obtaining governmental services in order to promote the health, safety

and welfare of all the residents of this state. Therefore the legislature deems it necessary to create a commission to carry out the purposes of this chapter. [1971 ex.s. c 34 § 1.]

**43.115.020 Commission created.** There is created a Washington state commission on Mexican-American affairs. [1971 ex.s. c 34 § 2.]

**43.115.030 Membership—Terms—Vacancies—Travel expenses—Quorum.** (1) The commission shall consist of eleven members appointed by the governor with the advice and consent of the senate. The membership shall include:

(a) Two members from workers in the agricultural field;

(b) Two members from the general populace of the Spanish speaking population;

(c) One member from the field of education;

(d) One member from professional services; and

(e) One member from among elected trade union officials;

(f) Four members from the Mexican-American community in the state.

(2) The members shall hold office commencing July 1, 1971 for four years and until their successors are chosen and qualified. Four of the initial appointees shall be appointed for two-year terms and three shall be appointed for four-year terms. Vacancies shall be filled in the same manner as the original appointments.

(3) Members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(4) Six members of the commission shall constitute a quorum for the purpose of conducting business. [1975-'76 2nd ex.s. c 34 § 130; 1971 ex.s. c 34 § 3.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.115.040 Officers and employees—Rules and regulations.** The commission shall:

(1) Elect one of its members to serve as chairman;

(2) Appoint a full time executive secretary;

(3) Appoint a staff who shall be state employees pursuant to Title 41 RCW; and

(4) Adopt rules and regulations pursuant to chapter 34.04 RCW. [1971 ex.s. c 34 § 4.]

**43.115.050 Duties—Advisory council.** (1) The commission shall advise state departments and agencies regarding appropriate action to be taken to help assure that state programs are providing the assistance needed by Mexican-Americans and other Spanish speaking Americans.

(2) The commission shall further advise such departments and agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of Mexican-Americans and other Spanish speaking Americans.

(3) Each state department and agency shall appoint one staff member to an interagency advisory council on Mexican-American affairs. The advisory council shall give technical assistance to the commission in order that the commission may carry out the purposes of this chapter. [1971 ex.s. c 34 § 5.]

**43.115.060 Relationships with local government and private industry.** In carrying out its duties the commission may establish such relationships with local governments and private industry as may be needed to promote equal opportunity for Mexican-Americans in government, education and employment. [1971 ex.s. c 34 § 6.]

**43.115.900 Severability—1971 ex.s. c 34.** 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. [1971 ex.s. c 34 § 7.]

### Chapter 43.117

#### STATE COMMISSION ON ASIAN-AMERICAN AFFAIRS

##### Sections

43.117.010 Legislative declaration.

43.117.020 Definitions.

43.117.030 Commission established.

43.117.040 Membership—Terms—Vacancies—Compensation, travel expenses—Quorum—Executive director.

43.117.050 Officers—Rules and regulations—Meetings.

43.117.060 Staff.

43.117.070 Duties of commission—State agencies to give assistance.

43.117.080 Promotion of equal opportunity and benefits.

43.117.090 Hearings—Information to be furnished to commission.

43.117.100 Gifts, grants and endowments—Receipt and expenditure.

43.117.900 Severability—1974 ex.s. c 140.

43.117.910 Expiration of chapter.

**43.117.010 Legislative declaration.** The legislature declares that the public policy of this state is to insure equal opportunity for all of its citizens. The legislature finds that Asian-Americans have unique and special problems. It is the purpose of this chapter to improve the well-being of Asian-Americans by insuring their participation in the fields of government, business, and education. The legislature further finds that it is necessary to aid Asian-Americans in obtaining governmental services in order to promote the health, safety, and welfare of all the residents of this state. Therefore the legislature deems it necessary to create a commission to carry out the purposes of this chapter. [1974 ex.s. c 140 § 1.]

**43.117.020 Definitions.** As used in this chapter unless the context indicates otherwise:

(1) "Asian-Americans" include persons primarily of Japanese, Chinese, Filipino, or Korean ancestry; "Asian-Americans" also include persons of Samoan, Guamanian, Thai, Viet-Nameese, other Far East or South East Asian and Pacific Island ancestry.



(2) "Commission" means the Washington state commission on Asian-American affairs in the office of the governor. [1974 ex.s. c 140 § 2.]

**43.117.030 Commission established.** There is established a Washington state commission on Asian-American affairs in the office of the governor. The now existing Asian-American advisory council shall become the commission upon enactment of this chapter. The council may transfer all office equipment, including files and records to the commission. [1974 ex.s. c 140 § 3.]

**43.117.040 Membership—Terms—Vacancies—Compensation, travel expenses—Quorum—Executive director.** (1) The commission shall consist of twenty-four members appointed by the governor with the advice and consent of the senate. In making such appointments, the governor shall give due consideration to recommendations submitted to him by the commission. The governor may also consider nominations of members made by the various Asian-American organizations in the state. The governor shall consider nominations for membership based upon maintaining a balanced distribution of Asian-ethnic, geographic, sex, age, and occupational representation, where practicable.

(2) The currently serving Asian-American advisory council members shall serve out their original terms which commenced on July 1, 1972, as follows: Seven to serve one year; seven to serve two years; and six to serve three years. Upon expiration of said original terms, subsequent appointments shall be for three years except in case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. Vacancies shall be filled in the same manner as the original appointments.

(3) Members shall receive twenty-five dollars for each day or major portion thereof plus reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03-.060 as now existing or hereafter amended.

(4) Sixty percent of the membership plus one shall constitute a quorum for the purpose of conducting business.

(5) The governor shall appoint an executive director based upon recommendations made by the council. [1975-'76 2nd ex.s. c 34 § 131; 1974 ex.s. c 140 § 4.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.117.050 Officers—Rules and regulations—Meetings.** The commission shall:

(1) Elect one of its members to serve as chairman; and also such other officers as necessary to form an executive committee;

(2) Adopt rules and regulations pursuant to chapter 34.04 RCW;

(3) Meet at the call of the chairman or the call of a majority of its members, but in no case less often than once during any three month period;

(4) Be authorized to appoint such citizen task force as it deems appropriate. [1974 ex.s. c 140 § 5.]

**43.117.060 Staff.** The executive director shall employ a staff who shall be state employees pursuant to Title 41 RCW and prescribe their duties as may be necessary to implement the purposes of this chapter. [1974 ex.s. c 140 § 6.]

**43.117.070 Duties of commission—State agencies to give assistance.** (1) The commission shall examine and define issues pertaining to the rights and needs of Asian-Americans, and make recommendations to the governor and state agencies with respect to desirable changes in program and law.

(2) The commission shall further advise such state government agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of Asian-Americans.

(3) Each state department and agency shall provide appropriate and reasonable assistance to the commission as needed in order that the commission may carry out the purposes of this chapter. [1974 ex.s. c 140 § 7.]

**43.117.080 Promotion of equal opportunity and benefits.** In carrying out its duties, the commission may establish such relationships with local governments and private industry as may be needed to promote equal opportunity and benefits to Asian-Americans in government, education, economic development, employment, and services. [1974 ex.s. c 140 § 8.]

**43.117.090 Hearings—Information to be furnished to commission.** (1) The commission may for the purpose of carrying out the purposes of this chapter hold such public hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the commission may deem advisable. The commission may administer oaths or affirmations to witnesses appearing before it. At least five members of the commission must be present to conduct a hearing.

(2) The commission may secure directly from any department or agency of the state information necessary to enable it to carry out the purposes of this chapter. Upon request of the chairman of the commission, the head of such department or agency shall furnish such information to the commission. [1974 ex.s. c 140 § 9.]

**43.117.100 Gifts, grants and endowments—Receipt and expenditure.** The commission shall have authority to receive such gifts, grants, and endowments from public or private sources as may be made from time to time in trust or otherwise for the use and benefit of the purposes of the commission and to expend the same or any income therefrom according to the terms of said gifts, grants, or endowments. [1974 ex.s. c 140 § 10.]

**43.117.900 Severability—1974 ex.s. c 140.** If any provision of this 1974 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. [1974 ex.s. c 140 § 11.]

**43.117.910 Expiration of chapter.** This chapter shall expire automatically on June 30, 1977, unless such expiration date be removed or extended by subsequent action of the legislature. [1974 ex.s. c 140 § 14.]

**Chapter 43.125  
AMERICAN REVOLUTION BICENTENNIAL  
COMMISSION**

**Sections**

- 43.125.010 Commission created—Membership—Compensation—Travel expenses.  
 43.125.020 Powers and duties—Reports.  
 43.125.030 Consultation with other agencies, institutions and organizations—Cooperation enjoined.  
 43.125.040 Official Washington state commemoration medal.  
 43.125.050 Donations—Property—Expenditures.  
 43.125.900 Termination of commission.

**43.125.010 Commission created—Membership—Compensation—Travel expenses.** (1) There is hereby created the American revolution bicentennial commission composed of:

(a) The director of the Washington state historical society or his designee, who shall serve as chairman of the commission;

(b) The director of the department of commerce and economic development or his designee;

(c) The secretary of state or his designee;

(d) The director of the state parks and recreation commission or his designee;

(e) The state librarian or his designee;

(f) The executive coordinator of the council on higher education or his designee;

(g) The superintendent of public instruction or his designee;

(h) Two members of the senate, not of the same political party, appointed by the president of the senate;

(i) Two members of the house of representatives, not of the same political party, to be selected by the speaker of the house;

(j) Fourteen citizens of the state, to be appointed by the governor; and

(k) Any additional persons recommended by the commission to assist in its work and appointed by the governor, and any others he deems necessary, to serve as honorary members.

(2) The members of the commission shall serve without compensation: *Provided*, That each member designated in subsection (1)(j) may receive as compensation twenty-five dollars for each day or portion thereof that he is engaged in official business of the commission, and in addition thereto may be reimbursed for travel expenses incurred while on official business of the commission in accordance with the provisions of RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [1975-'76 2nd ex.s. c 34 § 132; 1972 ex.s. c 76 § 1.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.125.020 Powers and duties—Reports.** (1) The commission shall prepare a comprehensive program for

commemorating the bicentennial of the American revolution in Washington state and plan, encourage, develop, and coordinate observances and activities commemorating the historic events that are associated with the American revolution.

(2) In preparing its plans and program, the commission shall consider any related plans and programs developed by the national American revolution bicentennial commission and local and private groups, and it may designate special committees with representatives from such bodies to plan, develop, and coordinate such activities.

(3) In all planning, the commission shall give special emphasis to the ideas associated with the American revolution and to the involvement of local citizens, communities and areas so that the people of the state may, to the greatest practical extent, serve as participants in, rather than merely as observers of the commemoration.

(4) The commission shall submit an annual report to the governor on the 1st of January incorporating its specific recommendations for the commemoration of the American revolution bicentennial and related events. The report may recommend activities including, but not limited to:

(a) The production, publication and distribution of books, pamphlets, films, and other educational materials on the history, culture, and political thought of the period of the American revolution;

(b) Bibliographical and documentary projects and publications;

(c) Conferences, convocations, lectures, seminars, and other programs;

(d) The development of libraries, museums, historic sites, and exhibits, including mobile exhibits;

(e) Ceremonies and celebrations commemorating specific events; and

(f) Programs and activities on the national and international significance of the American revolution and its implications for present and future generations.

(5) The annual report of the commission shall include recommendations for the allocation of financial and administrative responsibility among the public and private authorities and organizations recommended for participation by the commission. The report shall also include proposals for such legislation and administrative action as the commission considers necessary to carry out its recommendations. The governor shall transmit the commission's report to the legislature, together with any comments and recommendations for legislation and a report of such administrative actions as may be taken by him. [1972 ex.s. c 76 § 2.]

**43.125.030 Consultation with other agencies, institutions and organizations—Cooperation enjoined.** (1) In fulfilling its responsibilities, the commission shall consult, cooperate with, and seek advice from appropriate state departments and agencies, local public bodies, learned societies, and historical, patriotic, philanthropic, civic, professional, and related organizations. State departments and agencies may cooperate with the commission in planning, encouraging, developing, and coordinating appropriate commemorative activities.

(2) The commission shall determine if there are any sites within the state which are appropriate for preservation or development in such a manner as to ensure that fitting observances and exhibits commemorating the American revolution may be held at such sites during the bicentennial celebration.

(3) The president of each state college and university shall cooperate with the commission, especially in the encouragement, coordination, and publicity of scholarly works and presentations on the history, culture, political thought, and commemoration of the American revolution.

(4) The state librarian, the director of the state historical society, the director of the eastern Washington historical society, the director of the state capitol historical association, the executive director of the arts commission, and the director of the department of general administration shall cooperate with the commission, especially in the development and display of exhibits and collections and in the development of bibliographies, catalogs, and other materials relevant to the period of the American revolution. [1972 ex.s. c 76 § 3.]

**43.125.040 Official Washington state commemoration medal.** (1) The commission is authorized to provide for the striking of an official Washington state medal in commemoration of the two hundredth anniversary of American independence. Such medal shall have suitable emblems, devices, and inscriptions and be in such size and metals as the commission may determine, in consultation with the national American revolution bicentennial commission in order to assure that the Washington state medal conforms with the medals of the other states and will result in an official matching set of such state medals according to criteria set by the national American revolution bicentennial commission.

(2) The commission shall determine the quantity of medals to be produced, including reorders as deemed necessary. The commission shall also arrange for the sale of the medals and their sales price. Receipts in excess of production and distribution costs shall be exclusively available to the commission for its general purposes. [1972 ex.s. c 76 § 4.]

**43.125.050 Donations—Property—Expenditures.** (1) The commission may accept donations of money, personal property, or personal services.

(2) All property acquired by the commission shall be deposited for preservation in federal, state, or local libraries or museums or otherwise disposed of in consultation with the state librarian, the director of the Washington state historical society, the director of the eastern Washington state historical society, the director of the state capitol historical association, and the director of the department of general administration.

(3) All money donated to the commission shall be deposited with the state treasurer and shall be exclusively available to the commission. All expenditures of the commission shall be by warrant of the state treasurer on vouchers of the chairman of the commission in

accordance with budgets approved by the office of program planning and fiscal management. [1972 ex.s. c 76 § 5.]

**43.125.900 Termination of commission.** The commission shall be abolished on January 1, 1984. [1972 ex.s. c 76 § 7.]

## Chapter 43.126 GEOGRAPHIC NAMES

### Sections

- 43.126.010 Purposes.  
43.126.020 State board on geographic names—Created—Members—Chairman.  
43.126.030 State board on geographic names—Powers and duties.  
43.126.040 Policies—Criteria.  
43.126.050 Adoption of names—Procedure—Effect.  
43.126.060 Meetings—Rules and regulations—Publication of names adopted.  
43.126.070 Travel expenses of members.  
43.126.080 Naming geographic features without board approval prohibited.

**43.126.010 Purposes.** The purposes of this chapter are: To establish a procedure for the retention and formal recognition of existing names; to standardize the procedures for naming or renaming geographical features within the state of Washington; to identify one body as the responsible agent to coordinate this important activity between local, state and federal agencies; to identify the responsible agent for the purpose of serving the public interest; to avoid whenever possible the duplication of names for similar features, and so far as possible retain the significance, spelling and color of names associated with the early history of Washington. [1973 1st ex.s. c 178 § 1.]

**43.126.020 State board on geographic names—Created—Members—Chairman.** There is hereby created a Washington state board on geographic names. It shall be composed of:

- (1) The state librarian or representative;
- (2) The commissioner of public lands or representative who shall be chairman of the board;
- (3) The president of the Washington state historical society or representative;
- (4) The chairman of the department of geography, University of Washington or representative;
- (5) The chairman of the department of geography, Washington State University or representative;
- (6) Two members from the general public to be appointed by and serve at the pleasure of the commissioner of public lands. [1975 1st ex.s. c 26 § 1; 1973 1st ex.s. c 178 § 2.]

**43.126.030 State board on geographic names—Powers and duties.** It shall be the duty of the Washington state board on geographic names and it shall have the power and authority to:

- (1) Establish the official names for the lakes, mountains, streams, places, towns, and other geographic features within the state and the spellings thereof except when a name is specified by law. For the purposes of this

subsection geographic features do not include manmade features or administrative areas such as parks, game preserves and dams, but shall include manmade lakes;

(2) Assign names to lakes, mountains, streams, places, towns, and other geographic features in the state for which no single generally accepted name has been in use;

(3) Cooperate with county commissioners, state departments and agencies and with the United States board on geographic names to establish, change and/or determine the appropriate names of the lakes, mountains, streams, places, towns, and other geographic features; and for the purpose of eliminating, so far as possible, duplication of place names within the state;

(4) Serve as a state of Washington liaison with the United States board on geographic names;

(5) Issue periodically a list of names approved by the board. [1973 1st ex.s. c 178 § 3.]

**43.126.040 Policies—Criteria.** The board is authorized to establish policies to carry out the purposes of this chapter. In determining the names and orthography of geographic place names within the state of Washington, the board's decisions shall be made only after a careful consideration of all available information relating to such names, including the recommendations of the United States board on geographic names to which board it shall give full cooperation. [1973 1st ex.s. c 178 § 4.]

**43.126.050 Adoption of names—Procedure—Effect.** Adoption of names by the board shall take place only after consideration at a previous meeting. All determinations of the board shall be filed with the code reviser and shall be compiled and indexed in the same manner as agency rules pursuant to RCW 34.04.050. Determinations by the board shall not be considered a rule under provisions of RCW 34.04.010. Whenever the state board on geographic names shall have given a name to any lake, stream, place and other geographic feature within the state, such name shall be used in all maps, records, documents and other publications issued by the state or any of its departments and political subdivisions, and such name shall be deemed the official name of such geographic feature. [1973 1st ex.s. c 178 § 5.]

**43.126.060 Meetings—Rules and regulations—Publication of names adopted.** The board shall hold at least two regular meetings each year, and shall hold special meetings as called by the chairman or a majority of the board.

(1) All meetings shall be open to the public;

(2) Public notice of board meetings shall be published in one issue of a local newspaper of general circulation in the counties in which features are being considered at least one week before the meeting is held. This notice will include those names to be considered by the board and those names to be adopted by the board;

(3) Four board members shall constitute a quorum;

(4) The board shall establish rules and regulations for the conduct of its affairs and carrying out the purposes of this chapter;

(5) The department of natural resources shall furnish secretarial and administrative services and shall serve as custodian of the records;

(6) All geographic names adopted by the board shall be published in a local newspaper of general circulation in the county where the geographic name applies within four weeks following the date of their adoption. [1973 1st ex.s. c 178 § 6.]

**43.126.070 Travel expenses of members.** Each member of the board, not otherwise a public employee, shall receive travel expenses incurred in the discharge of their duties, in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, which shall be paid by the agency that each member represents and, for the two members of the general public, by the department of natural resources. In no event shall a member's payments exceed five hundred dollars in any one fiscal year. [1975-'76 2nd ex.s. c 34 § 133; 1973 1st ex.s. c 178 § 7.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**43.126.080 Naming geographic features without board approval prohibited.** No person shall in any advertisement or publication attempt to change local usage or name unnamed geographic features without first obtaining approval of the board. [1973 1st ex.s. c 178 § 8.]

### Chapter 43.130

## ECONOMIC IMPACT ACT—CLOSING OF STATE FACILITIES

### Sections

43.130.010	Purpose.
43.130.020	Definitions.
43.130.030	Excluded employment and employees.
43.130.040	Benefits.
43.130.050	Eligibility—Conditions.
43.130.060	Reimbursement of public employees' retirement system.
43.130.900	Severability—1973 2nd ex.s. c 37.
43.130.910	Emergency—Operative dates—Termination of benefits.

**43.130.010 Purpose.** When either for fiscal reasons, obsolescence or other extraordinary reasons, it becomes necessary to close a state facility, as defined by RCW 43.130.020(2), the state has a responsibility to provide certain benefits to affected employees.

It is the purpose of this chapter to establish an economic impact act for the state of Washington to meet the emergency situation now in existence for state employees affected by the closure of state facilities, as defined in RCW 43.130.020. [1973 2nd ex.s. c 37 § 1.]

**43.130.020 Definitions.** For purposes of this chapter:

(1) "Employees" includes those persons performing services for the state on a salaried or hourly basis including, but not limited to, persons in "classified service" as defined in RCW 41.06.020(3) and those persons

defined as exempt from the state civil service laws pursuant to RCW 41.06.070.

(2) The term "closure of a state facility" means the termination of services being provided by a facility operated by the department of social and health services or in conjunction with the department of natural resources, when such facility is terminated for fiscal reasons, obsolescence, or other extraordinary reasons.

(3) "Classified employees" means those employees performing classified service as defined in RCW 41.06.020(3). [1973 2nd ex.s. c 37 § 2.]

**43.130.030 Excluded employment and employees.** Excluded employment and excluded employees under this chapter include, but are not limited to, the following:

(1) State employment related to a single project under a program separately financed by a grant of nonstate funds, federal funds or state funds, or by a combination of such funding, which is designed to provide training or employment opportunities, expertise or additional manpower related to the project or which, because of the nature of the project funding requirements, is not intended as a permanent program.

(2) Activities at least seventy-five percent federally funded by a categorical grant for a specific purpose and any other activities terminated because of actions taken by the federal government or other funding sources other than the state of Washington in eliminating or substantially limiting funding sources, except to the extent that the federal government or such other funding sources may permit the use of nonstate funds to pay for any employee benefits authorized pursuant to this chapter.

(3) The following categories of employees are excluded from benefits under this chapter:

(a) employees refusing transfer to vacant positions in the same or a like job classification and at not more than one full range lower than the same salary range;

(b) classified employees having other than permanent status in the classified service;

(c) employees having less than three years' consecutive state service as an employee, except that such employees shall nonetheless be eligible for the benefits provided in subsections (1), (2), (4) and (5) of RCW 43.130.040.

(d) nothing in this chapter shall affect any other rights currently held by classified employees regarding reduction in force procedures and subsequent reemployment. [1973 2nd ex.s. c 37 § 3.]

**43.130.040 Benefits.** In order to carry out the purposes of this chapter, the state shall take every reasonable step at its disposal to provide alternative employment and to minimize the economic loss of state employees affected by the closure of state facilities. Affected state employees shall be paid benefits as specified in this section.

(1) Relocation expenses covering the movement of household goods, incurred by the necessity of an employee moving his domicile to be within reasonable commuting distance of a new job site, shall be paid by

the state to employees transferring to other state employment by reason of the closure of a facility.

(2) Relocation leave shall be allowed up to five working days' leave with pay for the purpose of locating new residence in the area of employment.

(3) The state shall reimburse the transferring employee to the extent of any unavoidable financial loss suffered by an employee who sells his home at a price less than the true and fair market value as determined by the county assessor not exceeding three thousand dollars: *Provided*, That this right of reimbursement must be exercised, and sale of the property must be accomplished, within a period of two years from the date other state employment is accepted.

(4) For employees in facilities which have been terminated who do not choose to participate in the transfer program set forth in the preceding subsections, the following terminal pay plan shall be available:

(a) For qualifying employees, for each one year of continuous state service, one week (five working days) of regular compensation shall be provided.

(b) Regular compensation as used in subsection (a) hereof shall include salary compensation at the rate being paid to the employees at the time operation of the facility is terminated.

(c) Terminal pay as set forth in subsections (a) and (b) hereof shall be paid to the employee at the termination of the employees last month of employment or within thirty days after \*the effective date of this 1973 act, whichever is later: *Provided*, That from the total amount of terminal pay, the average sum of unemployment compensation that the qualifying employee is eligible to receive multiplied by the total number of weeks of terminal pay minus one week shall be deducted.

(d) Those employees electing the early retirement benefits as stated in subsection (5) of this section shall not be eligible for the terminal pay provisions as set forth in this subsection.

(e) Those employees who are reemployed by the state during the period they are receiving terminal pay pursuant to subsections (a), (b) and (c) of this section shall reimburse the state for that portion of the terminal pay covered by the period of new employment.

(5) As an option to transferring to other state employment an employee may elect early retirement under the following conditions:

(a) Notwithstanding the age requirements of RCW 41.40.180, any affected employee under this chapter who has attained the age of fifty-five years, with at least five years creditable service, shall be immediately eligible to retire, with no actuarial reduction in the amount of his pension benefit.

(b) Notwithstanding the age requirements of RCW 41.40.180, any affected employee under this chapter who has attained the age of forty-five years, with at least five years creditable service, shall be immediately eligible to retire with an actuarial reduction in the amount of his pension benefit of three percent for each complete year that such employee is under fifty-five years of age.

(c) Employees who elect to retire pursuant to RCW 41.40.180 shall be eligible to retire while on authorized

leave of absence not in excess of one hundred and twenty days.

(d) Employees who elect to retire under the provisions of this section shall not be eligible for any retirement benefit in a year following a year in which their employment income was in excess of six thousand dollars. This six thousand dollars base shall be adjusted annually beginning in 1974 by such cost of living adjustments as are applied by the public employees' retirement system to membership retirement benefits. The public employees retirement system board shall adopt necessary rules and regulations to implement the provisions of this subsection. [1973 2nd ex.s. c 37 § 4.]

**\*Reviser's note:** The effective date of 1973 2nd ex.s. c 37 was September 26, 1973.

*Public employees' retirement system: Chapter 41.40 RCW.*

*Termination date of benefits under subsection (3) of this section: RCW 43.130.910.*

**43.130.050 Eligibility—Conditions.** (1) Notwithstanding any other provision of this chapter employees affected by the closure of a state facility as defined in RCW 43.130.020(2) who were employed as of May 1, 1973 at such facility, and who are still in employment of the state or on an official leave of absence as of the \*effective date of this 1973 act who would otherwise qualify for the enumerated benefits of this chapter are hereby declared eligible for such benefits under the following conditions:

(a) such employee must be actively employed by the state of Washington or on an official leave of absence on the \*effective date of this 1973 act, and unless the early retirement or terminal pay provisions of this chapter are elected, continue to be employed or to be available for employment in a same or like job classification at not less than one full range lower than the same salary range for a period of at least thirty days thereafter;

(b) such employee must give written notice of his election to avail himself of such benefits within thirty days after the \*passage of this 1973 act or upon closure of the institution, whichever is later. [1973 2nd ex.s. c 37 § 5.]

**\*Reviser's note:** (1) The effective date of 1973 2nd ex.s. c 37 was September 26, 1973 due to the emergency clause contained in section 9, codified herein as RCW 43.130.910.

(2) 1973 2nd ex.s. c 37 (Engrossed Substitute Senate Bill No. 2603) passed the Senate September 14, 1973, passed the House September 13, 1973 and was approved by the Governor September 26, 1973.

*Employees to whom chapter is operative: RCW 43.130.910.*

**43.130.060 Reimbursement of public employees' retirement system.** In order to reimburse the public employees' retirement system for any increased costs occasioned by the provisions of this chapter which affect the retirement system, the public employees' retirement board shall, within thirty days of the date upon which any affected employee elects to take advantage of the retirement provisions of this chapter, determine the increased present and future cost to the retirement system of such employee's election. Upon the determination of the amount necessary to offset said increased cost, the retirement board shall bill the department of personnel for the amount of the increased cost: *Provided*, That

such billing shall not exceed eight hundred sixty-one thousand dollars. Such billing shall be paid by the department as, and the same shall be, a proper charge against any moneys available or appropriated to the department for this purpose. [1973 2nd ex.s. c 37 § 6.]

**43.130.900 Severability—1973 2nd ex.s. c 37.** If any provision of this 1973 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. [1973 2nd ex.s. c 37 § 8.]

**43.130.910 Emergency—Operative dates—Termination of benefits.** This 1973 act is necessary for the immediate preservation of the public peace, health and safety, the support of state government and its existing public institutions and shall take effect immediately: *Provided however*, That each of the provisions of this 1973 act shall be operative and in effect only for employees of those state facilities closed after May 1, 1973 and prior to September 14, 1974: *Provided further*, That benefits under section 4 (3) of this 1973 act shall be available until September 14, 1975. [1973 2nd ex.s. c 37 § 9.]

## Chapter 43.198 CONSTRUCTION

### Sections

- 43.198.010 Continuation of existing law.
- 43.198.020 Title, chapter, section headings not part of law.
- 43.198.030 Invalidity of part of title not to affect remainder.
- 43.198.040 Repeals and saving.
- 43.198.050 Emergency—1965 c 8.

**43.198.010 Continuation of existing law.** The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments. Nothing in this 1965 reenactment of this title shall be construed as authorizing any new bond issues or new or additional appropriations of moneys but the bond issue authorizations herein contained shall be construed only as continuations of bond issues authorized by prior laws herein repealed and reenacted, and the appropriations of moneys herein contained are continued herein for historical purposes only and this act shall not be construed as a reappropriation thereof and no appropriation contained herein shall be deemed to be extended or revived hereby and such appropriation shall lapse or shall have lapsed in accordance with the original enactment. [1965 c 8 § 43.198.010.]

**43.198.020 Title, chapter, section headings not part of law.** Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law. [1965 c 8 § 43.198.020.]

**43.198.030 Invalidity of part of title not to affect remainder.** If any provision of this title, or its application to any person or circumstance is held invalid, the

remainder of the title, or the application of the provision to other persons or circumstances is not affected. [1965 c 8 § 43.198.030.]

**43.198.040 Repeals and saving.** The following acts or parts of acts are hereby repealed:

- (1) Sections 1 through 18, pages 409–412, Laws of 1854;
- (2) Sections 1 through 9, pages 413, 414, Laws of 1854;
- (3) Sections 1 through 20, pages 45–51, Laws of 1863–1864;
- (4) Sections 1 through 12, pages 51–54, Laws of 1863–1864;
- (5) Sections 1 through 3, page 37, Laws of 1864–1865;
- (6) Sections 1 and 2 of "An Act Relating to territorial warrants", page 408, Laws of 1869;
- (7) Sections 1 through 12, pages 76–79, Laws of 1871;
- (8) Sections 1 through 9, pages 96–98, Laws of 1871;
- (9) Sections 1 through 4, pages 128–129, Laws of 1879;
- (10) Sections 2367, 2566 through 2587, Code of 1881;
- (11) Sections 1 through 3, page 61, Laws of 1883;
- (12) Sections 1 through 13, pages 133–136, Laws of 1885–1886;
- (13) Sections 1 through 9, chapter 7, Laws of 1887–1888;
- (14) Sections 1 through 4, chapter 129, Laws of 1887–1888;
- (15) Sections 1 through 7, chapter 20, pages 627–629, Laws of 1889–1890;
- (16) Sections 1, 2, 10, 11, and 12, chapter 20, pages 629–634, Laws of 1889–1890;
- (17) Sections 1 through 25, chapter 20, pages 634–641, Laws of 1889–1890;
- (18) Sections 1 through 13, chapter 20, pages 642–645, Laws of 1889–1890;
- (19) Sections 1 through 7, chapter 20, pages 645–647, Laws of 1889–1890;
- (20) Sections 1 through 12, chapter 20, pages 647–651, Laws of 1889–1890;
- (21) Section 2, chapter 55, Laws of 1891;
- (22) Section 1, chapter 82, Laws of 1891;
- (23) Sections 2 through 7, 9 through 15, chapter 98, Laws of 1891;
- (24) Chapter 138, Laws of 1891;
- (25) Chapter 101, Laws of 1893;
- (26) Chapter 85, Laws of 1895;
- (27) Chapter 98, Laws of 1895;
- (28) Chapter 141, Laws of 1895;
- (29) Chapter 29, Laws of 1897;
- (30) Chapter 44, Laws of 1899;
- (31) Sections 1 through 5, 7 and 8, chapter 74, Laws of 1901;
- (32) Section 4, chapter 81, Laws of 1901;
- (33) Section 1, chapter 116, Laws of 1901;
- (34) Chapter 165, Laws of 1901;
- (35) Chapter 179, Laws of 1901;
- (36) Chapter 75, Laws of 1903;
- (37) Chapter 95, Laws of 1903;

- (38) Chapter 107, Laws of 1903;
- (39) Chapter 157, Laws of 1903;
- (40) Chapter 43, Laws of 1905;
- (41) Chapter 59, Laws of 1905;
- (42) Chapter 99, Laws of 1905;
- (43) Chapter 168, Laws of 1905;
- (44) Chapter 8, Laws of 1907;
- (45) Chapter 12, Laws of 1907;
- (46) Chapter 37, Laws of 1907;
- (47) Sections 1, 17, and 20, chapter 83, Laws of 1907;
- (48) Chapter 94, Laws of 1907;
- (49) Chapter 96, Laws of 1907;
- (50) Section 1, chapter 168, Laws of 1907;
- (51) Chapter 174, Laws of 1907;
- (52) Sections 14 through 19, chapter 29, Laws of 1909;
- (53) Chapter 43, Laws of 1909;
- (54) Section 1, chapter 69, Laws of 1909;
- (55) Sections 1 through 8, 10, and 11, chapter 76, Laws of 1909;
- (56) Chapter 133, Laws of 1909;
- (57) Chapter 151, Laws of 1909;
- (58) Section 2, chapter 208, Laws of 1909;
- (59) Chapter 245, Laws of 1909;
- (60) Chapter 22, Laws of 1909 extraordinary session;
- (61) Chapter 30, Laws of 1911;
- (62) Chapter 51, Laws of 1911;
- (63) Sections 6 and 10, chapter 60, Laws of 1913;
- (64) Chapter 113, Laws of 1913;
- (65) Chapter 15, Laws of 1915;
- (66) Section 2, chapter 27, Laws of 1915;
- (67) Sections 2 and 7, chapter 66, Laws of 1915;
- (68) Chapter 73, Laws of 1915;
- (69) Chapter 75, Laws of 1915;
- (70) Section 7, chapter 169, Laws of 1915;
- (71) Sections 9 and 11, chapter 180, Laws of 1915;
- (72) Section 1, chapter 11, Laws of 1917;
- (73) Sections 2 through 10, chapter 36, Laws of 1917;
- (74) Sections 2, 3, 4, 9, 11, and 13, chapter 80, Laws of 1917;
- (75) Section 8, chapter 117, Laws of 1917;
- (76) Chapter 129, Laws of 1917;
- (77) Chapter 37, Laws of 1919;
- (78) Chapter 80, Laws of 1919;
- (79) Chapter 118, Laws of 1919;
- (80) Chapter 119, Laws of 1919;
- (81) Chapter 124, Laws of 1919;
- (82) Chapter 126, Laws of 1919;
- (83) Section 1, chapter 201, Laws of 1919;
- (84) Sections 2, 3, and 6, chapter 209, Laws of 1919;
- (85) Sections 2, 3, 4, 6, 8, 10, 14, 15, 16, 18, 19, 20, 31, 37, 42, 47, 56 through 59, 61, 63, 64, 66, 69, 70, 72 through 106, 118, 121, 128, 133 and 134, chapter 7, Laws of 1921;
- (86) Chapter 28, Laws of 1921;
- (87) Chapter 36, Laws of 1921;
- (88) Chapter 49, Laws of 1921;
- (89) Chapter 81, Laws of 1921;
- (90) Chapter 119, Laws of 1921;
- (91) Chapter 149, Laws of 1921;
- (92) Chapter 109, Laws of 1923;
- (93) Chapter 127, Laws of 1923;

- (94) Sections 1 and 2, chapter 154, Laws of 1923;  
 (95) Chapter 157, Laws of 1923;  
 (96) Chapter 9, Laws of 1925;  
 (97) Chapter 90, Laws of 1925 extraordinary session;  
 (98) Chapter 92, Laws of 1925 extraordinary session;  
 (99) Chapter 163, Laws of 1925 extraordinary session;  
 (100) Chapter 77, Laws of 1927;  
 (101) Chapter 183, Laws of 1927;  
 (102) Section 2, chapter 288, Laws of 1927;  
 (103) Chapter 304, Laws of 1927;  
 (104) Sections 1 through 6, chapter 306, Laws of 1927;  
 (105) Chapter 68, Laws of 1929;  
 (106) Chapter 83, Laws of 1929;  
 (107) Chapter 92, Laws of 1929;  
 (108) Chapter 115, Laws of 1929;  
 (109) Chapter 148, Laws of 1929;  
 (110) Chapter 161, Laws of 1929;  
 (111) Chapter 162, Laws of 1929;  
 (112) Sections 1 and 2, chapter 87, Laws of 1931;  
 (113) Section 3, chapter 132, Laws of 1931;  
 (114) Sections 1 and 2, chapter 3, Laws of 1933;  
 (115) Chapter 25, Laws of 1933;  
 (116) Chapter 47, Laws of 1933;  
 (117) Chapter 81, Laws of 1933;  
 (118) Sections 3 and 4, chapter 97, Laws of 1933;  
 (119) Section 1, chapter 118, Laws of 1933;  
 (120) Chapter 126, Laws of 1933;  
 (121) Chapter 34, Laws of 1933 extraordinary session;  
 (122) Sections 3 and 4, chapter 54, Laws of 1933 extraordinary session;  
 (123) Chapter 60, Laws of 1935;  
 (124) Section 1, chapter 63, Laws of 1935;  
 (125) Section 1, chapter 71, Laws of 1935;  
 (126) Chapter 76, Laws of 1935;  
 (127) Chapter 91, Laws of 1935;  
 (128) Chapter 130, Laws of 1935;  
 (129) Chapter 132, Laws of 1935;  
 (130) Chapter 139, Laws of 1935;  
 (131) Chapter 142, Laws of 1935;  
 (132) Chapter 176, Laws of 1935;  
 (133) Chapter 88, Laws of 1937;  
 (134) Section 10, chapter 90, Laws of 1937;  
 (135) Section 1, chapter 111, Laws of 1937;  
 (136) Section 7, chapter 114, Laws of 1937;  
 (137) Chapter 139, Laws of 1937;  
 (138) Section 2, chapter 168, Laws of 1937;  
 (139) Chapter 224, Laws of 1937;  
 (140) Chapter 120, Laws of 1939;  
 (141) Chapter 146, Laws of 1939;  
 (142) Chapter 226, Laws of 1939;  
 (143) Chapter 50, Laws of 1941;  
 (144) Chapter 129, Laws of 1941;  
 (145) Chapter 196, Laws of 1941;  
 (146) Section 2, chapter 204, Laws of 1941;  
 (147) Chapter 228, Laws of 1941;  
 (148) Chapter 30, Laws of 1943;  
 (149) Chapter 56, Laws of 1943;  
 (150) Chapter 86, Laws of 1943;  
 (151) Chapter 108, Laws of 1943  
 (152) Chapter 124, Laws of 1943  
 (153) Chapter 128, Laws of 1943;  
 (154) Chapter 134, Laws of 1943;  
 (155) Chapter 160, Laws of 1943  
 (156) Chapter 205, Laws of 1943;  
 (157) Chapter 215, Laws of 1943;  
 (158) Chapter 217, Laws of 1943;  
 (159) Chapter 225, Laws of 1943;  
 (160) Chapter 283, Laws of 1943;  
 (161) Chapter 36, Laws of 1945;  
 (162) Chapter 71, Laws of 1945;  
 (163) Chapter 112, Laws of 1945;  
 (164) Chapter 116, Laws of 1945;  
 (165) Chapter 123, Laws of 1945;  
 (166) Chapter 129, Laws of 1945;  
 (167) Chapter 158, Laws of 1945;  
 (168) Section 1, chapter 173, Laws of 1945;  
 (169) Section 93, chapter 235, Laws of 1945;  
 (170) Chapter 243, Laws of 1945;  
 (171) Chapter 262, Laws of 1945;  
 (172) Chapter 32, Laws of 1947;  
 (173) Chapter 51, Laws of 1947;  
 (174) Chapter 107, Laws of 1947;  
 (175) Chapter 110, Laws of 1947;  
 (176) Chapter 114, Laws of 1947;  
 (177) Chapter 143, Laws of 1947;  
 (178) Section 1, chapter 166, Laws of 1947;  
 (179) Chapter 174, Laws of 1947;  
 (180) Chapter 250, Laws of 1947;  
 (181) Chapter 261, Laws of 1947;  
 (182) Chapter 271, Laws of 1947;  
 (183) Chapter 10, Laws of 1949;  
 (184) Chapter 17, Laws of 1949;  
 (185) Chapter 60, Laws of 1949;  
 (186) Chapter 62, Laws of 1949;  
 (187) Chapter 111, Laws of 1949;  
 (188) Chapter 154, Laws of 1949;  
 (189) Chapter 165, Laws of 1949;  
 (190) Chapter 192, Laws of 1949;  
 (191) Section 5, chapter 227, Laws of 1949;  
 (192) Sections 1 through 4, chapter 57, Laws of 1951;  
 (193) Chapter 96, Laws of 1951;  
 (194) Chapter 99, Laws of 1951;  
 (195) Sections 1 and 3, chapter 106, Laws of 1951;  
 (196) Chapter 113, Laws of 1951;  
 (197) Chapter 131, Laws of 1951;  
 (198) Chapter 140, Laws of 1951;  
 (199) Chapter 151, Laws of 1951;  
 (200) Chapter 170, Laws of 1951;  
 (201) Chapter 232, Laws of 1951;  
 (202) Sections 16 through 37, chapter 247, Laws of 1951;  
 (203) Section 1, chapter 39, Laws of 1953;  
 (204) Chapter 47, Laws of 1953;  
 (205) Chapter 56, Laws of 1953;  
 (206) Chapter 64, Laws of 1953;  
 (207) Section 1, chapter 90, Laws of 1953;  
 (208) Chapter 105, Laws of 1953;  
 (209) Chapter 130, Laws of 1953;  
 (210) Sections 1 and 2, chapter 174, Laws of 1953;  
 (211) Sections 1 and 3, chapter 184, Laws of 1953;  
 (212) Chapter 259, Laws of 1953;



- (213) Chapter 262, Laws of 1953;  
 (214) Chapter 281, Laws of 1953;  
 (215) Chapter 287, Laws of 1953;  
 (216) Chapter 16, Laws of 1955;  
 (217) Chapter 78, Laws of 1955;  
 (218) Chapter 87, Laws of 1955;  
 (219) Chapter 91, Laws of 1955;  
 (220) Chapter 140, Laws of 1955;  
 (221) Chapter 173, Laws of 1955;  
 (222) Chapter 192, Laws of 1955;  
 (223) Chapter 197, Laws of 1955;  
 (224) Chapter 198, Laws of 1955;  
 (225) Chapter 200, Laws of 1955;  
 (226) Chapter 222, Laws of 1955;  
 (227) Chapter 224, Laws of 1955;  
 (228) Chapter 226, Laws of 1955;  
 (229) Chapter 244, Laws of 1955;  
 (230) Chapter 258, Laws of 1955;  
 (231) Sections 2 through 10, 12, 13, and 18, chapter 285, Laws of 1955;  
 (232) Chapter 330, Laws of 1955;  
 (233) Chapter 332, Laws of 1955;  
 (234) Chapter 333, Laws of 1955;  
 (235) Chapter 334, Laws of 1955;  
 (236) Chapter 335, Laws of 1955;  
 (237) Sections 1 through 6, and 12, chapter 340, Laws of 1955;  
 (238) Chapter 370, Laws of 1955;  
 (239) Chapter 391, Laws of 1955;  
 (240) Chapter 12, Laws of 1955 extraordinary session;  
 (241) Chapter 13, Laws of 1955 extraordinary session;  
 (242) Chapter 20, Laws of 1957;  
 (243) Chapter 38, Laws of 1957;  
 (244) Sections 1, 2, 3, and 5, chapter 90, Laws of 1957;  
 (245) Sections 2 and 6, chapter 115, Laws of 1957;  
 (246) Chapter 162, Laws of 1957;  
 (247) Chapter 174, Laws of 1957;  
 (248) Sections 1 through 4, chapter 175, Laws of 1957;  
 (249) Section 1, chapter 187, Laws of 1957;  
 (250) Chapter 210, Laws of 1957;  
 (251) Sections 1 through 23, 25, and 26, chapter 215, Laws of 1957;  
 (252) Chapter 226, Laws of 1957;  
 (253) Chapter 229, Laws of 1957;  
 (254) Chapter 245, Laws of 1957;  
 (255) Sections 3 through 19, chapter 275, Laws of 1957;  
 (256) Chapter 284, Laws of 1957;  
 (257) Chapter 291, Laws of 1957;  
 (258) Chapter 295, Laws of 1957;  
 (259) Chapter 8, Laws of 1959;  
 (260) Chapter 74, Laws of 1959;  
 (261) Chapter 88, Laws of 1959;  
 (262) Section 3, chapter 91, Laws of 1959;  
 (263) Chapter 115, Laws of 1959;  
 (264) Chapter 150, Laws of 1959;  
 (265) Chapter 171, Laws of 1959;  
 (266) Chapter 178, Laws of 1959;  
 (267) Chapter 194, Laws of 1959;  
 (268) Chapter 215, Laws of 1959;  
 (269) Chapter 228, Laws of 1959;  
 (270) Chapter 238, Laws of 1959;  
 (271) Sections 1 through 9, 11 through 15, chapter 255, Laws of 1959;  
 (272) Section 45, chapter 257, Laws of 1959;  
 (273) Section 5, chapter 263, Laws of 1959;  
 (274) Section 6, chapter 273, Laws of 1959;  
 (275) Sections 1, 2, and 4, chapter 301, Laws of 1959;  
 (276) Chapter 313, Laws of 1959;  
 (277) Chapter 317, Laws of 1959;  
 (278) Chapter 328, Laws of 1959;  
 (279) Chapter 9, Laws of 1959 extraordinary session;  
 (280) Sections 31 and 32, chapter 1, Laws of 1961;  
 (281) Chapter 19, Laws of 1961;  
 (282) Chapter 93, Laws of 1961;  
 (283) Sections 1 through 4, and 6 through 18, chapter 152, Laws of 1961;  
 (284) Chapter 154, Laws of 1961;  
 (285) Chapter 164, Laws of 1961;  
 (286) Sections 1 and 2, chapter 170, Laws of 1961;  
 (287) Chapter 184, Laws of 1961;  
 (288) Chapter 215, Laws of 1961;  
 (289) Chapter 220, Laws of 1961;  
 (290) Section 11, chapter 281, Laws of 1961;  
 (291) Sections 1 through 6, chapter 300, Laws of 1961;  
 (292) Chapter 301, Laws of 1961;  
 (293) Sections 1, 2, 3, 5, 6, 12, and 13, chapter 307, Laws of 1961;  
 (294) Sections 1, 2, and 3, chapter 5, Laws of 1961 extraordinary session;  
 (295) Section 3, chapter 11, Laws of 1961 extraordinary session;  
 (296) Chapter 23, Laws of 1961 extraordinary session;  
 (297) Chapter 141, Laws of 1963;  
 (298) Chapter 160, Laws of 1963;  
 (299) Chapter 161, Laws of 1963;  
 (300) Chapter 175, Laws of 1963;  
 (301) Chapter 209, Laws of 1963;  
 (302) Sections 1 through 10, chapter 12, Laws of 1963 extraordinary session;  
 (303) RCW 43.79.070, RCW 43.79.190, and RCW 43.79.200.
- Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any actions, activities, or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation, resolution, ordinance, or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office, or appointment or employment of any person appointed or employed thereunder.
- The repeal of said acts and parts of acts shall not be construed as reviving any former acts amended, superseded, or expressly or impliedly repealed thereby, nor as abrogating any savings clauses or other conditions contained in any repealer sections which are herein repealed, nor as abrogating any validations accomplished by any statutes herein repealed. [1965 c 8 § 43.198.040.]

**43.198.050 Emergency—1965 c 8.** 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 immediately. [1965 c 8 § 43.198.050.]

# TITLE 44

## STATE GOVERNMENT—LEGISLATIVE

### Chapters

- 44.04 General provisions.
- 44.07 Districts and apportionment—1965 act.
- 44.07A Legislative districts and apportionment.
- 44.16 Legislative inquiry.
- 44.18 Claims.
- 44.20 Session laws.
- 44.24 Legislative council.
- 44.28 Legislative budget committee.
- 44.30 Joint committee on higher education.
- 44.33 Joint committee on education.
- 44.36 Joint committee on urban area government.
- 44.39 Joint committee on nuclear energy.
- 44.40 Legislative transportation committee—Senate and house transportation and utilities committees.
- 44.44 Office of state actuary.
- 44.60 Legislative ethics.

*Adjournments: State Constitution Art. 2 § 11.*

*Administrative rules, review by legislature: RCW 34.04.160.*

*Apportionment: State Constitution Art. 22.*

*Attorney general, legal adviser for legislature: RCW 43.10.030.*

*Biennial and special sessions: State Constitution Art. 2 § 12.*

### Bills

*drafting service maintained by code reviser: RCW 1.08.027.*

*origin and amendment: State Constitution Art. 2 § 20.*

*passage, requirements for: State Constitution Art. 2 § 22.*

*printing of bills by public printer: RCW 43.78.030.*

*private interest in: State Constitution Art. 2 § 30.*

*style: State Constitution Art. 2 § 18.*

*time for introduction of: State Constitution Art. 2 § 36.*

*to embrace one subject: State Constitution Art. 2 § 19.*

*Bribery or corrupt solicitation of legislators: State Constitution Art. 2 § 30.*

*Campaign financing, disclosure of: Chapter 42.17 RCW.*

*Census, to provide for: State Constitution Art. 2 § 3.*

*Code of ethics: Chapter 42.22 RCW.*

*Commission on uniform legislation: Chapter 43.56 RCW.*

*Compelling attendance: State Constitution Art. 2 § 8.*

### Compensation of members

*amount of: RCW 43.03.010.*

*appointees to office of state legislator: RCW 43.03.015.*

*extra compensation prohibited: State Constitution Art. 2 § 25.*

*how determined: State Constitution Art. 28 § 1 (Amendment 20).*

*Compensation of state officers, legislature to determine: State Constitution Art. 28 § 1 (Amendment 20).*

*Composition: State Constitution Art. 2 § 2.*

*Constitutional provisions relating to legislature: State Constitution Art. 2.*

*Contempt of legislature, how punished: State Constitution Art. 2 § 9.*

*Contested elections of state elective officers, legislature to decide: State Constitution Art. 3 § 4.*

*Continuity of government act: Chapter 42.14 RCW.*

*Counties, government, legislature to provide for: State Constitution Art. 11 § 4.*

*Counties, officers, legislature to provide for and fix compensation: State Constitution Art. 11 § 5 (Amendment 12); Art. 11 § 8.*

*Crimes relating to legislature: Chapter 9.55 RCW.*

### Elections

*certification to legislature of returns: RCW 43.07.030.*

*judges of own election and qualifications: State Constitution Art. 2 § 8.*

*officers of legislature: State Constitution Art. 2 § 10.*

*qualifications of legislators: State Constitution Art. 2 § 7.*

*registration laws, legislature to enact: State Constitution Art. 6 § 7.*

*representatives: State Constitution Art. 2 § 4.*

*secrecy of voting, legislature to provide for: State Constitution Art. 6 § 6.*

*senators: State Constitution Art. 2 § 6.*

*time for holding: State Constitution Art. 2 § 5.*

*voice vote required: State Constitution Art. 2 § 27.*

*Expulsion of member: State Constitution Art. 2 § 9.*

*Extraordinary sessions convened by governor: State Constitution Art. 3 § 7.*

*Financial disclosure by members: Chapter 42.17 RCW.*

*Free transportation prohibited: State Constitution Art. 2 § 39; Art. 12 § 20.*

*Freedom of debate: State Constitution Art. 2 § 17.*

*Governor—elect, appropriation for office and staff: RCW 43.06.055.*

*Governor's message to legislature: State Constitution Art. 3 § 6.*

*Harbor line commission, legislature shall provide for: State Constitution Art. 15 § 1 (Amendment 15).*

*Homestead and other property exemptions of families, legislature to protect: State Constitution Art. 19 § 1.*

*Hospitalization and medical aid for public employees and dependents—Premiums, governmental contributions authorized: RCW 41.04.180, 41.04.190.*

*Immunity of members from arrest: State Constitution Art. 2 § 16.*

*Impeachment: State Constitution Art. 5 §§ 1, 2.*

*Initiative and referendum: State Constitution Art. 2 § 1 (Amendment 7); chapter 29.79 RCW.*

### Journals

*distribution of copies: RCW 40.04.090.*

*each house to keep: State Constitution Art. 2 § 11.*

*entry of vote upon: State Constitution Art. 2 § 21.*

*public printer to print and bind: RCW 43.78.030.*

*secretary of state as custodian: RCW 43.07.040.*

*Judicial council, legislative membership on: RCW 2.52.010.*

### Judiciary

*inferior courts, legislature to prescribe jurisdiction and powers of: State Constitution Art. 4 § 12.*

*justices of the peace, number, powers, duties and jurisdiction to be fixed by legislature: State Constitution Art. 4 § 10 (Amendment 28).*

*publication of supreme court opinions to be provided for by legislature: State Constitution Art. 4 § 21.*

*supreme court judges, legislature may increase number: State Constitution Art. 4 § 2.*

### Legislation

*effective date: State Constitution Art. 2 § 41 (Amendment 26).*

*how signed: State Constitution Art. 2 § 32.*

*limitation of amendments: State Constitution Art. 2 § 38.*

*secretary of state custodian of acts, resolutions and journals: RCW 43.07.040.*

section amended must be set forth in full: State Constitution Art. 2 § 37.

special legislation prohibited: State Constitution Art. 2 § 28.  
time limitation for introduction: State Constitution Art. 2 § 36.  
veto: State Constitution Art. 3 § 12.

Legislative district chairmen: RCW 29.42.070.

Legislative information system, data processing, code reviser to operate: RCW 1.08.100.

Legislators as retired state employees for insurance purposes: RCW 41.05.080.

#### Legislature

community college bonds, legislature may provide additional means for payment of principal and interest on: RCW 28B.50.400.

#### reports to

community colleges, pension plans for faculty, study report on: RCW 28B.50.570.

education commission: RCW 28A.92.010.

higher education assistance authority: RCW 28B.17.170.

state higher education administrative procedures act: RCW 28B.19.050.

studies on environmental problems by director of ecology: RCW 43.21A.130.

Limitations on holding other public office: State Constitution Art. 2 §§ 13, 14.

Medicine and surgery, legislature to enact laws to regulate: State Constitution Art. 20 § 2.

Microfilming of records to provide continuity of civil government: Chapter 40.10 RCW.

Mileage: State Constitution Art. 2 § 23; RCW 43.03.010.

Militia, legislature to provide for: State Constitution Art. 10 § 2.

Misconduct of public officers: Chapter 42.20 RCW.

#### Municipal corporations

combined city and county, legislature to provide for: State Constitution Art. 11 § 16 (Amendment 23).

incorporation, provisions for to be provided by legislature: State Constitution Art. 11 § 10.

limitation on power of legislature to levy taxes upon: State Constitution Art. 11 § 12.

local improvement by special assessments, legislature may provide: State Constitution Art. 7 § 9.

Navigable waters, right to lease land for wharves, docks, etc., legislature to provide laws for: State Constitution Art. 15 § 2.

Private interest of legislator in bill: State Constitution Art. 2 § 30.

Privilege from arrest: State Constitution Art. 2 § 16.

Property tax committee: Chapter 84.10 RCW.

Qualifications of legislators: State Constitution Art. 2 § 7.

Quorum: State Constitution Art. 2 § 8.

Reapportionment: State Constitution Art. 2 § 3.

Recall: State Constitution Art. 1 §§ 33, 34 (Amendment 8); chapter 29.82 RCW.

Records of legislature kept by secretary of state: State Constitution Art. 3 § 17.

#### Reports to legislature

aeronautics commission: RCW 14.04.080.

attorney general: RCW 43.10.100.

board of prison terms and paroles: RCW 9.95.265.

budget of governor: RCW 43.88.060.

Columbia basin commission: RCW 43.49.070.

commissioner of public lands: RCW 79.01.744.

director of institutions: RCW 72.01.320.

form of reports: RCW 43.01.030.

gambling commission on state lottery: RCW 67.67.030.

governor's budget: RCW 43.88.060.

insurance commissioner: RCW 48.02.170.

judicial council: RCW 2.52.050.

learning/language disabilities, screening for: RCW 28A.03.310.

learning resources services, concerning: RCW 28A.03.095.

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period covered: RCW 43.01.035.

secretary of state: RCW 43.07.030, 43.07.060.

state auditor: RCW 43.09.050.

state highway commission: RCW 47.01.140.

state treasurer: RCW 43.08.010, 43.08.150.

statute law committee: RCW 1.08.026.

uniform legislation commission: RCW 43.56.030.

Reprieves, commutations and pardons, governor to report to legislature: State Constitution Art. 3 § 11.

Revised Code of Washington, legislators to receive copies of: RCW 1.08.070.

Salaries: RCW 43.03.010.

Salaries for public officials in appropriations act: RCW 43.03.045.

Schools, legislature to provide for: State Constitution Art. 9 § 2.

#### Session laws

delivery of copies for use of legislature: RCW 40.04.040.

public printer to print and bind: RCW 43.78.030.

secretary of state as custodian of acts and resolutions: RCW 43.07.040.

Sessions, time for meeting, duration: State Constitution Art. 2 § 12.

Soldiers' home, legislature to provide for: State Constitution Art. 10 § 3.

Special sessions convened by governor: State Constitution Art. 3 § 7.

State highway commission study reports available to legislators upon request: RCW 47.01.145.

State participation within student exchange compact programs—Council to advise legislature: RCW 28B.80.170.

Statute law committee, legislative membership on: RCW 1.08.001.

#### Taxation

deficiencies, legislature may provide for tax to pay: State Constitution Art. 7 § 8.

limitation on legislature to tax municipal corporations: State Constitution Art. 11 § 12.

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how filled: State Constitution Art. 2 § 15 (Amendment 52).

term of person elected to fill: RCW 42.12.030.

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## Chapter 44.04 GENERAL PROVISIONS

### Sections

- 44.04.010 Date of regular sessions.  
44.04.040 Vouchers for pay and mileage of members—Warrants.  
44.04.041 Warrants for pay and mileage of members—Payment of.  
44.04.050 Vouchers for pay of employees—Warrants.  
44.04.051 Warrants for pay of employees—Payment of.  
44.04.060 Vouchers for incidental expenses—Warrants.  
44.04.070 Warrants for incidental expenses—Payment of.  
44.04.080 Subsistence and lodging of members—Per diem.  
44.04.090 Warrants for subsistence and lodging.  
44.04.100 Contest of election—Depositions.  
44.04.120 Members' allowances when engaged in committee business.  
44.04.125 Allowances of members—elect when attending meetings.  
44.04.130 Accidental death and dismemberment coverage during aircraft flights for members of legislature.  
44.04.140 Security and protection of legislature—Duty of state patrol to provide.  
44.04.170 Associations of municipal corporations or municipal officers to furnish information to legislature and governor.  
44.04.180 Legislative records—Preservation.

Cashing checks for state officers and employees: RCW 43.08.180.

Eligibility of member of legislature to appointment or election to office of official whose salary was increased during legislator's term: RCW 3.58.010.

Emoluments of office for appointees to office of state legislator: RCW 43.03.015.

Interim committee on public employees' collective bargaining: RCW 41.56.400–41.56.420.

Studies and adoption of classifications for school district budgets—Publication: RCW 28A.03.350.

**44.04.010 Date of regular sessions.** The third legislature of the state of Washington shall meet on the second Monday of January, A. D. 1893, and sessions of the legislature shall be held biennially thereafter, commencing on the second Monday of January. [1891 c 20 § 1; RRS § 8177.]

*Biennial and special sessions: State Constitution Art. 2 § 12.*

**44.04.040 Vouchers for pay and mileage of members—Warrants.** The chief clerk of the house of representatives and the secretary of the senate are hereby directed to prepare vouchers for the state treasurer for the mileage and daily pay of members of the legislature on presentation of certificates showing amounts due for miles traveled and services rendered to dates specified. The certificates shall be signed by the speaker or president, and countersigned by the chief clerk or secretary, respectively, of the body to which the members belong. The state treasurer shall issue warrants which shall be in favor of and payable to the order of the persons named in said certificates. [1973 c 106 § 17; 1890 p 6 § 1; RRS § 8150.]

*Annual salary: RCW 43.03.010.*

*Mileage allowance: State Constitution Art. 2 § 23; RCW 43.03.010.*

**44.04.041 Warrants for pay and mileage of members—Payment of.** Upon presentation of a warrant drawn as provided for in RCW 44.04.040, to the state treasurer, that officer shall pay the same out of any money in the treasury of the state appropriated for the expenses of the legislature of the state of Washington: *Provided*, That should there be no money in the state treasury covered by such appropriation, the state treasurer shall indorse such fact on the warrant presented, and said warrant shall draw interest from the date of such presentation and indorsement, and shall be payable thereafter in the manner provided by existing law and custom. [1890 p 6 § 2; RRS § 8151. Formerly RCW 44.04.070, part.]

**44.04.050 Vouchers for pay of employees—Warrants.** The chief clerk of the house of representatives and the secretary of the senate shall prepare vouchers for the state treasurer for sums covering amounts due officers and employees of the legislature on presentation of certificates signed by the speaker or president, and countersigned by the chief clerk or secretary of the body in which the service of the officer or employee is rendered, and showing amounts due to dates specified. The state treasurer shall issue warrants which shall be drawn in favor and be made payable to the order of the officer or employee named in each certificate. [1973 c 106 § 18; 1890 p 3 § 1; RRS § 8148.]

**44.04.051 Warrants for pay of employees—Payment of.** Upon presentation to the state treasurer of a warrant drawn as provided for in RCW 44.04.050, that officer shall pay the same from any money in the state treasury appropriated for the expenses of the legislature of the state of Washington: *Provided*, That should there be no money in the treasury of the state covered by such appropriation, the state treasurer shall indorse such fact

on the warrant presented, and said warrant shall draw interest from date of such indorsement and shall be payable thereafter as is provided by law and custom. [1890 p 3 § 2; RRS § 8149. Formerly RCW 44.04.070, part.]

**44.04.060 Vouchers for incidental expenses—Warrants.** The chief clerk of the house of representatives and the secretary of the senate are hereby directed to prepare vouchers for the state treasurer for the incidental expenses of the legislature, on presentation of certificates showing amounts due for material furnished and services rendered to dates specified. The certificates shall be signed by the speaker or president, and countersigned by the sergeant-at-arms, respectively, of the body ordering the expenditures. The state treasurer shall issue warrants which shall be in favor of and payable to the order of the persons named in said certificates. [1973 c 106 § 19; 1890 p 10 § 1; RRS § 8152.]

**44.04.070 Warrants for incidental expenses—Payment of.** Upon presentation of a warrant, drawn as provided for in RCW 44.04.060, to the state treasurer, that officer shall pay the same out of any money in the treasury of the state appropriated for the expenses of the legislature of the state of Washington: *Provided*, That should there be no money in the state treasury covered by such appropriation, the state treasurer shall indorse such fact on the warrant presented, and said warrant shall draw interest from the date of such presentation and indorsement, and shall be payable thereafter in the manner provided by existing law and custom. [1890 p 10 § 2; RRS § 8153. FORMER PARTS OF SECTION: (i) 1890 p 3 § 2, now codified as RCW 44.04.051. (ii) 1890 p 6 § 2, now codified as RCW 44.04.041.]

**44.04.080 Subsistence and lodging of members—Per diem.** Members of the legislature including the president of the senate shall be paid not to exceed forty dollars per day in lieu of subsistence and lodging during and while attending any legislative session. [1969 c 3 § 2; 1965 ex.s. c 127 § 6; 1965 c 3 § 1; 1957 c 3 § 1; 1953 ex.s. c 2 § 2; 1945 c 4 § 1; 1941 c 173 § 1; Rem. Supp. 1945 § 8153-1.]

**Legislative declaration—1969 c 3:** "In view of the decreased purchasing power of the dollar and the concomitant increase in the cost of living during the past several years, the members of the legislature declare that the twenty-five dollar per diem allowance provided during the past several sessions in lieu of subsistence and lodging is inadequate to cover necessary expenses incurred while attending sessions of the legislature. The legislature further finds and declares that forty dollars per day is a fair and adequate allowance to cover such reimbursement." [1969 c 3 § 1.] This applies to RCW 44.04.080.

**44.04.090 Warrants for subsistence and lodging.** The state treasurer shall issue warrants for said reimbursement supported by affidavits that the reimbursement is claimed for expenses of subsistence and lodging actually incurred without itemization and without receipts. Such warrants shall be immediately paid from any funds appropriated for the purpose. [1973 c 106 § 20; 1941 c 173 § 2; Rem. Supp. 1941 § 8153-2.]

**44.04.100 Contest of election—Depositions.** Any person desiring to contest the election of any member of

the legislature, may, at any time after the presumptive election of such member and before the convening of the ensuing regular session of the legislature, have the testimony of witnesses, to be used in support of such contest, taken and perpetuated, by serving not less than three days' written notice upon the member whose election he desires to contest, of his intention to institute such contest and that he desires to take the testimony of certain witnesses named in such notice, at a time and place named therein, before a notary public duly commissioned and qualified and residing in the county where the presumptive member resides, giving the name of such notary public, which deposition shall be taken in the manner provided by law for the taking of depositions in civil actions in the superior court. The presumptive member of the legislature, whose election is to be contested, shall have the right to appear, in person or by counsel, at the time and place named in the notice, and cross examine any witness produced and have such cross examination made a part of such deposition, and to produce witnesses and have their depositions taken for the purpose of sustaining his election. The notary public before whom such deposition is taken shall transmit such depositions to the presiding officer of the senate, or house of representatives, as the case may be, in which said contest is to be instituted, in the care of the secretary of state, at the state capitol, by registered mail, and it shall be the duty of the secretary of state upon the convening of the legislature to transmit said depositions, unopened, to the presiding officer of the senate, or the house of representatives, as the case may be, to whom it is addressed, and in case such contest is instituted said depositions may be opened and read in evidence in the manner provided by law for the opening and introduction of depositions in civil actions in the superior court. [1927 c 205 § 1; RRS § 8162-1. Prior: Code 1881 §§ 3125-3139.]

*Contest of elections: Chapter 29.65 RCW.*

*Depositions: Rules of court: CR 26-37.*

*Legislature to judge election and qualifications of members: State Constitution Art. 2 § 8.*

*Recall: State Constitution Art. 1 §§ 33, 34 (Amendment 8), chapter 29.82 RCW.*

**44.04.120 Members' allowances when engaged in committee business.** Each member of the senate or house of representatives when serving on official legislative business during the interim between legislative sessions, or while serving on the legislative budget committee, or any other standing, permanent or interim committee, commission, or council of the legislature shall be entitled to receive, in lieu of per diem or any other payment, for each day or major portion thereof in which he is actually engaged in legislative business or business of the committee, commission, or council, notwithstanding any laws to the contrary, forty dollars per day, plus mileage allowance at the rate provided for in RCW 43.03.060, as now or hereafter amended per mile when authorized by the house, committee, commission, or council of which he is a member and on the business of which he is engaged.

This section shall not apply to any official travel by legislators which is subject to the provisions of Article 2, section 23 of the state Constitution. [1974 ex.s. c 157 § 2; 1973 1st ex.s. c 197 § 5; 1967 ex.s. c 112 § 4; 1963 ex.s. c 7 § 1; 1959 ex.s. c 10 § 1.]

**Legislative finding and declaration—1973 1st ex.s. c 197:** "In view of the decreased purchasing power of the dollar and the concomitant increase in the cost of living during the past several years, the members of the legislature declare that the twenty-five dollar per diem allowance provided during the past several interims between sessions in lieu of subsistence and lodging is inadequate to cover necessary expenses incurred while serving on official legislative business during the interim. The legislature further finds and declares that forty dollars per day is a fair and adequate allowance to cover such reimbursement." [1973 1st ex.s. c 197 § 4.]

**44.04.125 Allowances of members—elect when attending meetings.** Each member—elect of the senate or house of representatives who attends any meeting of the legislature or any of its committees, upon the invitation of the committee on rules of his or her respective house, shall be entitled to receive per diem, mileage, and incidental expense allowances at the rates prescribed in chapter 44.04 RCW, as now or hereafter amended. [1975 1st ex.s. c 185 § 1.]

**44.04.130 Accidental death and dismemberment coverage during aircraft flights for members of legislature.** See RCW 43.01.120.

**44.04.140 Security and protection of legislature—Duty of state patrol to provide.** See RCW 43.43.037.

**44.04.170 Associations of municipal corporations or municipal officers to furnish information to legislature and governor.** It shall be the duty of each association of municipal corporations or municipal officers, which is recognized by law and utilized as an official agency for the coordination of the policies and/or administrative programs of municipal corporations, to submit biennially, or oftener as necessary, to the governor and to the legislature the joint recommendations of such participating municipalities regarding changes which would affect the efficiency of such municipal corporations. Such associations shall include but shall not be limited to the Washington state association of fire commissioners, the Washington state association of water districts, the Washington state association of sewer districts, and the Washington state school directors' association. [1970 ex.s. c 69 § 2.]

**Purpose—1970 ex.s. c 69:** "It is the purpose of this act to assist the legislature in obtaining adequate information as to the needs of its municipal corporations and other public agencies and their recommendations for improvements." [1970 ex.s. c 69 § 1.]

**Intent—Construction—1970 ex.s. c 69:** "The intent of this act is to clarify and implement the powers of the public agencies to which it relates and nothing herein shall be construed to impair or limit the existing powers of any municipal corporation or association." [1970 ex.s. c 69 § 3.] The foregoing annotations apply to RCW 44.04.170.

**44.04.180 Legislative records—Preservation.** See RCW 40.14.100-40.14.180.

**Chapter 44.07  
DISTRICTS AND APPORTIONMENT—1965 ACT**

Sections

44.07.540 Commencement of terms of senators and representatives.

**44.07.540 Commencement of terms of senators and representatives.** The term of office of each senator and representative elected after the effective date of this chapter shall commence on the second Monday in January following the date of election. [1965 c 6 § 55.]

Reviser's note: The remainder of chapter 44.07 RCW has been decodified, as legislative districts are presently defined by federal court order and chapter 44.07A RCW.

**Chapter 44.07A  
LEGISLATIVE DISTRICTS AND  
APPORTIONMENT**

Sections

- 44.07A.001 Purpose.
- 44.07A.005 Definitions.
- 44.07A.030 Third legislative district.
- 44.07A.040 Fourth legislative district.
- 44.07A.050 Fifth legislative district.
- 44.07A.060 Sixth legislative district.
- 44.07A.130 Thirteenth legislative district.
- 44.07A.140 Fourteenth legislative district.
- 44.07A.230 Twenty-third legislative district.
- 44.07A.260 Twenty-sixth legislative district.
- 44.07A.270 Twenty-seventh legislative district.
- 44.07A.900 Severability—1974 ex.s. c 123.

**Appendix**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

Filed and Entered on Docket  
April 21, 1972

GEORGE N. PRINCE,  
  
Plaintiff,  
  
v.  
  
A. LUDLOW KRAMER, As  
Secretary of State; et. al.,  
  
Defendants  
And Interveners.

CIVIL NO. 9668  
  
ORDER

Before JERTBERG, Circuit Judge, and GOODWIN, and  
McGOVERN, District Judges.

**THE COURT'S PLAN AND ORDER FOR  
LEGISLATIVE AND CONGRESSIONAL REDISTRICTING  
FOR THE STATE OF WASHINGTON**

By Judges Jertberg, Goodwin and McGovern:

This suit which is now before the court sitting as a three-judge panel under 28 U.S.C.A. § 2281, was commenced on May 5, 1971, following the failure of the 1971 session of the Washington Legislature to enact new congressional and legislative redistricting plans on the basis of the 1970 decennial census. On July 30, 1971, a pretrial order was entered by which we determined, *inter alia*, the 1970 population of each of the seven existing congressional districts and forty-nine legislative districts which had been formed by the legislature six years earlier, in 1965, through its enactment of Chapter 6, Laws of 1965, and

Chapter 152, Laws of 1965, Ex. Sess. — following earlier redistricting litigation in *Thigpen v. Meyers*, 211 F. Supp. 826, (USDC, NDW 1962) 378 U.S. 554 (judgment affirmed). These seven congressional districts were found to have populations varying from a high of 573, 385 to a low of 398, 929, while the legislative districts were found to range from a high of 130,070 to a low of 44,108 in population.

Accordingly, on August 19, 1971, we entered an interlocutory order declaring both 1965 redistricting laws (which had been formulated on the basis of 1960 federal census data) to be unconstitutional and invalid — on the ground that the population variances involved were such as to cause both of these plans to violate the equal protection clause of Amendment 14 to the United States Constitution as interpreted and applied by the United States Supreme Court in *Baker v. Carr*, 369 U.S. 186 (1962); *Wesberry v. Sanders*, 378 U.S. 1 (1964); *Reynolds v. Sims*, 377 U.S. 533 (1964), and companion cases; *Fortson v. Dorsey*, 379 U.S. 433 (1965); *Burns v. Richardson*, 384 U.S. 73 (1966); *Swann v. Adams*, 385 U.S. 440 (1967); *Kilgarlin v. Hill*, 386 U.S. 120 (1967); *Kirkpatrick v. Preisler*, 394 U.S. 526 (1969); *Wells v. Rockefeller*, 394 U.S. 542 (1969); *Whitcomb v. Chavis*, 403 U.S. 124 (1971); and *Ely v. Klahr*, 403 U.S. 108 (1971). This order also enjoined the defendants, who are Washington State and King County elections officers, from conducting any further elections under either 1965 redistricting law.

On this same date the court heard oral argument from the parties with regard to the remedial sanctions then to be imposed in order to provide the people of the State of Washington with constitutionally valid congressional and legislative redistricting plans for the 1972 and ensuing elections. Following this hearing, on September 8, 1971, we entered an order providing that

" . . . unless the Washington State Legislature shall have enacted on or before February 25, 1972, congressional and legislative redistricting plans which are constitutionally valid according to the 1970 federal census, then on said date a special master shall be designated and appointed to prepare legislative and congressional redistricting plans for the State of Washington in accordance with instructions to be issued by this court, and with the facts admitted and exhibits listed in the pretrial order filed herein

At this time we also were presented with several applications for intervention on behalf of persons or groups asserting an interest in the subject matter of this action. After consideration of these applications, and based upon the petitioners' respective agreements to accept and ratify the pretrial order and agree to be bound thereby, we entered orders on August 19, 1971, granting intervention to the following parties: United States Congressman Brock Adams; Washington State Senator John L. Cooney; the Washington State Labor Council, AFL-CIO; the Washington Republican State Central Committee; and Washington State Senator Francis E. Holman.

Then, on January 28, 1972, we entered a supplementary pretrial order relating, primarily, to certain additional or updated exhibits pertaining, principally, to matters of population similar to the exhibits which had been admitted as a part of the original, July 30, 1971, pretrial order.

In accordance with the provisions of our September 8, 1971, order we next received from each of the parties their several proposed instructions and guidelines to be submitted to the special master in the event of his ultimate appointment; and we also received their various nominations for this position. Accordingly, when, on February 23, 1972, we were notified that the Washington legislature (which had commenced a special session at the call of the governor on January 10) had adjourned *sine die* without having enacted any new plans for either congressional or legislative redistricting, we were prepared to proceed. Two days later, on February 26, we formally designated Richard L. Morrill, a Geography Professor at the University of Washington, as a special master to draw up plans in accordance with specific guidelines enunciated by this court, and to submit his plans to the court, and thru the court to all parties by March 27, 1972 — a schedule which he was able to meet.

As submitted to us, the master's plans provide for forty-nine state legislative districts — each of which is to be represented by one state senator and two members of the state house of representatives. Based upon official 1970 census data of record herein,<sup>1</sup> the redistricting population of each of these districts is as follows:

District No.	Population
1	68,195
2	68,513
3	68,040
4	68,949
5	68,051
6	67,959
7	68,135
8	67,957
9	68,541
10	68,086
11	68,809
12	68,391
13	68,272
14	68,480
15	68,132
16	68,542
17	68,784
18	68,099
19	68,553
20	68,502
21	68,222
22	68,772
23	68,455
24	69,034
25	68,656
26	68,242
27	68,168
28	68,220
29	68,554
30	68,197
31	68,127
32	69,049
33	68,064
34	68,468
35	68,531
36	68,167
37	68,115
38	68,462
39	68,518
40	68,799
41	68,014
42	69,010
43	68,571
44	68,177
45	68,674
46	68,765
47	67,947
48	68,961
49	69,054

The plan as prepared by the special master for the establishment of new congressional districts was formulated<sup>2</sup> by means of combining groups of seven contiguous legislative districts each into the seven congressional districts allotted to the state on the basis of its 1970 population. The redistricting population of each of these congressional districts is as follows:

District No.	Population
1	477,842
2	478,536
3	478,834
4	479,547
5	479,007
6	479,085
7	480,132

Pursuant to our instructions, the master's plan for each legislative district was framed and described in his presentation in terms of complete, official United States Census Bureau, census tracts (T), county census districts (CCD), enumeration districts (ED), block (B), and block groups (BG). The plans have also been laid out on detailed census maps which the master has prepared and filed with the court.

The immediate matter of adopting, rejecting or modifying these plans came on before this court on April 7, 1972, at which time we considered both the written representations of the parties and their oral arguments regarding the plans. After carefully evaluating all of these

matters, we have determined that the proposed congressional and legislative districts which the master has drawn for us are in conformity with the requirements of the United States Constitution and that our adoption and implementation of these plans precisely as formulated now represent the best available means (in the absence of action by the Washington legislature) of insuring to the people of the State of Washington that degree of equality of representation to which they are entitled and which is required by the equal protection clause of Amendment 14 to the United States Constitution, *supra*. No changes would substantially improve the plan submitted by the master.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:**

1. In the absence of constitutionally valid congressional and legislative redistricting plans theretofore enacted through the legislative processes of the State of Washington, the defendants A. Ludlow Kramer, Secretary of State and Chief Elections Officer of the State of Washington, Norward J. Brooks, King County Director of Records and Elections, Edward J. Logan, King County Superintendent of Elections, and all election officials under the election code of Washington are hereby mandated to conduct all primary, general and special elections during the year 1972 and thereafter for the offices of the United States congressmen and state senators and representatives in accordance with this judgment and by the use of the districts created and described hereby; and this order now constitutes appropriate notice to all such officials.

2. The numbers used by the Special Master to describe the legislative districts are re-assigned and shall be as follows:

MASTER'S NO.	COURT'S NO.
1	16
2	9
3	4
4	6
5	3
6	5
7	7
8	12
9	13
10	14
11	15
12	8
13	17
14	49
15	18
16	20
17	19
18	24
19	22
20	2
21	47
22	25
23	30
24	27
25	29
26	28
27	26
28	23
29	21
30	1
31	44
32	46
33	43
34	32
35	36
36	37
37	34
38	35
39	31
40	33
41	11
42	41
43	48
44	45
45	39
46	38
47	10



MASTER'S NO.

COURT'S NO.

48  
49

40  
42

PLAN FOR LEGISLATIVE DISTRICTS

3. For the election of members of the legislature, the territory of the State of Washington shall be divided into the forty-nine legislative districts described below in accordance with the above renumbering, and as shown on the maps marked Exhibit A, accompanying this Order. As used in these descriptions, the following abbreviations shall have the following meanings:

- (a). "T" shall stand for "census tract";
- (b). "CCD" shall stand for "county census district";
- (c). "ED" shall stand for "census enumeration district";
- (d). "B" shall stand for "block"; and
- (e). "BG" shall stand for "census block group."

All of the foregoing terms shall have the same meanings as they do in the official 1970 decennial federal census reports, and all descriptions coincide with those contained in the special master's plans and report as above referenced.

FIRST

The First legislative district shall consist of the following areas:

In King County:

- T 203
- T 204
- T 205
- T 206
- T 207
- T 210
- T 211 (part: BG 1, 5)
- T 212
- T 213
- T 214
- T 215
- T 216
- T 217 (part: BG 1, B 201-208, B 211)

In Snohomish County:

- T 509
- T 510 (part: BG 2, 3, 4, B 105-108)
- T 511
- T 512 (part: BG 2, 3, 4)
- T 513

SECOND

The Second legislative district shall consist of the following areas:

In Thurston County:

- CCD 8

In Pierce County:

- T 701
- T 702
- T 704 (part: ED 10, 11, 18)
- T 711
- T 713 (part: BG 2-6, ED 56)
- T 714
- T 715
- T 716 (part: BG 3, B 401-415)
- T 717
- T 728
- T 729
- T 730
- T 731
- T 732

THIRD

The Third legislative district shall consist of the following areas:

In Spokane City:

- T 1
- T 2

- T 3
- T 14 (part: BG 2, BG 3)
- T 15
- T 16
- T 17
- T 18
- T 19
- T 20
- T 21
- T 22
- T 23
- T 24
- T 25
- T 26
- T 27
- T 28
- T 33
- T 34
- T 35
- T 36
- T 37
- T 38
- T 112 (part: ED 30, ED 80)

FOURTH

The Fourth legislative District shall consist of the following areas:

In Spokane County:

- T 112 (part: ED 19,28,29,31,32,33)
- T 113
- T 114
- T 115
- T 116
- T 117
- T 118
- T 119
- T 120
- T 121
- T 122
- T 123
- T 124
- T 125
- T 126
- T 127
- T 128
- T 129
- T 130
- T 131
- T 132
- T 133
- T 143

In Whitman County:

- CCD 1
- CCD 2
- CCD 6
- CCD 7

FIFTH

The Fifth legislative district shall consist of the following:

In Spokane City:

- T 4
- T 5
- T 6
- T 7
- T 8
- T 9
- T 10
- T 11
- T 12
- T 13
- T 14 (part: BG 1, BG 4)

In Spokane County:

- T 105 (part: BG 1,2,9; ED 23,24,27)
- T 106

- T 107
- T 108
- T 109
- T 110
- T 111

**SIXTH**

The Sixth legislative district shall consist of the following areas:

In Spokane City:

- T 29
- T 30
- T 31
- T 32
- T 39
- T 40
- T 41
- T 42
- T 43
- T 44
- T 45
- T 46
- T 47

In Spokane County:

- T 134
- T 135
- T 136
- T 137
- T 138, 141 (CCD Medical Lake Rural)
- T 139 (CCD Medical Lake)
- T 140 (CCD Cheney)
- T 142

**SEVENTH**

The Seventh legislative district shall consist of the following areas:

In Okanogan County:

- CCD 1
- CCD 2
- CCD 3
- CCD 10
- CCD 11
- CCD 12
- CCD 13
- CCD 15
- CCD 16
- CCD Omak

All of Ferry County

All of Stevens County

All of Pend Oreille County

All of Lincoln County

In Spokane County:

- T 101 (Mt. Spokane CCD)
- T 102 (Colbert CCD)
- T 103 (Deer Park CCD)
- T 104 (Airway Heights CCD)
- T 105 (Part: ED 22)

**EIGHTH**

The Eighth legislative district shall consist of the following areas:

All of Benton County

In Yakima County:

- CCD 29 (part: ED 130)

**NINTH**

The Ninth legislative district shall consist of the following areas:

All of Adams County

All of Garfield County

All of Asotin County

In Columbia County:

- CCD 1
- CCD Dayton

In Grant County:

- CCD 14

In Whitman County:

- CCD 3
- CCD 4
- CCD 5
- CCD 8
- CCD 9
- CCD 10
- CCD 11
- CCD 12
- CCD 13
- CCD 14
- CCD Colfax
- CCD Pullman

**TENTH**

The Tenth legislative district shall consist of the following areas:

In Snohomish County:

- CCD 2 = T 531, 535
- CCD 3 = T 534
- CCD 4 = T 533
- CCD 5 = T 532
- CCD 6 = T 530
- CCD 7 = part of T 525
- CCD 8 = T 528
- CCD 9 = T 527
- CCD 13 (part: ED 542) = part T 525
- CCD Marysville = T 529

All of Island County

**ELEVENTH**

The Eleventh legislative district shall consist of the following areas:

In King County:

- T 253
- T 257
- T 258
- T 259
- T 260 (part: BG 4-8)
- T 261 (part: B 109, 201-205, 208-212, BG 3)
- T 262 (part: BG 2,3,4)
- T 283 (part: B 901-904)
- T 292
- T 293
- T 294
- T 295
- T 296
- T 297
- T 298 (part: BG 9)
- T 317 (part: BG 1,9)
- T 318 (part: ED 313)

**TWELFTH**

The Twelfth legislative district shall consist of the following areas:

All of Chelan County

All of Douglas County

In Grant County:

- CCD 1
- CCD 2
- CCD 4

In Okanogan County:

- CCD 4
- CCD 5
- CCD 6
- CCD 7

CCD 8  
 CCD 9  
 CCD 14

**THIRTEENTH**

The Thirteenth legislative district shall consist of the following areas:

All of Kittitas County

In Grant County:

CCD 5  
 CCD 7  
 CCD 9  
 CCD 10  
 CCD 11  
 CCD 12  
 CCD 15  
 CCD 16  
 CCD 17  
 CCD Ephrata

In Yakima County:

CCD 1  
 CCD 2  
 CCD 3 (part: ED 9-13)  
 CCD 8 (part: ED 20)

**FOURTEENTH**

The Fourteenth legislative district shall consist of the following areas:

In Yakima County:

CCD Yakima  
 CCD Selah  
 CCD 3 (part: ED 14)  
 CCD 6 (part: ED 27, 29)  
 CCD 7  
 CCD 8 (part: ED 21-22)  
 CCD 11  
 CCD 12

**FIFTEENTH**

The Fifteenth legislative district shall consist of the following areas:

In Yakima County:

CCD 4  
 CCD 5  
 CCD 6 (part: ED 28, 30)  
 CCD 13  
 CCD 14  
 CCD 15  
 CCD 16  
 CCD 17  
 CCD 18  
 CCD 19  
 CCD 20  
 CCD 21  
 CCD 22  
 CCD 23  
 CCD 24  
 CCD 25  
 CCD 26  
 CCD 27  
 CCD 28  
 CCD 29 (part: ED 131, 132, 133)  
 CCD 30  
 CCD 31  
 CCD 32  
 CCD 33  
 CCD 34  
 CCD 35  
 CCD 36  
 CCD 37  
 CCD 38  
 CCD 39  
 CCD 40

CCD Wapato  
 CCD Toppenish  
 CCD Sunnyside

**SIXTEENTH**

The Sixteenth legislative district shall consist of the following areas:

All of Franklin County

All of Walla Walla County

In Columbia County:

CCD 2  
 CCD 3

**SEVENTEENTH**

The Seventeenth legislative district shall consist of the following areas:

All of Skamania County

All of Klickitat County

In Clark County:

CCD 1  
 CCD 5  
 \*CCD 6  
 CCD Camas  
 T 404 (part: ED 610A, B, 611)  
 T 407  
 T 411.02  
 T 412  
 T 413  
 T 430

\*Equivalent to Tracts, T 401, T 405.01, T 405.02, T 405.03, T 406, T 414, T 415.

**EIGHTEENTH**

The Eighteenth legislative district shall consist of the following areas:

In Clark County:

T 402  
 T 403  
 T 404 (part: ED 612, 613)

In Cowlitz County:

CCD 4 (part: ED 10-14)  
 CCD 5  
 CCD 6  
 CCD 7  
 CCD 8  
 CCD 9  
 CCD Kelso  
 CCD Longview

**NINETEENTH**

The Nineteenth legislative district shall consist of the following areas:

All of Grays Harbor County

In Pacific County:

CCD 2 (part: ED 25, 26)  
 CCD 3  
 CCD 4  
 CCD Raymond

**TWENTIETH**

The Twentieth legislative district shall consist of the following areas:

In Cowlitz County:

CCD 1  
 CCD 2  
 CCD 3  
 CCD 4 (part: ED 15A, B)

All of Lewis County

All of Wahkiakum County

In Pacific County:

- CCD 1
- CCD 2 (part: ED 24)
- CCD 5
- CCD 6
- CCD 7

In Thurston County:

- CCD 12

**TWENTY-FIRST**

The Twenty-first legislative district shall consist of the following areas:

In Snohomish County:

- T 420
- T 501
- T 502
- T 503
- T 504
- T 505
- T 506
- T 507
- T 508
- T 510 (part: BG 5, B 101-104)
- T 512 (part: BG 1, 5)
- T 514
- T 515
- T 516
- T 517
- T 518
- T 519 (part: B 201-207, 210)

**TWENTY-SECOND**

The Twenty-second legislative district shall consist of the following areas:

In Thurston County:

- CCD Olympia
- CCD 1
- CCD 2
- CCD 3 (part: ED 16)
- CCD 4
- CCD 5
- CCD 6
- CCD 7
- CCD 9
- CCD 10
- CCD 11

**TWENTY-THIRD**

The Twenty-third legislative district shall consist of the following areas:

In Kitsap County:

- CCD 1
- CCD 2
- CCD 3
- CCD 4
- CCD 7
- CCD 8
- CCD 9
- CCD 10
- CCD 11
- CCD Bremerton

**TWENTY-FOURTH**

The Twenty-fourth legislative district shall consist of the following areas:

- All of Clallam County
- All of Jefferson County

All of Mason County

In Thurston County:

- CCD 3 (part: ED 13-15)

**TWENTY-FIFTH**

The Twenty-fifth legislative district shall consist of the following areas:

In Pierce County:

- T 703
- T 704 (part: ED 17 = BG 9)
- T 705
- T 706
- T 707
- T 709
- T 710
- T 712
- T 733
- T 734
- T 713 (part: BG 1)

In King County:

- T 308 (part: BG 2,3, B 105-115)
- T 309
- T 310
- T 311 (part: BG 1,3, B 201-206, 208-212)

**TWENTY-SIXTH**

The Twenty-sixth legislative district shall consist of the following areas:

In Kitsap County:

- CCD 5
- CCD 6
- CCD 12
- CCD 14
- CCD 15
- CCD 16
- CCD Port Orchard

In Pierce County:

- CCD Lower Peninsula\*
- CCD Gig Harbor Peninsula\*\*
- T 603
- T 604
- T 609
- T 610
- T 735

\*Tracts 726, 727

\*\*Tracts 724, 725

**TWENTY-SEVENTH**

The Twenty-seventh legislative district shall consist of the following areas:

In Pierce County:

- T 601
- T 602
- T 605
- T 606
- T 607
- T 608
- T 611
- T 612
- T 613
- T 614
- T 615
- T 616
- T 617
- T 618 (part: BG 1)
- T 619
- T 620
- T 621
- T 627 (part: BG 1)
- T 708

**TWENTY-EIGHTH**

The Twenty-eighth legislative district shall consist of the following areas:

In Pierce County:

- T 718.01 (part: BG 3, 4, 5, 6)
- T 718.02
- T 719.01
- T 719.02
- T 720
- T 721.01
- T 721.02
- T 722
- T 723.01
- T 723.02

**TWENTY-NINTH**

The Twenty-ninth legislative district shall consist of the following areas:

In Pierce County:

- T 618 (part: BG 2,3)
- T 622
- T 623
- T 624
- T 625
- T 626
- T 627 (part: BG 2,3)
- T 628
- T 629
- T 630
- T 631
- T 632
- T 633
- T 634
- T 635
- T 716 (part: BG 1,2, B 416-422)
- T 718.01 (part: BG 1,2)

**THIRTIETH**

The Thirtieth legislative district shall consist of the following areas:

In King County:

- T 277 (Vashon)
- T 298 (part: BG 1 - 5)
- T 299
- T 300
- T 301
- T 302
- T 303
- T 304
- T 305
- T 306
- T 307
- T 308 (part: B 101-104)
- T 311 (part: B 207, 213-216)

**THIRTY-FIRST**

The Thirty-first legislative district shall consist of the following areas:

In King County:

- T 112 (part: B 401-414, 421)
- T 113
- T 114 (part: BG 3,4, B 210-218, B 501-511)
- T 121 (part: BG 2,3)
- T 262 (part: BG 1,5)
- T 264
- T 265
- T 266
- T 267
- T 268
- T 269
- T 270
- T 271
- T 272

- T 273
- T 274
- T 275
- T 276
- T 279 (part: BG 1,7, B 607-617)

**THIRTY-SECOND**

The Thirty-second legislative district shall consist of the following areas:

In King County:

- T 18
- T 27 (part: BG 3-6, B 213, B 701-704)
- T 28
- T 29 (part: BG 3, 4, B 205-212)
- T 32
- T 33
- T 34
- T 35
- T 36
- T 45 (part: BG 3)
- T 46
- T 47
- T 48
- T 49
- T 50
- T 51
- T 54

**THIRTY-THIRD**

The Thirty-third legislative district shall consist of the following areas:

In King County:

- T 278
- T 279 (part: BG 2-5, B 601-606)
- T 280
- T 281
- T 282
- T 283 (part: BG 1,2, B 905-915)
- T 284
- T 285
- T 286
- T 287
- T 288
- T 289
- T 290
- T 291

**THIRTY-FOURTH**

The Thirty-fourth legislative district shall consist of the following areas:

In King County:

- T 96
- T 97
- T 98
- T 99
- T 105
- T 106
- T 107
- T 108
- T 114 (part: BG 1, B 201-209, B 512-517)
- T 115
- T 116
- T 120
- T 121 (part: BG 1)

**THIRTY-FIFTH**

The Thirty-fifth legislative district shall consist of the following areas:

In King County:

- T 100 (part: BG 2, B 301-312)
- T 101
- T 102

- T 103
- T 104
- T 109
- T 110
- T 111
- T 112 (part: BG 1,2,3, B 415-420, 422-426)
- T 117
- T 118
- T 119
- T 260 (part: BG 1-3)
- T 261 (part: BG 4,5, B 206, 207, B 101-108)
- T 263

**THIRTY-SIXTH**

The Thirty-sixth legislative district shall consist of the following areas:

In King County:

- T 55
- T 56
- T 57
- T 58
- T 59
- T 60
- T 67
- T 68
- T 69
- T 70
- T 71
- T 72
- T 73
- T 74 (part: BG 5, 6, B 703)
- T 80
- T 81
- T 82
- T 83
- T 84 (part: BG 3, 4)

**THIRTY-SEVENTH**

The Thirty-seventh legislative district shall consist of the following areas:

In King County (Seattle):

- T 63 (part: BG 2, 3, B 403-406)
- T 74 (part: BG 2, 3, 4)
- T 75
- T 76 (part: BG 1, 2, 3)
- T 77
- T 78
- T 79
- T 84 (part: BG 1, 2)
- T 85
- T 86
- T 87
- T 88
- T 89
- T 90
- T 91
- T 92
- T 93
- T 94
- T 95
- T 100 (part: BG 1,4,5,6,7; B 313-326)

**THIRTY-EIGHTH**

The Thirty-eighth legislative district shall consist of the following areas:

In Snohomish County:

- T 401
- T 402
- T 403
- T 404
- T 405
- T 406
- T 407
- T 408

- T 409
- T 410
- T 411
- T 412
- T 413
- T 414
- T 415
- T 416 (part: in Everett:\*)
- T 417
- T 418
- T 419

\*B ED 548 + B 202, part B 201 in city limits.

**THIRTY-NINTH**

The Thirty-ninth legislative district shall consist of the following areas:

In Snohomish County:

- CCD 1 = T 537
- CCD 10 = T 526
- CCD 11 = T 536
- CCD 12 = T 523
- CCD 13 (part: ED 543)
- CCD 24 = T 521
- CCD 25 = T 522
- CCD 26 } T 538
- CCD 27 } T 538
- CCD 28 } T 538
- CCD Snohomish = T 524
- T 416 (part: outside Everett city limits)
- T 519 (part:\*)
- T 520

In King County:

- T 329
- \*519: BG 1,3,4,5,6,7,8,9, ED 558, B 208,209,211-214)

**FORTIETH**

The Fortieth legislative district shall consist of the following areas:

All of San Juan County

All of Skagit County

In Whatcom County:

- CCD 1
- CCD 2
- CCD 3
- CCD 4
- CCD 5
- CCD 18
- CCD 19 (part: ED 85-87)

**FORTY-FIRST**

The Forty-first legislative district shall consist of the following areas:

In King County:

- T 234 (part: BG 5)
- T 235
- T 238 (part: BG 3)
- T 239 (part: BG 2-7, B 104-108)
- T 243
- T 244
- T 245
- T 246
- T 247
- T 248
- T 249
- T 250
- T 251
- T 252
- T 254
- T 255
- T 256

**FORTY-SECOND**

The Forty-second legislative district shall consist of the following areas:

In Whatcom County:

- CCD 6
- CCD 7
- CCD 8
- CCD 9
- CCD 10
- CCD 11
- CCD 12
- CCD 13
- CCD 14
- CCD 15
- CCD 16
- CCD 17
- CCD 19 (part: ED 88)
- CCD Bellingham

**FORTY-THIRD**

The Forty-third legislative district shall consist of the following areas:

In King County:

- T 41
- T 42
- T 43
- T 44
- T 45 (part: BG 1, 2)
- T 52
- T 53
- T 61
- T 62
- T 63 (part: BG 1, 5, 6, B 401-402, B 407-409)
- T 64
- T 65
- T 66
- T 74 (part: B 101-106, 701-702, B 704-706)
- T 76 (part: BG 4)

**FORTY-FOURTH**

The Forty-fourth legislative district shall consist of the following areas:

In King County:

- T 3 (part: BG 2, 3)
- T 4
- T 5
- T 6 (part: BG 1, 3 B 201, 209, B 401-410, 412)
- T 13
- T 14
- T 15
- T 16
- T 17
- T 29 (part: BG 1, 5, B 201-204)
- T 30
- T 31
- T 201
- T 202
- T 208
- T 209

**FORTY-FIFTH**

The Forty-fifth legislative district shall consist of the following areas:

In King County:

- T 217 (part: B 209-210, 212, 901)
- T 218
- T 219
- T 220
- T 221
- T 222
- T 223
- T 224

- T 225
- T 226
- T 228 (part: BG 1,2)
- T 323
- T 324
- T 325
- T 328

**FORTY-SIXTH**

The Forty-sixth legislative district shall consist of the following areas:

In King County:

- T 1
- T 2
- T 3 (part: BG 1)
- T 6 (part: BG 5, 6, B 202-208 B 210, 411, 413)
- T 7
- T 8
- T 9
- T 10
- T 11
- T 12
- T 19
- T 20
- T 21
- T 22
- T 23
- T 24
- T 25
- T 26
- T 27 (part: BG 1, B 705-709 B 201-211)
- T 37
- T 38
- T 39
- T 40
- T 211 (part: BG 2-4)

**FORTY-SEVENTH**

The Forty-seventh legislative district shall consist of the following areas:

In King County:

- T 312
- T 313
- T 314
- T 315
- T 316
- T 317 (part: ED 314 A, B)
- T 318 (part: ED 312)
- T 319
- T 320
- T 321
- T 322
- T 326
- T 327
- T 330
- T 331

**FORTY-EIGHTH**

The Forty-eighth legislative district shall consist of the following areas:

In King County:

- T 227
- T 228 (part: BG 3,9)
- T 229
- T 230
- T 231
- T 232
- T 233
- T 234 (part: BG 1-4)
- T 236
- T 237
- T 238 (part: BG 1,2,4,5)
- T 239 (part: B 101-103)

T 240  
T 241  
T 242

**FORTY-NINTH**

The Forty-ninth legislative district shall consist of the following areas:

In Clark County:

T 408  
T 409  
T 410.01  
T 410.02  
T 411.01  
T 416  
T 417  
T 418  
T 419  
T 420  
T 421  
T 422  
T 423  
T 424  
T 425  
T 426  
T 427  
T 428  
T 429  
T 431  
T 404 (part: ED 614 = BG 1)

**PLAN FOR CONGRESSIONAL DISTRICTS**

4. For the election of United States Congressmen from the State of Washington, the territory of the state shall be divided into seven congressional districts as follows:

**FIRST**

The first congressional district shall be comprised of the following legislative districts, as above described:

First  
Thirty-Second  
Thirty-Sixth  
Forty-Third  
Forty-Fourth  
Forty-Sixth  
Forty-Eighth

**SECOND**

The second congressional district shall be comprised of the following legislative districts, as above described:

Tenth  
Twenty-First  
Thirty-Eighth  
Thirty-Ninth  
Fortieth  
Forty-Second  
Forty-Fifth

**THIRD**

The Third congressional district shall be comprised of the following legislative districts, as above described:

Second  
Eighteenth  
Nineteenth  
Twentieth  
Twenty-Second  
Twenty-Fourth  
Forty-Seventh

**FOURTH**

The fourth congressional district shall be comprised of the following legislative districts, as above described:

Eighth  
Twelfth  
Thirteenth  
Fourteenth  
Fifteenth  
Seventeenth  
Forty-Ninth

**FIFTH**

The fifth congressional district shall be comprised of the following legislative districts, as above described:

Third  
Fourth  
Fifth  
Sixth  
Seventh  
Ninth  
Sixteenth

**SIXTH**

The sixth congressional district shall be comprised of the following legislative districts, as above described:

Twenty-Third  
Twenty-Fifth  
Twenty-Sixth  
Twenty-Seventh  
Twenty-Eighth  
Twenty-Ninth  
Thirtieth

**SEVENTH**

The Seventh Congressional district shall be comprised of the following legislative districts, as above described:

Eleventh  
Thirty-First  
Thirty-Third  
Thirty-Fourth  
Thirty-Fifth  
Thirty-Seventh  
Forty-First

**TIMETABLE FOR SENATORIAL ELECTIONS**

5. By virtue of Article II, § 6 of its state constitution, the State of Washington has since its inception followed a system of "staggered terms" for its state senators. Under this system, four-year terms are the norm but approximately one-half of the membership of the senate is to be elected every two years. In accordance therewith, there are at the present time a total of twenty-three senators serving four-year terms to which they were elected in 1970 - prior to this court's ruling that Chapter 6, Laws of 1965, is unconstitutional. A twenty-fourth senator who was similarly elected has since died and been replaced by an appointee who, under the state constitution, would be required to run for the remaining two years of the decedent's unexpired term at the November, 1972, election - were our order enjoining any further elections under Chapter 6, Laws of 1965, *supra*, not in effect. Not deeming it necessary for the "equal protection" of the people of the State of Washington to terminate the terms of these hold-over incumbents prematurely and to thus require all forty-nine new senatorial positions created by this order to be up for election in 1972, we hold that only twenty-six of these positions should be on the ballot at this next election.

We are aware of decisions holding that it is *permissible* for a federal court to proceed in this manner in drawing up a legislative redistricting plan of its own following legislative failure to redistrict. See, *Chavis et al. v. Whitcomb*, 307 F. Supp. 1362 (DC, SD Ind. 1969), and cases cited therein. Such decisions are based upon the accepted proposition that no state senator has a constitutionally vested right to serve out the entire term for which he was elected. *Reynolds v. State*, 233 F. Supp. 323 (DC, WD Okla. 1964); cf., *State ex. rel. Christensen v. Hinkel*, 169 Wash. 1, 13 P. 2d 42 (1932), a case in which the Washington



Supreme Court held it *proper* to terminate certain senatorial terms prematurely as a part of a legislative redistricting plan under which (unlike the plan provided for in this order) the total number of senators was increased – rendering it necessary to shorten some existing terms in order to maintain an equal balance between the number of senators to be elected each two years.

However, in a situation such as is presently before us where no increase in the number of senators is involved in the redistricting plan, we find there to be no constitutional mandate, state or federal, which would bar those senators who were elected prior to our adjudication of the unconstitutionality of the act under which they were elected from serving out their full terms. See, *Stout v. Bottorf*, 249 F. Supp. 488 (DC, SD Ind. 1965); and *People v. Kerner*, 33 Ill. 2d 11, 210 N.E. 2d 165 (1965). We are persuaded on balance that under the circumstances now before us, it would be unduly disruptive of the electoral procedures provided for in the Washington constitution for us to require all of the forty-nine legislative districts created by this order to elect new senators at the 1972 election – without regard to the continuing incumbency of those twenty-three senators now holding office for four-year terms to which they were elected in 1970. Therefore, the 1972 election of state senators under the provisions of this order shall be conducted as follows:

(a) Within the legislative districts provided for in this order, one senator shall be elected from each of the following such districts (as above numbered) at the general election to be held on the first Tuesday after the first Monday in November, 1972, and every four years thereafter, for a term of four years: 1, 2, 3, 4, 5, 9, 10, 11, 12, 14, 16, 17, 18, 19, 20, 22, 23, 24, 25, 27, 28, 39, 40, 41 and 49.

(b) In order to maintain the election scheme of Article II, §15, Washington State Constitution, and Amendment 32 thereto, we direct that there shall be elected at the November, 1972 general election, but for a two-year term only, a senator from the Twenty-Ninth legislative district, as created by this Order.

(c) The first election for a full four-year term of the senator from the newly created Twenty-Ninth legislative district, and from all the remaining new districts created by this Order (6, 7, 8, 13, 15, 21, 26, 30, 31, 32, 33, 34, 35, 36, 37, 38, 42, 43, 44, 45, 46, 47, and 48), shall be held on the first Tuesday after the first Monday in November, 1974, and this class of senators shall thereafter be elected every four years for a term of four years.

(d) Consistent with the foregoing and with our interlocutory Order of August, 1971 (declaring the provisions of Chapter 6, Laws of 1965, to be unconstitutional), we hold and direct that those "hold-over" state senators now serving four-year terms to which they were elected in 1970 may continue to serve out their full terms in the newly created legislative districts, the numbers of which appear after the senators' names, to wit:

Senator Guess	6
Senator Twigg	7
Senator Canfield	8
Senator Washington	13
Senator Woodall	15
Senator Metcalf	21
Senator Gardner	26
Senator Stender	30
Senator Herr	31
Senator Francis	32
Senator Connor	33
Senator Greive	34
Senator Ridder	35
Senator Murray	36
Senator Fleming	37
Senator Mardesich	38
Senator Atwood	42
Senator Whetzel	43
Senator Peterson	44
Senator Dore	45
Senator Scott	46
Senator Durlan	47
Senator Andersen	48

(e) We further direct that if any of the above senators now serving four-year terms to which they were elected in 1970 should, for any reason, vacate their offices prior to the commencement of filings for legislative offices on July 31, 1972, the defendant elections officers shall provide for corresponding elections of senators, for two-year terms only, in the newly created districts to which they are assigned.

**ELECTION OF STATE REPRESENTATIVES**

6. Within the legislative districts provided for in this order, there shall be elected from each, for two-year terms, a total of two state representatives at the general election to be held on the first Tuesday after the first Monday in November, 1972, and every two years thereafter. Candidates shall file and run by position in accordance with RCW 29.18.015.

**ELECTION OF MEMBERS OF CONGRESS**

7. A single member of the United States Congress shall be elected from each of the seven congressional districts provided for in this order at the general election to be held on the first Tuesday after the first Monday in November, 1972, and every two years thereafter, for two-year terms.

**RETENTION OF JURISDICTION**

8. The court retains jurisdiction of this action for the purposes of passing upon any future claims of unconstitutionality made by plaintiffs against any future legislative apportionment adopted by the legislature of Washington by reason of this order, and for such other action in the premises as may be necessary.

-----  
 JUDGE GILBERT H. JERTBERG  
 United States Court of Appeals  
 for the Ninth Circuit

-----  
 JUDGE WILLIAM N. GOODWIN  
 United States District Court

-----  
 JUDGE WALTER T. McGOVERN  
 United States District Court

**FOOTNOTES**

<sup>1</sup>As modified by a stipulation of the parties relating to the discounting of transient military personnel in accordance with Article II, § 3 of the Washington State Constitution and the decision of the United States Supreme Court in *Burns v. Richardson*, *supra*, see, also, *In re Opinion of the Justices*, ----- N.H. -----, 2/6 A. 2d 825 (1971).

<sup>2</sup>In accordance with a specific instruction in our order of appointment.

**44.07A.001 Purpose.** The legislature hereby recognizes the emergence of certain hardships and the existence of some unintended distortions and minor inequities occasioned by the legislative district boundaries established by the court plan and order for legislative and congressional redistricting (United States district court, western district of Washington at Seattle, case 9668, filed April 21, 1972, at Seattle). The legislature declares that it is the purpose of RCW 44.07A.001, 44.07A.005, 44.07A.030, 44.07A.040, 44.07A.050, 44.07A.060, 44.07A.130, 44.07A.140, 44.07A.230, 44.07A.260, 44.07A.270, and 44.07A.900 to remedy such hardships and distortions consistent with such plan and in a manner which retains basic population parity, in making minor adjustments in some legislative district boundaries by setting out such districts in RCW 44.07A.001, 44.07A.005, 44.07A.030, 44.07A.040,

44.07A.050, 44.07A.060, 44.07A.130, 44.07A.140, 44.07A.230, 44.07A.260, 44.07A.270, and 44.07A.900: *Provided*, That all legislative and congressional districts shall remain as numbered in such court plan and order. The legislature further declares that the boundaries of all legislative districts not modified by RCW 44.07A-.001, 44.07A.005, 44.07A.030, 44.07A.040, 44.07A.050, 44.07A.060, 44.07A.130, 44.07A.140, 44.07A.230, 44.07A.260, 44.07A.270, and 44.07A.900 shall be as described in such court order, until modified by said court or other court having jurisdiction thereof, or until superseded by the legislature. [1974 ex.s. c 123 § 1.]

**Severability—1974 ex.s. c 123: See RCW 44.07A.900.**

**44.07A.005 Definitions.** For the purposes of this chapter each legislative district shall be framed and described in terms of complete, official United States census bureau, census tracts (T), county census districts (CCD), enumeration districts (ED), block (B), and block groups (BG) to accord with the format of such court order. [1974 ex.s. c 123 § 2.]

**Reviser's note:** In official United States census bureau abbreviations used for the 1970 census, "CCD" means "census county division", there being no usage of the term "county census district" referred to in this section.

**Severability—1974 ex.s. c 123: See RCW 44.07A.900.**

**44.07A.030 Third legislative district.** The Third legislative district shall consist of the following areas:

In Spokane City:

- T 1
- T 2
- T 3
- T 13 (part: B 201, B 207)
- T 14 (part: BG 2, BG 3)
- T 15
- T 16
- T 17
- T 18
- T 19
- T 20
- T 21
- T 22
- T 23
- T 24
- T 25
- T 26
- T 27
- T 28
- T 33
- T 34
- T 35
- T 36
- T 37
- T 38

In Spokane County:

- T 112 (Part: ED 30, 80)

[1974 ex.s. c 123 § 3.]

**Severability—1974 ex.s. c 123: See RCW 44.07A.900.**

**44.07A.040 Fourth legislative district.** The Fourth legislative district shall consist of the following areas:

In Spokane County:

- T 112 (part: ED 19, 28, 29, 31, 32, 33)
- T 113
- T 114
- T 115
- T 116
- T 117
- T 118
- T 119
- T 120
- T 121
- T 122
- T 123
- T 124
- T 125
- T 126
- T 127
- T 128
- T 129
- T 130
- T 131
- T 132
- T 133
- T 134 (part: ED 329, 330)
- T 143

In Whitman County:

- CCD 1
- CCD 2
- CCD 6
- CCD 7

[1974 ex.s. c 123 § 4.]

**Severability—1974 ex.s. c 123: See RCW 44.07A.900.**

**44.07A.050 Fifth legislative district.** The Fifth legislative district shall consist of the following areas:

In Spokane City:

- T 4
- T 5
- T 6
- T 7
- T 8
- T 9
- T 10
- T 11
- T 12
- T 13 (part: BG 1, B 202–206, B 208–230, BG 3)
- T 14 (part: BG 1, BG 4)

In Spokane County:

- T 105 (part: BG 1, 2, 9; ED 23, 24, 27)
- T 106
- T 107
- T 108
- T 109
- T 110
- T 111

[1974 ex.s. c 123 § 5.]

Severability—1974 ex.s. c 123: See RCW 44.07A.900.

**44.07A.060 Sixth legislative district.** The Sixth legislative district shall consist of the following areas:

In Spokane City:

- T 29
- T 30
- T 31
- T 32
- T 39
- T 40
- T 41
- T 42
- T 43
- T 44
- T 45
- T 46
- T 47

In Spokane County:

- T 134 (part: ED 249–250, 331–337)
- T 135
- T 136
- T 137
- T 138, 141 (CCD Medical Lake Rural)
- T 139 (CCD Medical Lake)
- T 140 (CCD Cheney)
- T 142

[1974 ex.s. c 123 § 6.]

Severability—1974 ex.s. c 123: See RCW 44.07A.900.

**44.07A.130 Thirteenth legislative district.** The Thirteenth legislative district shall consist of the following areas:

All of Kittitas County

In Grant County:

- CCD 5
- CCD 7
- CCD 9
- CCD 10
- CCD 11
- CCD 12
- CCD 15
- CCD 16
- CCD 17
- CCD Ephrata

In Yakima County:

- CCD 1
- CCD 2
- CCD 3 (part: ED 9–13)
- CCD 8 (part: ED 20 except sections 20, 21 and 28, R18E, T14N)

[1974 ex.s. c 123 § 7.]

Severability—1974 ex.s. c 123: See RCW 44.07A.900.

**44.07A.140 Fourteenth legislative district.** The Fourteenth legislative district shall consist of the following areas:

In Yakima County:

- CCD Yakima
- CCD Selah
- CCD 3 (part: ED 14)
- CCD 6 (part: ED 27, 29)
- CCD 7
- CCD 8 (part: ED 20, sections 20, 21, 28, R18E, T14N; ED 21–22)
- CCD 11
- CCD 12

[1974 ex.s. c 123 § 8.]

Severability—1974 ex.s. c 123: See RCW 44.07A.900.

**44.07A.230 Twenty-third legislative district.** The Twenty-third legislative district shall consist of the following areas:

In Kitsap County:

- CCD 1
- CCD 2
- CCD 3
- CCD 4
- CCD 6 (part: ED 26 and that part of ED 31 that lies to the north and east of ED 26 and that is geographically separated by ED 26 from that part of ED 31 that lies to the south and west of ED 26, which the legislature, having consulted with the geography section of the United States Census Bureau, hereby determines to consist of only surface waters of Dyes Inlet and to contain no population.)

- CCD 7
- CCD 8
- CCD 9
- CCD 10
- CCD 11
- CCD Bremerton (part: ED 37–64, 66–73)

[1974 ex.s. c 123 § 9.]

Severability—1974 ex.s. c 123: See RCW 44.07A.900.

**44.07A.260 Twenty-sixth legislative district.** The Twenty-sixth legislative district shall consist of the following areas:

In Kitsap County:

- CCD 5
- CCD 6 (part: ED 27–30, 32, 33, and that part of ED 31 that lies to the south and west of ED 26 and that is geographically separated by ED 26 from that part of ED 31 that lies to the north and east of ED 26.)

- CCD 12
- CCD 14
- CCD 15

CCD 16  
 CCD Bremerton (part: ED 65, 74)  
 CCD Port Orchard

In Pierce County:

CCD Lower Peninsula  
 CCD Gig Harbor Peninsula  
 T 603  
 T 604  
 T 605 (part: B 102–107)  
 T 608 (part: B 101–108)  
 T 609  
 T 610  
 T 735

[1974 ex.s. c 123 § 10.]

**Severability—1974 ex.s. c 123: See RCW 44.07A.900.**

**44.07A.270 Twenty-seventh legislative district.** The Twenty-seventh legislative district shall consist of the following areas:

In Pierce County:

T 601  
 T 602  
 T 605 (part: B 108–119, BG 2, 3, 4, 5)  
 T 606  
 T 607  
 T 608 (part: B 109–123, BG 2, 3, 4, 5, 6, 7)  
 T 611  
 T 612  
 T 613  
 T 614  
 T 615  
 T 616  
 T 617  
 T 618 (part: BG 1)  
 T 619  
 T 620  
 T 621  
 T 627 (part: BG 1)  
 T 708

[1974 ex.s. c 123 § 11.]

**Severability—1974 ex.s. c 123: See RCW 44.07A.900.**

**44.07A.900 Severability—1974 ex.s. c 123.** 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. [1974 ex.s. c 123 § 12.]

### Chapter 44.16 LEGISLATIVE INQUIRY

Sections

44.16.010 Examination of witnesses—Compulsory process.  
 44.16.020 Service of process.  
 44.16.030 Chairman to administer oaths.  
 44.16.040 Commission to examine absent witness.  
 44.16.050 Commission executed during recess.  
 44.16.060 To whom directed—Interrogatories.  
 44.16.070 Oath and powers of commissioner.  
 44.16.080 Examination to be private.

44.16.090 Testimony reduced to writing.  
 44.16.100 Return of depositions.  
 44.16.110 Fees of commissioner and witnesses.  
 44.16.120 Punishment of recalcitrant witness.  
 44.16.130 Failure to attend—Contempt.  
 44.16.140 Refusal to testify—Contempt.  
 44.16.150 Punishment for contempt.  
 44.16.160 Warrant of imprisonment.  
 44.16.170 Record of proceedings.

**Reviser's note:** "Act" has been translated to "chapter" throughout chapter 44.16 RCW as the entire chapter is composed of 1895 c 6 with the exception of 1897 c 33 § 1 which is supplementary thereto.

**44.16.010 Examination of witnesses—Compulsory process.** Every chairman or presiding member of any committee of either the senate or house of representatives, or any joint committee of the senate or house of representatives, which, by the terms of its appointment, shall be authorized to send for persons and papers, shall have power, under the direction of such committee, to issue compulsory process for the attendance of any witness within the state whom the committee may wish to examine. [1895 c 6 § 1; RRS § 8178.]

**44.16.020 Service of process.** All process provided for in this chapter may be served in the same manner as is provided by law for the service of process in the superior court; and it shall be the duty of any officer to whom any process may be delivered or issued, to serve the same as directed: *Provided*, That in the service of process a copy thereof shall be delivered to the witness. [1895 c 6 § 15; RRS § 8192.]

*Service of summons: RCW 4.28.080.*

**44.16.030 Chairman to administer oaths.** The chairman or presiding member of any committee of either the senate, house of representatives, or any joint committee thereof, shall be authorized to administer oaths to all witnesses coming before such committee for examination; and all witnesses who shall testify in any proceeding provided for in this chapter, shall be under oath or affirmation. [1895 c 6 § 2; RRS § 8179.]

**44.16.040 Commission to examine absent witness.** Every such chairman or presiding member shall also have power, under the direction of the committee, to issue a commission for the examination of any witness who shall be without the jurisdiction of the state, or if within the state, shall be unable to attend, or who shall, for any reasons, be excused by the committee from attendance. [1895 c 6 § 3; RRS § 8180.]

**44.16.050 Commission executed during recess.** Whenever such committee shall obtain authority for that purpose, from the senate or house, or legislature, by which it may be appointed, it may issue such commission to be executed during the recess of the legislature. [1895 c 6 § 4; RRS § 8181.]

**44.16.060 To whom directed—Interrogatories.** Every such commission shall be directed to such magistrate or other person, as the committee may designate, and interrogatories framed by the committee shall be annexed thereto. [1895 c 6 § 5; RRS § 8182.]

**44.16.070 Oath and powers of commissioner.** The person to whom such commission shall be directed, if he reside within the state and accept the trust, shall, before entering upon the execution of his duties, take the oath of office prescribed in the Constitution. Such commissioner shall have power to issue process to compel the attendance of witnesses, whom he shall be required to examine, and shall have power to administer oaths to such witnesses. [1895 c 6 § 6; RRS § 8183.]

**44.16.080 Examination to be private.** Unless otherwise directed by the committee, it shall in all cases be the duty of the commissioner to examine, in private, every witness attending before him, and not to make public the particulars of such examination, when so made in private, until the same shall be made public by order of the house or legislature appointing the committee. [1895 c 6 § 7; RRS § 8184.]

**44.16.090 Testimony reduced to writing.** Every witness so attending shall be examined on oath or affirmation, and his testimony shall be reduced to writing by the commissioner, or by some disinterested person in his presence and under the direction of said commissioner, and signed by the witness. [1895 c 6 § 8; RRS § 8185.]

**44.16.100 Return of depositions.** When a commission shall have been duly executed, the commissioner shall annex thereto the depositions of the witnesses, duly certified by him, and shall, without delay, transmit the same by mail, inclosed and under seal, or deliver the same, to the chairman of the committee by which the commission shall have been issued, or to such person as by the committee directed. [1895 c 6 § 9; RRS § 8186.]

**44.16.110 Fees of commissioner and witnesses.** A person executing any such commission shall be paid, out of the state treasury, the same fees that are allowed by law for the taking of depositions on commissions issued out of the superior courts of this state; and any witness attending before either house of the legislature, or any committee or joint committee thereof, or before any such commissioner, shall be so paid two dollars per day for each day in attendance, and five cents a mile for the distance necessarily traveled in attending as such witness. [1895 c 6 § 10; RRS § 8187.]

**44.16.120 Punishment of recalcitrant witness.** Any person who shall fail to attend as a witness upon any committee appointed by either the house or senate of the state of Washington, or both, after having been duly subpoenaed as provided in this chapter, or who, being in attendance as a witness before such committee, shall refuse to answer any question or produce any paper or document or book which he is required to answer or to produce by such committee, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars, or by imprisonment in the county jail for a term not longer than six months, or by both such fine and imprisonment. [1897 c 33 § 1; RRS § 8194.]

*Witness refusing to attend or testify if requested by legislature or committee thereof: RCW 9.55.020.*

**44.16.130 Failure to attend—Contempt.** A person who, being duly summoned to attend as a witness before either house of the legislature, or any committee or joint committee thereof, or commissioner authorized to summon witnesses, refuses or neglects, without lawful excuse, to attend pursuant to such summons, shall be punished as for contempt, as hereinafter provided. [1895 c 6 § 11; RRS § 8188.]

**44.16.140 Refusal to testify—Contempt.** A person who, being present before either house of the legislature, or any committee or joint committee thereof, or commissioner authorized to summon witnesses, wilfully refuses to be sworn or affirmed, or to answer any material and proper question, or to produce, upon reasonable notice, any material and proper books, papers or documents in his possession or under his control, shall be punished as for contempt, as hereinafter provided. [1895 c 6 § 12; RRS § 8189.]

**44.16.150 Punishment for contempt.** Any person being in contempt, as hereinbefore provided, shall be punished by fine in any sum not less than fifty dollars and not exceeding one thousand dollars, or by imprisonment in the county jail in the county where such examination is being had, for any period of time not extending beyond the legislative session then being held, or by both such fine and imprisonment, as the legislative body which authorized such examination may order. And in case the contempt arises in a joint proceeding of both houses, or before a joint committee thereof, the senate shall prescribe the penalty. [1895 c 6 § 13; RRS § 8190.]

*Contempts: Chapters 7.20, 9.23 RCW.*

**44.16.160 Warrant of imprisonment.** If any fine is imposed against any person for contempt, as hereinbefore provided, he shall stand committed to the county jail of the county in which the offense was committed until such fine is paid. The presiding officer of the house, fixing the fine, shall issue a warrant to the sheriff of the county where the offense was committed, commanding him to imprison such person in the county jail until such fine is paid, or until he has been imprisoned in such jail one day for every three dollars of such fine. [1895 c 6 § 14; RRS § 8191.]

**44.16.170 Record of proceedings.** Every such committee shall keep a record of its proceedings under the provisions of this chapter, which record shall be signed by the chairman or presiding officer of the committee, and the same returned to the legislative body by which the committee was appointed, as a part of the report of such committee. [1895 c 6 § 16; RRS § 8193.]

**Chapter 44.18  
CLAIMS**

Section  
44.18.010 Claims against state—Requirements.

**44.18.010 Claims against state—Requirements.** All claims hereafter made to the legislature against the state of Washington for money or property, shall be accompanied by a statement of the facts on which such claim is based and such evidence as the claimant intends to offer in support thereof. Legislative committees to whom such claims are referred shall make a transcript or statement of the substance of the evidence given in support of such claim; such statement, together with the transcript of the evidence taken by the committee, shall be filed with the state auditor who shall retain the same as a record of his office. [1903 c 46 § 1; RRS § 8195. Formerly RCW 44.16.010.]

*Actions against the state: Chapter 4.92 RCW.*

### Chapter 44.20 SESSION LAWS

#### Sections

- 44.20.010 Engrossed bills to be filed with secretary of state.
- 44.20.020 Chapter numbers—Bill copies certified, delivered—Citation by number and year.
- 44.20.030 Temporary publication.
- 44.20.040 Temporary publication—Distribution of copies.
- 44.20.050 Headings, index—Permanent publication.
- 44.20.060 Duty of code reviser in arranging laws.
- 44.20.080 Private publication restricted.
- 44.20.090 Legislative records—Preservation.

*Distribution of session laws: RCW 40.04.040.*

*Public printer to print and bind session laws: RCW 43.78.030.*

*Revised Code of Washington: Chapter 1.04 RCW.*

*Salaries for public officials to appear in session laws: RCW 43.03.047.*

**44.20.010 Engrossed bills to be filed with secretary of state.** Whenever any bill shall have passed both houses, the house transmitting the enrolled bill to the governor shall also file with the secretary of state the engrossed bill, together with the history of such bill up to the time of transmission to the governor. [1907 c 136 § 1; RRS § 8196.]

*Secretary of state to keep record of acts of the legislature: State Constitution Art. 3 § 17; RCW 43.07.040.*

**44.20.020 Chapter numbers—Bill copies certified, delivered—Citation by number and year.** Whenever any bill shall become a law the secretary of state shall number such bill in the order in which it became a law, commencing with each session of the legislature, and shall forthwith certify and deliver three copies of such bill to the statute law committee. Such number shall be in Arabic numerals, and shall be the chapter number of the act when published. A citation to the chapter number and year of the session laws heretofore or hereafter published shall be a sufficient reference to the act so designated. [1969 c 6 § 1; 1907 c 136 § 2; RRS § 8197.]

**44.20.030 Temporary publication.** The statute law committee, after each and every legislative session, whether regular or extraordinary, shall cause to be reproduced or printed for temporary use four thousand copies of each act filed in the office of secretary of state within ten days after the filing thereof, and in the order of its chapter number. [1969 c 6 § 2; 1961 c 21 § 1;

1933 ex.s. c 31 § 1; 1933 c 27 § 1; 1925 ex.s. c 35 § 1; 1907 c 136 § 3; RRS § 8198.]

**44.20.040 Temporary publication—Distribution of copies.** The statute law committee, after each and every legislative session, whether regular or extraordinary, shall furnish one copy of each act as published to each member of the legislature at which such law was enacted, to each state officer, and to each state institution; five copies to each of the state educational institutions; and to each county auditor for the use of his county; twenty-five copies to the state law library; and such further distribution as may be necessary: *Provided*, That there shall be a charge of one dollar for each of the complete sets of such temporary publications when delivered to any person, firm, corporation or institution excepting the persons and institutions named in this section, and all moneys received from the sale of such temporary sets shall be transmitted to the state treasurer who shall deposit the same in the state treasury to the credit of the general fund. [1969 c 6 § 3; 1933 ex.s. c 31 § 2; 1933 c 27 § 2; 1907 c 136 § 4; RRS § 8199.]

*Distribution of permanent edition of session laws: Chapter 40.04 RCW.*

**44.20.050 Headings, index—Permanent publication.** When all of the acts of any session of the legislature and initiative measures enacted by the people since the next preceding session have been certified to the statute law committee, the code reviser employed by the statute law committee shall make the proper headings and index of such acts or laws and, after such work has been completed, the statute law committee shall have published and bound in good buckram at least two thousand copies of such acts and laws, with such headings and indexes, and such other matter as may be deemed essential, including a title page showing the session at which such acts were passed, the date of convening and adjournment of the session, and any other matter deemed proper, including a certificate by the secretary of state of such referendum measures as may have been enacted by the people since the next preceding session. [1969 c 6 § 4; 1951 c 157 § 18; 1915 c 27 § 1; 1907 c 136 § 5; RRS § 8200.]

**44.20.060 Duty of code reviser in arranging laws.** In arranging the laws, memorials and resolutions for publication, the code reviser is hereby authorized to make such corrections in the orthography, clerical errors and punctuation of the same as in his judgment shall be deemed essential: *Provided*, That when any words or clauses shall be inserted, the same shall be inclosed in brackets; and no correction shall be made which changes the intent or meaning of any sentence, section or act of the legislature. [1969 c 6 § 5; 1890 p 632 § 8; RRS § 8203.]

**44.20.080 Private publication restricted.** It shall be unlawful for any person to print and publish for sale the session laws of any session in book form within one year after the adjournment of such session, other than those ordered printed by the statute law committee, or to

deliver to anyone other than such committee or upon their order any of the session laws so ordered printed by them: *Provided*, This section shall not apply to any general compilation of the laws of this state or to a compilation of any special laws or laws on any special subject. [1969 c 6 § 6; 1907 c 136 § 6; RRS § 8201.]

**44.20.090 Legislative records—Preservation.** See RCW 40.14.100–40.14.180.

### Chapter 44.24 LEGISLATIVE COUNCIL

#### Sections

44.24.010	Council created—Composition.
44.24.020	Powers and duties.
44.24.030	Examination of records—Testimony—Oaths— Compelling attendance of witnesses.
44.24.040	Meetings.
44.24.050	Secretary and assistants.
44.24.060	Expenses and mileage.
44.24.070	Rules and regulations—Term of office—Vacancies— Special members—Minutes.
44.24.900	Severability—1947 c 36.

*Data processing advisory committee, chairman member of:* RCW 43.105.031.

*Interim committee on public employees collective bargaining, council participation:* RCW 41.56.410–41.56.420.

**44.24.010 Council created—Composition.** There is hereby created a "state legislative council" hereinafter referred to as the council, which shall consist of fifteen senators and sixteen representatives from the legislature of the state of Washington, including the president pro tem of the senate and the speaker of the house of representatives, said council to be appointed by the president of the senate and the speaker of the house of representatives at least ten days before the close of the 1947 session of the legislature, and before the close of each regular session thereafter: *Provided*, That if prior to the close of any regular session, the governor shall issue a proclamation convening the legislature into extraordinary session following such regular session, then such appointments shall be made as a matter of closing business of such extraordinary session. The president of the senate and the speaker of the house of representatives shall prepare their lists of appointees so that the whole membership of the council shall include at least one individual from each United States congressional district within the state and so that the minority political party in each house shall have seven members on the council. The said lists of appointees shall be subject to confirmation as to the senate members by the senate and as to the house members by the house of representatives. In the event of a failure to appoint council members within the time above stated, or in the event of a refusal by either senate or house of representatives to confirm appointments on the council, then the members on the council from either house in which there is a failure to appoint or confirm shall be elected forthwith by the members of such house. [1969 c 10 § 1; 1967 ex.s. c 134 § 6; 1965 ex.s. c 148 § 1; 1947 c 36 § 1; Rem. Supp. 1947 § 8207–1.]

**44.24.020 Powers and duties.** The council shall have the following powers and duties:

(1) To perform, either through the council as a whole or through committees thereof all duties and functions customarily delegated to special interim legislative committees: *Provided*, That any appointments of committee chairmen shall be approved by not less than fifteen members of the council;

(2) To examine and study the administrative organization and procedures of the state government, its offices, boards, committees, commissions, institutions, and other state agencies and to make recommendations, where found advisable, directed to the elimination of unnecessary overlapping or duplication of functions, procedures and expenditures, and to the promotion of economy and efficiency in state government;

(3) To make such other studies and examinations of the state government and its state agencies as it may find advisable and to hear complaints, hold hearings, gather information and make findings of fact with respect thereto: *Provided*, That no investigation shall be had or public hearing be held without prior approval of two-thirds of the membership of the council: *Provided further*, That any investigation or hearing once commenced may be terminated by a majority vote of the council;

(4) To receive messages and reports in person or in writing from the governor or any other state officials and to attend generally to any and all business addressed to or affecting the legislature during the interim between regular legislative sessions;

(5) To make reports from time to time to the members of the legislature and to the public with respect to any of its findings or recommendations. The council shall keep complete minutes of its meetings. The council shall make and distribute its biennial report to the members of the ensuing legislature at least ten days prior to the convening of the legislature in regular session; and

(6) To cooperate, act, and function with similar councils or committees of other states, with the council of state governments, and with other interstate research organizations. [1967 ex.s. c 134 § 1; 1955 c 206 § 1; 1947 c 36 § 2; Rem. Supp. 1947 § 8207–2.]

**44.24.030 Examination of records—Testimony—Oaths—Compelling attendance of witnesses.** In the discharge of any duty herein imposed, the council and its committees shall have the authority to examine and inspect all files, records and accounts of any state office, department, institution, board, commission or agency, and to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the superior courts. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of the council, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the superior

court of any county, or of the judge thereof, on application of the council, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. Each witness who appears before the state legislative council by its order, other than a state official or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers signed by such witness and approved by the secretary and chairman of the council. [1967 ex.s. c 134 § 2; 1947 c 36 § 3; Rem. Supp. 1947 § 8207-3.]

*Depositions: Rules of court: CR 26-37.*

*Disobedience of subpoena as grounds for contempt: RCW 7.20.010.*

*Legislative inquiry: Chapter 44.16 RCW.*

*Witness fees and mileage: Chapter 2.40 RCW.*

*Witness refusing to attend or testify before legislature or committee: RCW 9.55.020.*

**44.24.040 Meetings.** The first meeting of the state legislative council shall be held on the third Monday in June, 1947, and thereafter meetings shall be held throughout the legislative interim at such times and at such places as the council may determine. Committees of the council may meet at such additional times and in such places as may be convenient or necessary in carrying out their delegated duties. [1967 ex.s. c 134 § 3; 1947 c 36 § 4; Rem. Supp. 1947 § 8207-4.]

**44.24.050 Secretary and assistants.** The council shall have authority to select and employ an executive secretary, together with such other clerical, legal, accounting, research, and other assistants as it may deem desirable, whose compensation and salaries shall be fixed by the council. [1947 c 36 § 5; Rem. Supp. 1947 § 8207-5.]

**44.24.060 Expenses and mileage.** The members of the council shall be reimbursed for their expenses incurred while attending sessions of the council or meetings of any committees of the council or while engaged on other council business authorized by the council in accordance with the provisions of RCW 44.04.120. All expenses incurred by the council, including salaries of employees, shall be paid upon voucher forms as provided by the budget director and signed by the chairman or vice chairman of the council and attested by the secretary of said council, or by an alternate for the secretary who shall be a member of and selected by the executive committee, and the authority of said chairman and secretary to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated generally by the legislature for legislative expenses or upon any special appropriation which may be provided by the legislature for the expenses of the council. [1967 ex.s. c 134 § 4; 1955 c 206 § 2; 1951 c 142 § 1; 1947 c 36 § 6; Rem. Supp. 1947 § 8207-6.]

*Vouchers on public funds: Chapter 42.24 RCW.*

**44.24.070 Rules and regulations—Term of office—Vacancies—Special members—Minutes.** The state legislative council shall have authority to make

its own rules and regulations governing the conduct of its business not otherwise prescribed in this chapter. The term of office of all council members shall be from the time of confirmation or election until (1) their successors have been appointed and confirmed or elected as provided in RCW 44.24.010, or until they cease to be members of the legislature. Vacancies on the council among the senate members of the council may be filled by appointment by the remaining senate members. Vacancies on the council among the members of the house of representatives may be filled by appointment by the remaining house members. All such vacancies shall be filled from the same political party as that of the member whose seat was vacated. The council may appoint not more than twelve additional legislators as special members in the same ratio as membership of the respective parties in the house and senate, to serve on council committees for designated periods of time, and such special members shall be entitled to reimbursement on the same basis as council members for expenses incurred while on council business. All of the minutes, records, and files of the council shall be delivered over by the council to the speaker of the house of representatives or to the president of the senate at the convening of each regular or special session of the legislature, which minutes, records, and files shall be held subject to the order of the senate and house of representatives, and shall thereafter be redelivered to the members of the council forthwith, but in no event later than five days after adjournment sine die of the legislature. [1967 ex.s. c 134 § 5; 1955 c 206 § 3; 1947 c 36 § 7; Rem. Supp. 1947 § 8207-7.]

**44.24.900 Severability—1947 c 36.** If any section, subsection, paragraph or provision of this chapter shall be held invalid by any court for any reason, such invalidity shall not in any way affect the validity of the remainder of this chapter. [1947 c 36 § 8.]

## Chapter 44.28

### LEGISLATIVE BUDGET COMMITTEE

#### Sections

44.28.010	Legislative budget committee created—Members.
44.28.020	Terms of members—Vacancies.
44.28.030	Continuation of memberships and powers.
44.28.040	Travel expenses of members—Reimbursement.
44.28.050	Expenses of committee—Vouchers.
44.28.060	Powers of committee—General.
44.28.080	Powers—Appropriations, expenses, revenues.
44.28.085	Management surveys and program reviews—Review of state auditor's report, recommendations.
44.28.086	Management surveys—Reviews of program goals and objectives, performance audits to be included.
44.28.087	Agencies to furnish committee with performance reports, internal audits, etc.
44.28.100	Powers—Reports, minutes.
44.28.110	Examinations—Subpoenas—Depositions.
44.28.120	Contempt proceedings—Witnesses failing to appear or testify.
44.28.130	Witness fees and mileage.
44.28.140	Legislative auditor and other assistants—Employment—Duties of legislative auditor.
44.28.150	Cooperation with legislative committees and others.
44.28.900	Severability—1951 c 43.



*County treasurer's report to legislative budget committee: RCW 36.29.015.*

*Data processing advisory committee, chairman member of: RCW 43.105.031.*

*Director of program planning and fiscal management: Chapter 43.41 RCW.*

*Personal service contracts, filing with legislative budget committee required: Chapter 39.29 RCW.*

*State budget and accounting: Chapter 43.88 RCW.*

*Study of funds related to state transportation programs: RCW 44.40.025.*

**44.28.010 Legislative budget committee created—**  
**Members.** There is hereby created a legislative budget committee which shall consist of eight senators and eight representatives from the legislature. The senate members of the committee shall be appointed by the president of the senate and the house members of the committee shall be appointed by the speaker of the house. Not more than four members from each house shall be from the same political party. All members shall be appointed before the close of the 1967 session of the legislature and before the close of each regular session thereafter: *Provided*, That if prior to the close of each regular session, the governor shall issue a proclamation convening the legislature into extraordinary session following such regular session, then such appointments shall be made as a matter of closing business of such extraordinary session. Members shall be subject to confirmation, as to the senate members by the senate, and as to the house members by the house. In the event of a failure to appoint committee members, either on the part of the president of the senate or on the part of the speaker of the house, or in the event of a refusal by either the senate or the house to confirm appointments on the committee, then the members of the committee from either house in which there is a failure to appoint or confirm shall be elected forthwith by the members of such house. [1969 c 10 § 4; 1967 ex.s. c 114 § 1; 1963 ex.s. c 20 § 1; 1955 c 206 § 4; 1951 c 43 § 1.]

**44.28.020 Terms of members—****Vacancies.** The term of office of the members of the committee who continue to be members of the senate and house shall be from the close of the session in which they were appointed or elected as provided in RCW 44.28.010 until the close of the next regular session or extraordinary session following such regular session, or, in the event that such appointments or elections are not made, until the close of the next regular session during which successors are appointed or elected. The term of office of such committee members as shall not continue to be members of the senate and house shall cease upon the convening of the next regular session of the legislature after their confirmation, election or appointment. Vacancies on the committee shall be filled by appointment by the remaining members. All such vacancies shall be filled from the same political party and from the same house as the member whose seat was vacated. [1969 c 10 § 5; 1955 c 206 § 5; 1951 c 43 § 12.]

**44.28.030 Continuation of memberships and powers.** On and after the commencement of a succeeding general

session of the legislature, those members of the committee who continue to be members of the senate and house, respectively, shall continue as members of the committee as indicated in RCW 44.28.020 and the committee shall continue with all its powers, duties, authorities, records, papers, personnel and staff, and all funds made available for its use. [1955 c 206 § 6; 1951 c 43 § 13.]

**44.28.040 Travel expenses of members—****Reimbursement.** The members of the committee shall serve without additional compensation, but shall be reimbursed for their travel expenses, in accordance with RCW 44.04.120 as now existing or hereafter amended, incurred while attending sessions of the committee or meetings of any subcommittee of the committee, while engaged on other committee business authorized by the committee, and while going to and coming from committee sessions or committee meetings. [1975-'76 2nd ex.s. c 34 § 134; 1951 c 43 § 14.]

**Effective date—Severability—**1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

**44.28.050 Expenses of committee—****Vouchers.** All expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon voucher forms as provided by the auditor and signed by the chairman or vice chairman of the committee and attested by the secretary of said committee, and the authority of said chairman and secretary to sign vouchers shall continue until their successors are selected after each ensuing session of the legislature. Vouchers may be drawn on funds appropriated generally by the legislature for legislative expenses or upon any special appropriation which may be provided by the legislature for the expenses of the committee or both. [1955 c 206 § 7; 1951 c 43 § 15.]

*Vouchers on public funds: Chapter 42.24 RCW.*

**44.28.060 Powers of committee—****General.** The committee shall have the power and duty to appoint its own chairman, vice chairman, and other officers; to make rules and regulations for orderly procedure; to perform, either through the legislative budget committee or through subcommittees of the legislative budget committee, all duties and functions relating to improving the economy, efficiency, and effectiveness of state agency management by performance audits and other staff studies of state government, its officers, boards, committees, commissions, institutions, and other state agencies. [1975 1st ex.s. c 293 § 13; 1951 c 43 § 2.]

**Severability—**1975 1st ex.s. c 293: See RCW 43.88.902.

**Effective date—**1975 1st ex.s. c 293: See RCW 43.88.910.

**44.28.080 Powers—****Appropriations, expenses, revenues.** The committee shall have the following powers:

(1) To make examinations and reports concerning whether or not appropriations are being expended for the purposes and within the statutory restrictions provided by the legislature; concerning the economic outlook and estimates of revenue to meet expenditures; and concerning the organization and operation of procedures

necessary or desirable to promote economy, efficiency, and effectiveness in state government, its officers, boards, committees, commissions, institutions and other state agencies, and to make recommendations and reports to the legislature.

(2) To make such other studies and examinations of economy, efficiency, and effectiveness of state government and its state agencies as it may find advisable, and to hear complaints, hold hearings, gather information and make findings of fact with respect thereto.

(3) The committee shall have the power to receive messages and reports in person or in writing from the governor or any other state officials and to study generally any and all business relating to economy, efficiency, and effectiveness in state government and state agencies. [1975 1st ex.s. c 293 § 14; 1955 c 206 § 10; 1951 c 43 § 4.]

**Severability**—1975 1st ex.s. c 293: See RCW 43.88.902.

**Effective date**—1975 1st ex.s. c 293: See RCW 43.88.910.

**44.28.085 Management surveys and program reviews**—Review of state auditor's report, recommendations. The legislative budget committee shall make management surveys and program reviews as to every public body, officer or employee subject to the provisions of RCW 43.09.290 through 43.09.340. The legislative budget committee may also make management surveys and program reviews of local school districts, intermediate school districts, and other units of local government receiving state funds as grants-in-aid or as shared revenues. Management surveys for the purposes of this section shall be an independent examination for the purpose of providing the legislature with an evaluation and report of the manner in which any public agency, officer, administrator, or employee has discharged the responsibility to faithfully, efficiently, and effectively administer any legislative purpose of the state. Program reviews for the purpose of this section shall be an examination of state or local government programs to ascertain whether or not such programs continue to serve their intended purposes, are conducted in an efficient and effective manner, or require modification or elimination: *Provided*, That nothing in this section shall limit the power or duty of the state auditor to report to the legislature as directed by subsection (3) of RCW 43.88.160 as now or hereafter amended. The authority in this section conferred excludes a like authority in the state auditor.

The legislative budget committee shall receive a copy of each report of examination issued by the state auditor under RCW 43.09.310, shall review all such reports, and shall make such recommendations to the legislature and to the state auditor as it deems appropriate. [1975 1st ex.s. c 293 § 15; 1971 ex.s. c 170 § 3.]

**Severability**—1975 1st ex.s. c 293: See RCW 43.88.902.

**Effective date**—1975 1st ex.s. c 293: See RCW 43.88.910.

**Severability**—1971 ex.s. c 170: See note following RCW 43.09.050.

**44.28.086 Management surveys**—Reviews of program goals and objectives, performance audits to be included. The legislative budget committee authority for management surveys contained in RCW 44.28.085 shall

include reviews of program goals and objectives of public bodies, officers or employees to determine conformity with legislative intent and shall include comprehensive performance audits to ensure that agency programs are being conducted in accordance with legislative intent and program goals and objectives. [1973 1st ex.s. c 197 § 1.]

**44.28.087 Agencies to furnish committee with performance reports, internal audits, etc.** All agency reports concerning program performance, including administrative review, quality control, and other internal audit or performance reports, as requested by the legislative budget committee, shall be furnished by the agency requested to provide such report. [1973 1st ex.s. c 197 § 2.]

**44.28.100 Powers**—Reports, minutes. The committee shall have the power to make reports from time to time to the members of the legislature and to the public with respect to any of its findings or recommendations. The committee shall keep complete minutes of its meetings. The committee shall make and distribute its final report to the members of the ensuing legislature at least ten days prior to the convening of the legislature. [1975 1st ex.s. c 293 § 16; 1951 c 43 § 6.]

**Severability**—1975 1st ex.s. c 293: See RCW 43.88.902.

**Effective date**—1975 1st ex.s. c 293: See RCW 43.88.910.

**44.28.110 Examinations**—Subpoenas—Depositions. In the discharge of any duty herein imposed, the committee or any personnel under its authority and its subcommittees shall have the authority to examine and inspect all properties, equipment, facilities, files, records and accounts of any state office, department, institution, board, committee, commission or agency, and to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by laws for taking depositions in civil actions in the superior courts. [1955 c 206 § 8; 1951 c 43 § 8.]

*Depositions: Rules of court: CR 26–37.*

**44.28.120 Contempt proceedings**—Witnesses failing to appear or testify. In case of the failure on the part of any person to comply with any subpoena issued in behalf of the committee, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the superior court of any county, or of the judge thereof, on application of the committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. [1951 c 43 § 9.]

*Disobedience of subpoena as grounds for contempt: RCW 7.20.010.*

*Legislative inquiry: Chapter 44.16 RCW.*

*Witness refusing to attend or testify before legislature or committee: RCW 9.55.020.*

**44.28.130 Witness fees and mileage.** Each witness who appears before the committee by its order, other than a state official or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers signed by such witness and approved by the secretary and chairman of the committee. [1951 c 43 § 10.]

*Witness fees and mileage: Chapter 2.40 RCW.*

**44.28.140 Legislative auditor and other assistants—Employment—Duties of legislative auditor.** The committee is hereby authorized and empowered to appoint an officer to be known as the legislative auditor, and to fix his compensation, who shall be the executive officer of the committee and assist in its duties and shall compile information for the committee. The committee is hereby authorized and empowered to select and employ other clerical, legal, accounting, research and other personnel that it may deem desirable in the performance of its duties, and the compensation and salaries shall be fixed by the legislative budget committee.

The duties of the legislative auditor shall be as follows:

(1) To ascertain the facts and make recommendations to the committee and under their direction to the committees of the state legislature concerning

- (a) revenues and expenditures of the state; and
- (b) the organization and functions of the state, its departments, subdivisions and agencies.

(2) To assist the several standing committees of the house and senate in consideration of legislation affecting state departments and their efficiency; to appear before other legislative committees and to assist any other legislative committee upon instruction by the legislative budget committee.

(3) To provide the legislature with information obtained under the direction of the legislative budget committee.

(4) To maintain a record of all work performed by the legislative auditor under the direction of the legislative budget committee and to keep and make available all documents, data and reports submitted to him by any legislative committee. [1975 1st ex.s. c 293 § 17; 1955 c 206 § 9; 1951 c 43 § 11.]

**Severability—1975 1st ex.s. c 293: See RCW 43.88.902.**

**Effective date—1975 1st ex.s. c 293: See RCW 43.88.910.**

**44.28.150 Cooperation with legislative committees and others.** The committee shall cooperate, act and function with legislative committees and with the councils or committees of other states similar to this committee and with other interstate research organizations. [1975 1st ex.s. c 293 § 18; 1951 c 43 § 7.]

**Severability—1975 1st ex.s. c 293: See RCW 43.88.902.**

**Effective date—1975 1st ex.s. c 293: See RCW 43.88.910.**

**44.28.900 Severability—1951 c 43.** If any section, subsection, paragraph or provision of this chapter shall

be held invalid by any court for any reason, such invalidity shall not in any way affect the validity of the remainder of this chapter. [1951 c 43 § 16.]

**Chapter 44.30**

**JOINT COMMITTEE ON HIGHER EDUCATION**

**Sections**

44.30.010	Definitions.
44.30.015	Committee created.
44.30.020	Composition—Selection and confirmation of members.
44.30.025	Representation of political parties limited.
44.30.030	Terms.
44.30.035	Vacancies.
44.30.040	Chairman—Subcommittees—Rules.
44.30.045	Executive secretary—Assistants—Compensation.
44.30.050	Per diem and expenses—Vouchers.
44.30.055	Studies.
44.30.060	Liaison with other committees, public agencies, organizations.
44.30.065	Citizen subcommittees.
44.30.070	Committee recommendations—Minority recommendations.
44.30.075	Gifts—Grants—Endowments.

**44.30.010 Definitions.** As used in this chapter the following definitions shall apply:

(1) "Committee" means the joint committee on higher education of the legislature of the state of Washington.

(2) "Higher education" means all programs and/or courses, whether academic, occupational, professional, adult or special, sponsored or conducted by an institution or agency authorized to grant or award a baccalaureate degree, or a nonbaccalaureate degree or certificate.

(3) "Institution" or "agency" means any public or nonpublic educational institution receiving or eligible of receiving state appropriated funds, or participating in programs which are state authorized, administered or coordinated, and such institutions shall include but not be limited to all four year colleges, and universities, graduate centers, and all state community colleges, and state agencies directing or participating in higher education programs as herein defined. [1969 ex.s. c 265 § 1.]

**44.30.015 Committee created.** There is hereby created the joint committee on higher education of the legislature of the state of Washington. [1969 ex.s. c 265 § 2.]

**44.30.020 Composition—Selection and confirmation of members.** The committee shall consist of five senators and five representatives who shall be selected prior to the close of the forty-first session of the legislature, and at least ten days before the close of each regular session thereafter as follows:

(1) The president of the senate shall nominate five senators to serve on the committee, and shall submit the list of nominees to the senate for confirmation. Upon confirmation, the senators shall be deemed installed as members.

(2) The speaker of the house shall nominate five members of the house of representatives to serve on the committee, and submit the list of nominees to the house for confirmation. Upon confirmation, the representatives shall be deemed installed as members.

In the event of a failure to appoint members within the time above stated, or in the event of a refusal to confirm, the members on the committee from either house in which there is a failure to appoint or confirm shall be elected forthwith by the members of such house. [1969 ex.s. c 265 § 3.]

**44.30.025 Representation of political parties limited.** Not more than three members confirmed or elected by the senate, and not more than three members confirmed or elected by the house, shall be affiliated with any one political party. [1969 ex.s. c 265 § 4.]

**44.30.030 Terms.** Members shall serve until their successors are installed as provided in RCW 44.30.020 at the next succeeding regular session of the legislature, or until they are no longer members of the legislature, whichever is sooner. [1969 ex.s. c 265 § 5.]

**44.30.035 Vacancies.** The committee shall fill any vacancies occurring on the committee by appointment from the legislative chamber whose member departs; members filling vacancies shall serve until their successors are installed as provided in RCW 44.30.020 or until they are no longer members of the legislature, whichever is sooner. All vacancies shall be filled from the same political party as that of the member whose seat was vacated. [1969 ex.s. c 265 § 6.]

**44.30.040 Chairman—Subcommittees—Rules.** The committee shall by majority vote select a chairman, create necessary or appropriate subcommittees, and prescribe rules of procedure for itself and its subcommittees which are not inconsistent with this chapter. [1969 ex.s. c 265 § 7.]

**44.30.045 Executive secretary—Assistants—Compensation.** The committee may employ an executive secretary and such clerical and other assistants as it finds necessary or appropriate, and fix their compensation, expenses, and salaries. [1969 ex.s. c 265 § 8.]

**44.30.050 Per diem and expenses—Vouchers.** The members of the committee shall be reimbursed for their expenses incurred while attending sessions of the committee or meetings of any subcommittee of the committee or while engaged in other committee business authorized by the committee in accordance with standard legislative per diem and travel rates. All expenses incurred by the committee including salaries of the employees shall be paid upon voucher forms as provided by the office of program planning and fiscal management and signed by the chairman of the committee, and approved by the secretary of the committee. The authority of said chairman and secretary to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated for the expenses of the committee. [1969 ex.s. c 265 § 9.]

**44.30.055 Studies.** The committee is authorized to ascertain and study facts and matters relating to higher education in the state of Washington, including but not limited to:

(1) The statutory responsibilities granted to the council on higher education and the state board for community college education and all other institutions and agencies of higher education;

(2) The functions, facilities, programs, and the method of financing the institutions and agencies of public higher education to insure that there will be sufficient use of resources and avoidance of unnecessary duplication;

(3) The role of private institutions of higher education in the state;

(4) The relationship of adult education and/or continuing education to higher education in the state;

(5) A relationship of occupational programs or vocational and technical schools to higher education in the state;

(6) The impact of increased federal funds on existing or planned programs or operations of institutions or agencies of higher education;

(7) The desirability and relation of student financial aid to higher educational goals of the state.

The committee shall also have the power to require the council on higher education, the state board for community college education, and the individual institutions and agencies of public higher education to submit data and information which they may request on costs, the selection and retention of students, enrollments, planned capacities, and other matters which the committee deems pertinent to the effective planning and coordination of the institutions and agencies of higher education.

The committee is further authorized to review the development of plans for orderly growth of public institutions of higher education or agencies and to review the specific recommendations of any public institution or agencies of higher education on the need for the location of new facilities and programs. [1969 ex.s. c 265 § 10.]

**44.30.060 Liaison with other committees, public agencies, organizations.** The committee shall consult and maintain liaison with the legislative council, the legislative budget committee, the joint committee on education, and all affected public agencies, and shall seek the participation of all interested and responsible organizations. [1969 ex.s. c 265 § 11.]

**44.30.065 Citizen subcommittees.** The committee is authorized to appoint such citizen subcommittees as it deems appropriate, and to pay approved expenses of subcommittee members and any other authorized expenses such subcommittees may incur. [1969 ex.s. c 265 § 12.]

**44.30.070 Committee recommendations—Minority recommendations.** The committee shall make such recommendations to the governor and the legislature relating to changes in administrative practices and existing laws as it finds necessary. If the recommendations adopted by the committee do not receive unanimous approval, any dissenting members shall have the privilege of submitting minority recommendations: *Provided*, That minority recommendations shall not be recognized,

acted upon or reported unless joined in by two or more members. [1969 ex.s. c 265 § 13.]

**44.30.075 Gifts—Grants—Endowments.** The committee shall have authority to receive such gifts, grants, and endowments from both federal and private sources as may be made from time to time in trust or otherwise for the use and benefit of the purposes of the committee and to expend the same or any income therefrom according to the terms of said gifts, grants, or endowments within the provisions of chapter 43.88 RCW. [1969 ex.s. c 265 § 14.]

**Chapter 44.33  
JOINT COMMITTEE ON EDUCATION**

Sections

44.33.200 "Committee" defined.

44.33.210 Committee created.

44.33.220 Composition—Selection and confirmation of members.

44.33.230 Representation of political parties limited.

44.33.240 Term.

44.33.250 Vacancies.

44.33.260 Chairman—Subcommittees—Rules.

44.33.270 Executive secretary—Assistants—Compensation.

44.33.280 Per diem and expenses—Vouchers.

44.33.290 Examination of witnesses.

44.33.300 Studies.

44.33.310 Liaison with other committees, public agencies, organizations.

44.33.320 Citizen subcommittees.

44.33.330 Committee recommendations—Minority recommendations.

44.33.340 Gifts, grants, endowments.

**44.33.200 "Committee" defined.** As used in this chapter "committee" means the joint committee on education of the legislature of the state of Washington. [1965 ex.s. c 130 § 1. Prior: 1963 ex.s. c 19 § 1; RCW 44.33.010; prior: 1961 c 296 § 1; 1959 c 299 § 1; RCW 44.32.010.]

**44.33.210 Committee created.** There is hereby created the joint committee on education of the legislature of the state of Washington. [1965 ex.s. c 130 § 2. Prior: 1963 ex.s. c 19 § 2; RCW 44.33.020; prior: 1961 c 296 § 2; 1959 c 299 § 2; RCW 44.32.020.]

**44.33.220 Composition—Selection and confirmation of members.** The committee shall consist of five senators and five representatives who shall be selected prior to the close of the thirty-ninth session of the legislature, and before the close of each regular session thereafter as follows: *Provided*, That if prior to the close of each regular session, the governor shall issue a proclamation convening the legislature into extraordinary session following such regular session, then such selections shall be made as a matter of closing business of such extraordinary session.

(1) The president of the senate shall nominate five senators to serve on the committee, and shall submit the list of nominees to the senate for confirmation. Upon confirmation, the senators shall be deemed installed as members.

(2) The speaker of the house shall nominate five members of the house of representatives to serve on the

committee, and submit the list of nominees to the house for confirmation. Upon confirmation, the representatives shall be deemed installed as members.

In the event of a failure to appoint members within the time above stated, or in the event of a refusal to confirm, then the members on the committee from either house in which there is a failure to appoint or confirm shall be elected forthwith by the members of such house. [1969 c 10 § 3; 1965 ex.s. c 130 § 3. Prior: 1963 ex.s. c 19 § 3; RCW 44.33.030; prior: 1961 c 296 § 3; 1959 c 299 § 3; RCW 44.32.030.]

**44.33.230 Representation of political parties limited.** Not more than three members confirmed or elected by the senate, and not more than three members confirmed or elected by the house, shall be affiliated with any one political party. [1965 ex.s. c 130 § 4. Prior: 1963 ex.s. c 19 § 4; RCW 44.33.040; prior: 1961 c 296 § 4; 1959 c 299 § 4; RCW 44.32.040.]

**44.33.240 Term.** Members shall serve until their successors are installed as provided in RCW 44.33.220 at the next succeeding regular session of the legislature, or until they are no longer members of the legislature, whichever is sooner or at the extraordinary session, if any, following the said next succeeding regular session. [1969 c 10 § 6; 1965 ex.s. c 130 § 5. Prior: 1963 ex.s. c 19 § 5; RCW 44.33.050; prior: 1961 c 296 § 5; 1959 c 299 § 5; RCW 44.32.050.]

**44.33.250 Vacancies.** The committee shall fill any vacancies occurring on the committee by appointment from the legislative chamber whose member departs; members filling vacancies shall serve until their successors are installed as provided in RCW 44.33.220 or until they are no longer members of the legislature, whichever is sooner. All vacancies shall be filled from the same political party as that of the member whose seat was vacated. [1965 ex.s. c 130 § 6. Prior: 1963 ex.s. c 19 § 6; RCW 44.33.060; prior: 1961 c 296 § 6; 1959 c 299 § 6; RCW 44.32.060.]

**44.33.260 Chairman—Subcommittees—Rules.** The committee shall by majority vote select a chairman, create necessary or appropriate subcommittees, and prescribe rules of procedure for itself and its subcommittees which are not inconsistent with this chapter. [1965 ex.s. c 130 § 7. Prior: 1963 ex.s. c 19 § 7; RCW 44.33.070; prior: 1961 c 296 § 7; 1959 c 299 § 7; RCW 44.32.070.]

**44.33.270 Executive secretary—Assistants—Compensation.** The committee may employ an executive secretary and such clerical and other assistants as it finds necessary or appropriate, and fix their compensation, expenses, and salaries. [1965 ex.s. c 130 § 8. Prior: 1963 ex.s. c 19 § 8; RCW 44.33.080; prior: 1961 c 296 § 8; 1959 c 299 § 8; RCW 44.32.080.]

**44.33.280 Per diem and expenses—Vouchers.** The members of the committee shall be reimbursed for their

expenses incurred while attending sessions of the committee or meetings of any subcommittee of the committee or while engaged in other committee business authorized by the committee to the extent of twenty-five dollars per day plus ten cents per mile in going and coming from committee sessions or subcommittee meetings or for travel on other committee business authorized by the committee. All expenses incurred by the committee including salaries of the employees shall be paid upon voucher forms as provided by the central budget agency and signed by the chairman of the committee and approved by the secretary of the committee and the authority of said chairman or said chairman and secretary to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated for the expenses of the committee. [1965 ex.s. c 130 § 9. Prior: 1963 ex.s. c 19 § 9; RCW 44.33.090; prior: 1961 c 296 § 9; 1959 c 299 § 9; RCW 44.32.090.]

**44.33.290 Examination of witnesses.** When directed by a two-thirds vote of the whole committee witnesses shall be examined privately. [1965 ex.s. c 130 § 10. Prior: 1963 ex.s. c 19 § 10; RCW 44.33.100; prior: 1961 c 296 § 10; 1959 c 299 § 10; RCW 44.32.100.]

**44.33.300 Studies.** The committee is authorized to ascertain and study facts and matters relating to education in the state of Washington, including but not limited to:

- (1) Inter-relationship of state board of education and superintendent of public instruction;
- (2) Office of county superintendent of schools;
- (3) School districts including relationships to counties and the state;
- (4) Relationship of post high school education to common schools, adult education, community colleges, vocational and technical schools, and colleges and universities.
- (5) Potential for teaching use of new media and devices such as television, teaching machines, and data processing;
- (6) Educational research potential areas leading to improvement in instruction;
- (7) Length of school year and summer school support;
- (8) Vocational and technical education;
- (9) Teacher preparation;
- (10) Student teaching;
- (11) Supervision of beginning teachers;
- (12) Finance; and
- (13) Impact of increased federal funds. [1965 ex.s. c 130 § 11. Prior: 1963 ex.s. c 19 § 11; RCW 44.33.110; prior: 1961 c 296 § 11; 1959 c 299 § 11; RCW 44.32.110.]

**44.33.310 Liaison with other committees, public agencies, organizations.** The committee shall consult and maintain liaison with the legislative council, the legislative budget committee and all affected public agencies, and shall seek the participation of all interested and responsible organizations. [1965 ex.s. c 130 § 12. Prior:

1963 ex.s. c 19 § 14; RCW 44.33.140; prior: 1961 c 296 § 12; 1959 c 299 § 12; RCW 44.32.120.]

**44.33.320 Citizen subcommittees.** The committee is authorized to appoint such citizen subcommittees as it deems appropriate and to pay approved expenses of subcommittee members and any other authorized expenses such subcommittees may incur. [1965 ex.s. c 130 § 13. Prior: 1963 ex.s. c 19 § 15; RCW 44.33.150; prior: 1961 c 296 § 13; 1959 c 299 § 13; RCW 44.32.130.]

**44.33.330 Committee recommendations—Minority recommendations.** The committee shall make such recommendations to the governor and the legislature relating to changes in administrative practices and existing laws as it finds necessary. If the recommendations adopted by the committee do not receive unanimous approval, any dissenting members shall have the privilege of submitting minority recommendations: *Provided*, That minority recommendations shall not be recognized, acted upon or reported unless joined in by two or more members. [1965 ex.s. c 130 § 14. Prior: 1963 ex.s. c 19 § 16; RCW 44.33.160; prior: 1961 c 296 § 16; 1959 c 299 § 16; RCW 44.32.160.]

**44.33.340 Gifts, grants, endowments.** The committee shall have authority to receive such gifts, grants, and endowments from private sources as may be made from time to time in trust or otherwise for the use and benefit of the purposes of the committee and to expend the same or any income therefrom according to the terms of said gifts, grants, or endowments. [1965 ex.s. c 130 § 15. Prior: 1963 ex.s. c 19 § 17; RCW 44.33.170; prior: 1961 c 296 § 17; 1959 c 299 § 17; RCW 44.32.170.]

#### Chapter 44.36 JOINT COMMITTEE ON URBAN AREA GOVERNMENT

##### Sections

44.36.010	Definitions.
44.36.020	Committee created—Time and place of meetings.
44.36.030	Composition, appointment of members.
44.36.040	Representation of political parties limited.
44.36.050	Term.
44.36.060	Vacancies.
44.36.070	Chairman—Subcommittees—Rules.
44.36.080	Executive secretary—Assistants—Compensation.
44.36.090	Per diem and expenses—Vouchers.
44.36.100	Examination of witnesses.
44.36.110	Powers.
44.36.120	Liaison with other committees, public agencies, organizations.
44.36.130	Powers and duties of legislative council.
44.36.140	Payment of legislative council's expenses.
44.36.150	Committee report and recommendations—Minority recommendations.
44.36.160	Gifts, grants, endowments.

**44.36.010 Definitions.** As used in this chapter "committee" means the joint committee on urban area government of the legislature of the state of Washington, and the term "urban area" shall mean incorporated cities and towns and peripheral areas which have become substantially urban in character. [1961 c 308 § 1.]

**44.36.020 Committee created—Time and place of meetings.** There is hereby created the joint committee on urban area government of the legislature of the state of Washington which shall meet, act, and conduct its business at any place within the state of Washington during interim periods prior to the 1963 session of the legislature. [1961 c 308 § 2.]

**44.36.030 Composition, appointment of members.** The committee shall consist of five senators and five representatives who shall be selected as follows:

(1) The president of the senate shall nominate five senators to serve on the committee, who shall be residents of urban areas of the state, and shall submit the list of nominees to the senate for confirmation. In the event that the president does not nominate five senators, or in the event that the senate does not confirm the nominees prior to two days before the close of the regular session of the legislature, the senate shall elect the members by a majority vote of a quorum. Upon confirmation or election, the senators shall be installed as members.

(2) The speaker of the house shall nominate five representatives to serve on the committee, who shall be residents of urban areas of the state, and submit the list of nominees to the house for confirmation. In the event that the speaker does not nominate five representatives, or in the event that the house does not confirm the nominees prior to two days before the close of the regular session of the legislature, the house shall elect the members by a majority vote. Upon confirmation or election, the representatives shall be deemed installed as members. [1961 c 308 § 3.]

**44.36.040 Representation of political parties limited.** Not more than three members confirmed or elected by the senate, and not more than three members confirmed or elected by the house, shall be affiliated with any one political party. [1961 c 308 § 4.]

**44.36.050 Term.** Members shall serve until their successors are installed as provided in RCW 44.36.030, at the next succeeding regular session of the legislature, or until they are no longer members of the legislature, whichever is sooner. [1961 c 308 § 5.]

**44.36.060 Vacancies.** The committee shall fill any vacancies occurring on the committee by appointment from the legislative chamber whose member departs; members filling vacancies shall serve until their successors are installed as provided in RCW 44.36.030 or until they are no longer members of the legislature, whichever is sooner. [1961 c 308 § 6.]

**44.36.070 Chairman—Subcommittees—Rules.** The committee shall by majority vote select a chairman, may establish appropriate subcommittees, may prescribe rules of procedure for itself and its subcommittees, and shall create citizen advisory subcommittees, the members of which shall include residents of

Urban areas of more than five hundred thousand population,

Urban areas of less than five hundred thousand population but more than fifty thousand population, and

Urban areas of less than fifty thousand population. The committee may create such additional citizen advisory subcommittees as it may deem appropriate. [1961 c 308 § 7.]

**44.36.080 Executive secretary—Assistants—Compensation.** The committee may employ an executive secretary and such clerical and other assistants as it finds necessary or appropriate, and fix their compensation. [1961 c 308 § 8.]

**44.36.090 Per diem and expenses—Vouchers.** Members of the committee and any of its subcommittees shall receive twenty dollars per diem, and ten cents a mile for travel, while attending sessions of the committee or of its subcommittees.

All expenses incurred by the committee or its subcommittees or the members thereof, including salaries of its executive secretary and assistants, shall be paid upon voucher forms signed by the chairman or vice-chairman of the committee. Vouchers may be drawn upon any special appropriation which may be provided by the legislature for the expenses of the committee. [1961 c 308 § 9.]

**44.36.100 Examination of witnesses.** Unless otherwise directed by a two-thirds vote of the whole committee, all witnesses shall be examined privately. [1961 c 308 § 10.]

**44.36.110 Powers.** The committee is authorized to ascertain and study laws, facts, trends of urban development and other matters relating to the welfare and government of urban areas of the state including but not limited to:

(1) Incorporations of and annexations to cities and towns;

(2) The functions and powers of the several agencies of local government and their relationship to each other;

(3) The financial support required to carry out the missions of local government and the sources of such support;

(4) The present and future requirements of the residents of urban areas for governmental services and the local governmental machinery best suited to provide such services;

(5) The proper role of the state in local government affairs and finance. [1961 c 308 § 11.]

**44.36.120 Liaison with other committees, public agencies, organizations.** The committee shall consult and maintain liaison with the legislative council, the legislative budget committee and all affected public agencies, and shall seek the participation of all interested and responsible organizations. [1961 c 308 § 12.]

**44.36.130 Powers and duties of legislative council.** The legislative council shall consult with, advise, and assist the committee, recommending areas of study, advising as to organizations and persons suitable for

subcommittees, and assisting in research and study of urban problems. [1961 c 308 § 13.]

**44.36.140 Payment of legislative council's expenses.** All expenditures of the legislative council incurred in consulting with, advising and assisting the committee shall be paid upon vouchers approved jointly by the chairman of the council and the chairman of the committee from the appropriation herein provided. [1961 c 308 § 14.]

**44.36.150 Committee report and recommendations—Minority recommendations.** The committee shall report the findings of its subcommittees to the governor by September, 1962, and shall make such recommendations to the governor and the legislature relating to changes in administrative practices and existing laws as it finds necessary. If the recommendations adopted by the committee do not receive unanimous approval, any dissenting members shall have the privilege of submitting minority recommendations. [1961 c 308 § 15.]

**44.36.160 Gifts, grants, endowments.** The committee shall have authority to receive such gifts, grants, and endowments from private sources as may be made from time to time in trust or otherwise for the use and benefit of the purposes of the committee and to expend the same or any income therefrom according to the terms of said gifts, grants, or endowments. [1961 c 308 § 16.]

#### Chapter 44.39

### JOINT COMMITTEE ON NUCLEAR ENERGY

#### Sections

44.39.010	Committee created.
44.39.015	Composition—Appointment of members.
44.39.020	Terms.
44.39.025	Vacancies.
44.39.030	Meetings.
44.39.035	Studies—Liaison—Reports to legislature.
44.39.040	Staff director, clerical and other assistants—Compensation—Information and assistance.
44.39.045	Expenses and per diem.
44.39.050	Payment of expenses—Vouchers.

**44.39.010 Committee created.** There is hereby created the joint committee on nuclear energy of the legislature of the state of Washington. [1969 ex.s. c 260 § 1.]

**44.39.015 Composition—Appointment of members.** The committee shall consist of four senators and four representatives who shall be selected biennially as follows:

(1) The president of the senate shall nominate four members, two from each major political party, to serve on the committee, and shall submit the list of nominees to the senate for confirmation. Upon confirmation, the senators shall be deemed installed as members.

(2) The speaker of the house shall nominate four members, two from each major political party, to serve on the committee, and shall submit the list of nominees to the house of representatives for confirmation. Upon

confirmation, the representatives shall be deemed installed as members. [1969 ex.s. c 260 § 2.]

**44.39.020 Terms.** Members shall serve until their successors are installed as provided in RCW 44.39.015, at the next succeeding regular session of the legislature, or until they are no longer members of the legislature, whichever is sooner. [1969 ex.s. c 260 § 3.]

**44.39.025 Vacancies.** The committee shall fill any vacancies occurring on the committee by appointment from the same political party and legislative chamber as the departing member. Members filling vacancies shall serve until they or their successors are installed as provided in RCW 44.39.015 or until they are no longer members of the legislature, whichever is sooner. [1969 ex.s. c 260 § 4.]

**44.39.030 Meetings.** The committee shall meet at each regular session of the legislature and at such other times and places as is necessary in carrying out its delegated duties. [1969 ex.s. c 260 § 5.]

**44.39.035 Studies—Liaison—Reports to legislature.** The committee shall make continuing studies of the problems relating to the development, use, and control of nuclear energy for peaceful purposes. In conducting its studies the committee shall work closely with the state office of nuclear energy development and may work with any other public or private organizations or individuals interested in the development of nuclear energy.

Effective liaison shall be maintained with the governor's advisory council on nuclear energy and radiation. The committee shall prepare an annual report to the legislature, and, from time to time report to the legislature any information deemed worthy of special attention, and any legislative action deemed necessary to enhance the broad purposes of RCW 43.31.280 and to maintain the state's position of leadership in the field of nuclear energy. [1969 ex.s. c 260 § 6.]

*Nuclear energy and radiation: Chapter 70.98 RCW.*

*Nuclear energy promotion and development, powers and duties of department of commerce and economic development: RCW 43.31.280-43.31.330.*

**44.39.040 Staff director, clerical and other assistants—Compensation—Information and assistance.** The committee may employ a staff director and such clerical and other assistants as it finds necessary or appropriate, and fix their compensation.

The office of nuclear energy development shall, upon request, furnish such technical and policy information and assistance as is necessary to carry out the purposes of this chapter.

The committee may utilize the services of the executive director of the office of nuclear energy development in the capacity of staff director. [1969 ex.s. c 260 § 7.]

**44.39.045 Expenses and per diem.** The members of the committee shall serve without compensation, but shall be reimbursed for their expenses incurred while attending sessions of the committee or any subcommittee of the committee, or while engaged in other committee



business authorized by the committee, as provided for in RCW 44.04.120. [1969 ex.s. c 260 § 8.]

**44.39.050 Payment of expenses—Vouchers.** All expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon voucher forms as provided by the director of program planning and fiscal management and signed by the chairman of the committee. Vouchers may be drawn upon funds appropriated generally by the legislature for legislative expenses or upon any special appropriation which may be provided by the legislature for the expenses of the committee. [1969 ex.s. c 260 § 9.]

**Chapter 44.40  
LEGISLATIVE TRANSPORTATION  
COMMITTEE—SENATE AND HOUSE  
TRANSPORTATION AND UTILITIES  
COMMITTEES**

**Sections**

- 44.40.010 **Creation—Composition—Appointments—Vacancies.**
- 44.40.020 **Powers, duties and studies.**
- 44.40.025 **Study of funds related to state transportation programs.**
- 44.40.030 **Participation in activities of interstate agencies.**
- 44.40.040 **Members' allowances—Procedure for payment of committee's expenses.**
- 44.40.050 **Additional motor vehicle fees for support of committee activities.**
- 44.40.070 **State transportation agencies—Preparation of long range plans, comprehensive programs and financial plans required.**
- 44.40.080 **State transportation agencies—Recommended budget—Preparation and presentation—Contents.**
- 44.40.090 **Delegation of powers and duties to senate and house transportation and utilities committees.**
- 44.40.100 **Contracts and programs authorized.**
- 44.40.110 **Review and study of taxing structure for transportation programs and activities.**
- 44.40.120 **Periodic review of plans for bicycle, pedestrian and equestrian facilities.**
- 44.40.125 **Studies—Additions or deletions to system—Mileage and weight enforcement—Increase vehicle occupancy.**
- 44.40.130 **Study—Third level air carrier regulations.**

*Comprehensive long range plan for cross sound transportation: RCW 47.60.045.*

*Report (state traffic safety commission) to legislative transportation committee: RCW 43.59.130.*

*Study reports available to legislators: RCW 47.01.145.*

**44.40.010 Creation—Composition—Appointments—Vacancies.** The joint fact-finding committee on highways, streets, and bridges originally created by chapter 111, Laws of 1947, recreated and renamed the joint committee on highways by chapter 3, Laws of 1963 extraordinary session, is hereby recreated and renamed the legislative transportation committee. The renaming of said committee shall not affect any powers invested in it or its duties imposed upon it by any other statute. All appropriations made to the committee under its former name shall continue to be available to said committee as renamed, the legislative transportation committee. The committee shall consist of eleven senators to be appointed by the president of the senate and twelve members of the house of representatives to be appointed

by the speaker thereof. A list of appointees shall be submitted before the close of each regular legislative session or any successive extraordinary session called by the governor prior to the close of such regular session or successive extraordinary session(s) for confirmation of senate members, by the senate, and house members, by the house. Vacancies occurring shall be filled by the appointing authority. [1971 ex.s. c 195 § 1; 1967 ex.s. c 145 § 68; 1965 ex.s. c 170 § 64; 1963 ex.s. c 3 § 35.]

**Severability—1971 ex.s. c 195:** "If any provision of this 1971 amendatory 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 circumstances is not affected." [1971 ex.s. c 195 § 21.] This applies to RCW 43.59.130, 44.40.010, 44.40.025, 44.40.026, 44.40.030, 44.40.040, 44.40.060, 47.01.145, 47.01.240 and 47.60.045.

**44.40.020 Powers, duties and studies.** The committee is authorized and directed to continue its studies and for that purpose shall have the powers set forth in chapter 111, Laws of 1947. The committee is further authorized to make studies related to bills assigned to the house and senate transportation and utilities committees and such other studies as provided by law. The executive committee of the committee may assign responsibility for all or part of the conduct of studies to the house and/or senate transportation and utilities committees. [1975 1st ex.s. c 268 § 1; 1963 ex.s. c 3 § 36.]

**Powers and studies set forth in chapter 268, Laws of 1975 1st ex.s.:** "NEW SECTION. Sec. 4. The legislative transportation committee is authorized to conduct the following studies and such other related studies as it deems appropriate, may employ consultants, and shall report findings and recommendations, as appropriate, to the legislature during or prior to the 1977 regular legislative session:

(1) A comprehensive review of state and national needs studies, and of state, urban arterial, and other functional classification of highways, streets, and roads for the purpose of evaluating the consolidation of needs studies and functional classification systems. The studies shall make use of previous applicable studies and shall make a progress report of findings and recommendations of said evaluation plus a defined scope of work to implement changes required to make the consolidation, if such consolidation is deemed appropriate, to the 1976 legislative session;

(2) Reevaluation of the necessity for state regulation of common and contract carriers, log carriers, dump truck operators, and agricultural product carriers;

(3) Establishing and assisting in the planning, programming, and implementation of an intermodal transportation center which would utilize existing structures on the national register of historic buildings or appropriate alternatives, including, but not limited to, the development of master site plans and building programs and necessary studies which would enhance the interrelationship of all transportation needs and modes;

(4) Alternatives to comply with vehicle safety inspection requirements and vehicle emission standards, taking into consideration cost effectiveness, correlation with accidents caused by mechanical failure, health hazards inherent in vehicle exhaust, and federal penalties for noncompliance;

(5) Determination of the extent of use fuel tax evasion and alternative methods in addition to dye marking to avoid such evasion;

(6) Review of federal and state laws relative to regulation of mobile homes, specifically in relation to consumer protection, and consideration combining such regulations and administration into a single agency;

(7) In cooperation with the department of motor vehicles and the department of revenue analyze alternative methods of determining fair market values and depreciation schedules as an equitable basis for determining vehicle excise tax. Recommendations for changes as appropriate should be submitted to the 1976 legislative session;

(8) In cooperation with the trident transportation regional technical advisory committee evaluate the impact of the trident development

upon transportation and related facilities and services in Kitsap and adjacent counties;

(9) As part of size and weight fee schedule alternatives to be developed in conjunction with the transportation tax study include necessary statutory revisions to reflect changes in federal truck size and weight regulations, a draft of said alternatives to be prepared for consideration at the next reconvening of the forty-fourth legislative session following August 31, 1975;

(10) In cooperation with the department of highways conduct an extension study of the Horn Rapids road from Kiona to Richland via Benton City, taking into consideration seasonal traffic variations;

(11) Evaluate the international registration plan for commercial interstate vehicles with respect to its applicability to the state of Washington;

(12) The interrelationship of highway and railroad facilities with respect to the potential of shifting automobile and passenger traffic to rail facilities for the purpose of decreasing the demands for highway facilities, including inventory of existing railroad facilities for future potential and preliminary feasibility of contracting with Amtrak for intrastate service;

(13) Adequacy and effectiveness of traffic and regulatory fines and penalties as deterrents to repeated offenses;

(14) Design project to demonstrate the application of economic pricing as a means of making more efficient use of highways;

(15) A comprehensive review and analysis of alternative means of funding the installation of emergency traffic lights at fire district stations;

(16) A comprehensive review of provisions of the pilotage act;

(17) Review of respective roles of the Washington utilities and transportation commission and the department of labor and industries with respect to railroad safety regulations;

(18) Impact of elimination of on-street parking on state-numbered routes upon construction needs, traffic flow, and safety;

(19) A comprehensive analysis of traffic patterns and services exemplified by the state ferry system, taking into consideration previous studies and patron interests, and with the intent of determining methods for encouraging more nonpeak usage and federal urban mass transportation support for programs aimed at increasing passenger usage;

(20) A comprehensive review and evaluation of the Washington habitual traffic offender's act;

(21) A review and analysis of the interrelationship of state and federal laws and regulations with respect to administering federal programs within the state, including but not limited to laws affecting right-of-way and environmental protection, considering alternatives of decentralization of administration and supervision to the state;

(22) Analysis of objectives and goals, criteria to determine manpower levels, and relationships of alternative manpower levels to output and service level indicators of the State Patrol;

(23) An update review of needs, programs, and funding relative to railroad grade crossing protection;

(24) In cooperation with the department of highways review the landscaping practices along state highways;

(25) A review of driver licensing procedures, in general, and the feasibility of lengthening the license period taking into consideration safety, administrative costs, and revenue flow;

(26) A comprehensive review and evaluation of rest stops and their management on the state's interstate system with respect to the adequacy of facilities provided to users and including the desirability of demonstration projects for the alternative treatment and handling of solid wastes in an economical and ecologically efficient manner;

(27) In cooperation with the Washington state highway commission, develop and evaluate short and long-range alternative plans for implementation of a passenger-only ferry service as a major component of the total cross-Sound ferry system. The combined system shall provide a water transportation system integrated with existing and future land transportation systems.

Consideration during the development and evaluation of alternative plans shall include, but not necessarily be limited to, the following:

(a) Passenger-only vessels ranging from conventional displacement vessels to sophisticated advance marine systems craft;

(b) The impact of passenger-only vessels on assignment of existing vehicular vessels and the impact on future vehicular vessel needs;

(c) An analysis to identify and determine the financial impact of new markets that can be served by passenger-only vessels;

(d) Relative economic impact on the state and region, the ferry patrons, and the residents of the areas served by the ferry system;

(e) The cost of construction and a time schedule for implementing a combined system;

(f) Fixed facilities for the accommodation and movement of foot passengers including parking lots and landing facilities for the vessels;

(g) Impact of the short and long-range alternative plans on existing and future land transportation systems;

(h) Short and long-term financial impact on the operations and capital improvements of the existing system;

(i) Identification of alternative funding sources and methods of financing construction, operation, and maintenance of a combined system including revenue bonds, contribution from the motor vehicle fund and federal-aid assistance;

(j) Public involvement;

(k) New or relocation of terminals and ferry routes;

(l) Restrictions and limitations imposed upon the ferry system by existing federal and state statutes and the governing bond resolution;

(m) Utilization of all existing surveys, reports, and data available concerning cross-Sound transportation.

A final report incorporating the findings and recommendations of the legislative transportation committee and the state highway commission shall be accomplished by December 1, 1975, and presented to the next session of the legislature.

(28) A review of policies relative to providing reasonably safe bicycle traveling facilities adjacent to or in conjunction with public highways, in general, and on bridges and structures, in particular." [1975 1st ex.s. c 268 § 4.]

Reviser's Note: For other powers, duties and studies contained in 1975 1st ex.s. c 268, see RCW 44.40.120-44.40.130.

Powers set forth in chapter 111, Laws of 1947: "Sec. 2. The committee is hereby authorized and directed to ascertain, study and analyze all available facts and matters relating or pertaining to: (a) A study of the policies relating to and the cost of the administration, operation, construction and maintenance of public highways and streets of the state, with recommendations for such changes as may be deemed necessary;

(b) the need for and cost of bringing the highways and streets in the state to acceptable standards, the cost of maintaining them in such condition, the need and cost of expanding the highway and street systems of the state to meet the increasing demands for travel and the demands arising from the changing economic and industrial development, and the determination of long-range programs to provide the needed construction;

(c) the making of a study of motor vehicle taxation including the assignment of the total highway costs among property owners, general taxpayers and highway users;

(d) the determination of the portion of highway and street operation and construction costs assignable to the various highway users and classes of users so that all vehicles and classes of vehicles shall bear their fair share of such costs;

(e) the determination of the tax basis and rates to be exacted from each vehicle or user;

(f) a determination of what roads should be included in the state highway system and what changes should be made in the existing system;

(g) other studies of motor vehicle transport economics including but not limited to the inspection of motor vehicles to insure the safety of operation upon the highways, the control of loads and weights for the protection of the highway and street investments, and a study of such other factors and conditions as may appear necessary;

(h) the revision of any and all laws bearing upon or relating to the subject of this resolution together with the committee's recommendations for appropriate legislation. [1947 c 111 § 2.]

Sec. 3. The committee is authorized to act during this session of the legislature, including any recess, and after final adjournment until the commencement of the next regular session. It shall file a final report not later than the 15th legislative day of the next regular session. The committee may prepare and submit a preliminary report to the legislature at any extraordinary session which may be convened. [1947 c 111 § 3.]

Sec. 4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon legislative committees and their members by the provisions of chapter 6, Laws of 1895 and chapter 33, Laws of 1897 (secs. 8178 through 8194, Rem. Rev. Stat.; secs. 722-1, -3, -5, -7, -9, -11, -13, -15, -17, -19, -21, -23, -25, -27, -29, -31, and -33, PPC) [chapter 44.16 RCW] and shall have additional powers: (a) To select a chairman and vice-chairman from its membership;

(b) to employ an executive secretary and such expert, clerical and other help as may be necessary to carry out its duties;

(c) to cooperate with and secure the cooperation of county, city and other local law enforcement agencies in investigating any matter within the scope of this act and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee;

(d) to do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this act." [1947 c 111 § 4.]

**Reviser's note:** Successive study authorizations, not codified in RCW, are to be found in the various session laws subsequent to 1947, for example: 1949 c 213; 1951 c 269; 1953 c 254; 1955 c 384; 1957 c 172; 1959 c 319; 1961 ex.s. c 21; 1963 ex.s. c 3; 1965 ex.s. c 170; 1967 ex.s. c 145; 1969 ex.s. c 281; 1970 ex.s. c 85; 1971 ex.s. c 195; 1973 1st ex.s. c 210; and 1975 1st ex.s. c 268.

**44.40.025 Study of funds related to state transportation programs.** In addition to the powers and duties authorized in RCW 44.40.020 the committee, the standing committees on ways and means and on transportation and utilities of the house and senate shall, in coordination with the legislative budget committee, ascertain, study, and/or analyze all available facts and matters relating or pertaining to sources of revenue, appropriations, expenditures, and financial condition of the motor vehicle fund and accounts thereof, the highway safety fund, and all other funds related to transportation programs of the state. [1975 1st ex.s. c 293 § 19; 1971 ex.s. c 195 § 2.]

**Severability**—1975 1st ex.s. c 293: See RCW 43.88.902.

**Effective date**—1975 1st ex.s. c 293: See RCW 43.88.910.

**Severability**—1971 ex.s. c 195: See note following RCW 44.40.010.

**44.40.030 Participation in activities of interstate agencies.** In addition to the powers and duties heretofore conferred upon it, the legislative transportation committee is further authorized and directed to participate in: (1) the activities of committees of the council of state governments concerned with transportation activities; (2) in activities of the national committee on uniform traffic laws and ordinances; and (3) in any interstate reciprocity or proration meetings designated by the Washington reciprocity commission. [1971 ex.s. c 195 § 3; 1963 ex.s. c 3 § 38.]

**Severability**—1971 ex.s. c 195: See note following RCW 44.40.010.

**44.40.040 Members' allowances—Procedure for payment of committee's expenses.** The members of the legislative transportation committee and the house and senate transportation and utilities committees shall receive allowances while attending meetings of the committees or subcommittees and while engaged in other authorized business of the committees as provided in RCW 44.04.120. All expenses incurred by the committee, and the house and senate transportation and utilities committees, including salaries of employees of the legislative transportation committee, shall be paid upon voucher forms as provided by the office of program planning and fiscal management and signed by the chairman or vice chairman or authorized designee of the chairman of the committee, and the authority of said chairman or vice chairman to sign vouchers shall continue until their successors are selected. Vouchers may

be drawn upon funds appropriated for the expenses of the committee. [1975 1st ex.s. c 268 § 3; 1971 ex.s. c 195 § 4; 1963 ex.s. c 3 § 39.]

**Severability**—1971 ex.s. c 195: See note following RCW 44.40.010.

**44.40.050 Additional motor vehicle fees for support of committee activities.** See RCW 46.16.061.

**44.40.070 State transportation agencies—Preparation of long range plans, comprehensive programs and financial plans required.** Prior to October 1 of each even-numbered year all state agencies whose major programs consist of transportation activities, including the state highway commission, the toll bridge authority, the urban arterial board, the Washington state patrol, the department of motor vehicles, the traffic safety commission, the county road administration board, and the aeronautics commission, shall adopt or revise after consultation with the legislative transportation committee, and/or senate and house transportation and utilities committees, a long range plan of not less than six years and comprehensive six-year program and financial plan for all transportation activities under each agency's jurisdiction.

The long range plan shall state the general objectives and needs of each agency's major transportation programs.

The comprehensive six-year program and financial plan shall be prepared in consonance with the long range plan and shall identify that portion of the long range plan to be accomplished within the succeeding six-year period. [1973 1st ex.s. c 201 § 1.]

**44.40.080 State transportation agencies—Recommended budget—Preparation and presentation—Contents.** Notwithstanding any other provision of law, state transportation agencies shall prepare and present to the governor and to the legislature prior to its convening a recommended budget for the ensuing biennium. The biennial budget shall include details of expenditures, and performance and public service criteria for the transportation programs and activities of each agency in consonance with said agency's adopted six-year comprehensive program and financial plan. [1973 1st ex.s. c 201 § 2.]

**44.40.090 Delegation of powers and duties to senate and house transportation and utilities committees.** Powers and duties enumerated by this chapter shall be delegated to the senate and house transportation and utilities committees during periods when the legislative transportation committee is not appointed. [1973 1st ex.s. c 210 § 2.]

**44.40.100 Contracts and programs authorized.** The legislative transportation committee and/or the senate and house transportation and utilities committees may enter into contracts on behalf of the state to carry out the purposes of this 1975 act [1975 1st ex.s. c 268] and chapter 44.40 RCW; and it or they may act for the state in the initiation of or participation in any multigovernmental program relative to transportation

planning or programming; and it or they may enter into contracts to receive federal or other funds, grants, or gifts to carry out said purposes and to be used in preference to or in combination with state funds. When federal or other funds are received, they shall be deposited with the state treasurer and thereafter expended only upon approval by the committee or committees. [1975 1st ex.s. c 268 § 7; 1973 1st ex.s. c 210 § 3.]

**44.40.110 Review and study of taxing structure for transportation programs and activities.** The senate and house transportation and utilities committees are authorized to undertake a review of the total taxing structure for transportation programs and activities including:

(1) Alternative methods of taxing fuels and establishing license and road use fees;

(2) And the equity of the taxing structure, including but not limited to motor vehicle tonnage and excise taxes, between various classes of vehicles and users.

Said study shall be divided into two phases, a preliminary phase for the purpose of specifically defining the scope and guidelines of the study, and the major study phase for the conduct of the detailed study work.

The committees are authorized to employ a consultant to conduct the study and cooperate with state and federal government agencies in the conduct of said study.

The findings and recommendations of the study shall be submitted to the legislature prior to June 30, 1977.

There is hereby reappropriated from the motor vehicle fund the sum of two hundred fifty thousand dollars or so much thereof as may be necessary to conduct the study as originally authorized by section 4, chapter 210, Laws of 1973 1st ex. sess.: *Provided*, That no expenditure authorized by this section shall exceed the unexpended balance of the original appropriation as of June 30, 1975. [1975 1st ex.s. c 268 § 8; 1975 c 2 § 1; 1973 1st ex.s. c 210 § 4.]

**44.40.120 Periodic review of plans for bicycle, pedestrian and equestrian facilities.** The house and senate transportation and utilities committees shall periodically review the six-year comprehensive plans submitted by cities and counties for expenditures for bicycle, pedestrian, and equestrian facilities prepared pursuant to chapter 215 (Senate Bill No. 2348), Laws of 1975 1st ex. sess. [1975 1st ex.s. c 268 § 2.]

*Reviser's note:* Chapter 215, Laws of 1975 1st ex.s. is codified as RCW 35.77.010 and 36.81.121.

**44.40.125 Studies—Additions or deletions to system—Mileage and weight enforcement—Increase vehicle occupancy.** The senate and house transportation and utilities committees and the department of highways are authorized to conduct the following studies and to employ the services of consultants as deemed necessary:

(1) Develop policies and guidelines for biennial state highway commission review of highways with respect to whether sections should be added to or deleted from the state highway system. Said study shall include reevaluation of all designated routes, whether or not constructed

with recommendations on specific routes whose statutory designation as state routes should be reaffirmed;

(2) In conjunction with the department of motor vehicles, the Washington state patrol, and political subdivisions, develop procedures and systems to collect and more effectively utilize comprehensive mileage, weight, and weight control enforcement information as bases for design, cost allocation determination, enforcement, and other appropriate purposes;

(3) In cooperation with appropriate agencies, evaluate studies conducted by other states, the federal government, other countries, and industry, for the purpose of identifying potentially effective techniques to increase vehicle occupancy of the traveling public in general, and of state employees in particular. Design and implement a demonstration project, as appropriate.

There is hereby appropriated from the motor vehicle fund the sum of five hundred thousand dollars or so much thereof as may be necessary to carry out the provisions of this section. Recommendations and/or legislation, as appropriate, shall be submitted to the legislature and/or agencies. [1975 1st ex.s. c 268 § 5.]

**44.40.130 Study—Third level air carrier regulations.** The senate and house transportation and utilities committees are authorized to undertake a study of third level air carrier regulations including, but not limited to the following items: Route certification, guaranteed levels of service, air fare standardization, and total taxing structure.

There is hereby appropriated from the aeronautics account of the general fund for the biennium ending June 30, 1977, the sum of five thousand dollars for the purposes of this section. Recommendations and legislation, as appropriate, shall be made to the legislature. [1975 1st ex.s. c 268 § 6.]

**Chapter 44.44  
OFFICE OF STATE ACTUARY**

Sections  
44.44.010 Office of state actuary—Created—State actuary—Qualifications—Appointment—Vacancy.  
44.44.020 Term of office of state actuary—Reappointment.  
44.44.030 Personnel.  
44.44.040 Powers and duties of state actuary.  
44.44.900 Severability—1975-'76 2nd ex.s. c 105.

*Department of retirement systems: Chapter 41.50 RCW.*

**44.44.010 Office of state actuary—Created—State actuary—Qualifications—Appointment—Vacancy.** (1) There is hereby created an office within the legislative branch to be known as the office of the state actuary.

(2) The executive head of the office shall be the state actuary who shall be qualified by education and experience in the field of actuarial science and shall be a member of the American Academy of Actuaries. Such person shall be appointed by a special committee of the legislature consisting of: (a) Three members of the senate selected by the president, two of whom shall be members of the majority party and one of whom shall be a member of the minority party; and (b) three members

of the house of representatives selected by the speaker, two of whom shall be members of the majority party and one of whom shall be a member of the minority party. The original appointment shall be made not later than ninety days after March 19, 1976. A two-thirds vote of the committee shall be required to make the appointment.

(3) If a vacancy occurs in the position of state actuary it shall be filled in the same manner as the original appointment. [1975-'76 2nd ex.s. c 105 § 19.]

**44.44.020 Term of office of state actuary—Reappointment.** The state actuary shall be appointed for a term of seven years and hold office until a successor is appointed and qualified and a person holding the office of state actuary shall be ineligible for reappointment to such office. [1975-'76 2nd ex.s. c 105 § 20.]

**44.44.030 Personnel.** The state actuary shall have the authority to select and employ such research, technical, clerical personnel, and consultants as the actuary deems necessary, whose salaries shall be fixed by the actuary and approved by the committee of legislators referred to in RCW 44.44.010, and who shall be exempt from the provisions of the state civil service law, chapter 41.06 RCW. [1975-'76 2nd ex.s. c 105 § 21.]

**44.44.040 Powers and duties of state actuary.** The state actuary shall have the following powers and duties:

(1) Perform all actuarial services for the department of retirement systems, including all studies required by law. Reimbursement for such services shall be made to the state actuary pursuant to the provisions of RCW 39.34.130 as now or hereafter amended.

(2) Advise the legislature and the governor regarding the benefit provisions, funding policies, and investment policies of the department of retirement systems.

(3) Consult with the legislature and the governor concerning determination of actuarial assumptions used by the department of retirement systems.

(4) Prepare a report on each pension bill introduced in the legislature which shall briefly explain the financial impact of the bill.

(5) Provide such actuarial services to the legislature as may be requested from time to time. [1975-'76 2nd ex.s. c 105 § 22.]

**44.44.900 Severability—1975-'76 2nd ex.s. c 105.** See note following RCW 41.04.270.

## Chapter 44.60 LEGISLATIVE ETHICS

### Sections

44.60.010	Definitions.
44.60.020	Boards of legislative ethics—Appointment of members—Terms—Vacancies.
44.60.030	Boards of legislative ethics—Jurisdiction.
44.60.040	Affidavit to be filed by lay members.
44.60.050	Meetings—Travel expenses—Quorum.
44.60.060	Powers, duties and functions of boards.
44.60.070	Joint board, duties—Code of ethics.
44.60.080	Legislative council to provide staff services.
44.60.090	Discharge of legislative employees.

### 44.60.010 Definitions. Definition of terms:

(1) "Legislator" means a current member of the senate or house of representatives of the state of Washington. The term shall include an appointee to either house.

(2) "Board" or "board of ethics" means the senate board of legislative ethics or the house board of legislative ethics, created by this chapter, or the joint board, whichever is appropriate.

(3) "Unethical conduct" means any conduct which constitutes a violation of chapter 42.21 RCW, as now or hereafter amended, or of any other constitutional provision, statute, rule or joint rule prescribing standards of conduct or a code of ethics for legislators.

(4) "Legislative employee" means any person employed by either house on a temporary or permanent basis as well as any employee of a permanent or interim legislative committee. [1967 ex.s. c 150 § 1.]

*Campaign reporting act: Chapter 29.83 RCW.*

*Code of ethics for public officials: Chapter 42.21 RCW.*

*Financial disclosure: Chapter 42.17 RCW.*

**44.60.020 Boards of legislative ethics—Appointment of members—Terms—Vacancies.** There is created within each house of the legislature a board of legislative ethics composed of eight members. Prior to the close of the present session of the legislature the respective chairmen of the majority and minority senate caucuses shall each appoint two senators from their own caucus and in addition thereto shall each appoint two persons who are not active members of the legislature to serve as lay members of the senate board, and the eight members so selected shall constitute the senate board of ethics; and the respective chairmen of the majority and minority caucuses in the house of representatives shall each appoint two members from their own caucus and in addition thereto shall each appoint two persons who are not active members of the legislature to serve as lay members of the house board, and the eight members so selected shall constitute the house board of ethics. All such appointments of legislative and lay members shall be subject to the consent of the caucus wherein the appointment is made. The terms of legislative members shall be until they are no longer a member of the legislature or until their successors are appointed, whichever is sooner, and the terms of lay members shall be until their successors are appointed; and no member shall be removed during his term except for cause. Successors to legislative and lay members shall be appointed on the day on which the next succeeding regular session of the legislature shall adjourn sine die: *Provided*, That if prior to such adjournment sine die, the governor shall have proclaimed an extraordinary session of the legislature, the appointments shall not be made until the day on which such extraordinary session shall adjourn sine die. Legislative and lay members shall both be eligible for reappointment. Vacancies in the position of legislative or lay members shall be filled by the same appointing power and in the same manner as for the member vacating. [1967 ex.s. c 150 § 2.]

**44.60.030 Boards of legislative ethics—Jurisdiction.** The jurisdiction of the respective boards of ethics created by this chapter shall be strictly limited to the consideration of the conduct of the members of its own house and the conduct of employees of its own house. [1967 ex.s. c 150 § 3.]

**Reviser's note:** The act which amended this section [1972 ex.s. c 82] was referred to and ratified by the people at the November 7, 1972, general election [Referendum Bill No. 24]. Section 50 of Initiative Measure No. 276 which was approved at the same election repealed 1972 ex.s. c 82 and Referendum Bill No. 24. See RCW 42.17.940.

**44.60.040 Affidavit to be filed by lay members.** Each lay member appointed by the respective caucus chairmen shall within thirty days after his appointment sign and file an affidavit with the secretary of the senate or the chief clerk of the house of representatives, whichever is appropriate, that during his term of office he will not engage in any legislative activity designed to defeat or enhance the passage of any legislative bill or measure. Upon the failure of a lay member to sign and file an affidavit as required by this section, the chairman of the board to which he was appointed shall declare his seat vacant. [1967 ex.s. c 150 § 4.]

**44.60.050 Meetings—Travel expenses—Quorum.** The boards may meet as frequently as they deem necessary, whether or not the legislature is in session. For attendance at meetings during the interim or in attending to other business of his board during the interim, each legislative member shall be entitled to the allowances provided for in RCW 44.04.120, and each lay member shall be entitled to travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended from funds appropriated for that purpose.

All expenses incurred by a board or any member thereof shall be paid upon voucher forms as provided by the budget director and signed by the chairman of the board or his designee: *Provided*, That vouchers for the expenses of the joint board shall be signed and attested by the chairman of the joint board.

A majority of a board shall constitute a quorum. [1975-'76 2nd ex.s. c 34 § 135; 1967 ex.s. c 150 § 5.]

**Effective date—Severability—**1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

**44.60.060 Powers, duties and functions of boards.** Each board shall have the following powers, duties and functions:

(1) Upon the request of any member of its own house or whenever in a board's judgment the public interest requires, to render advisory opinions with regard to questions arising under the code of legislative ethics or statutes governing legislative ethics or conduct, or other issues involving legislative ethics. Such advisory opinions, with such deletions and changes as shall be necessary to protect the identity of the persons involved or seeking them, shall be published by the board periodically.

(2) Whenever in a board's judgment the public interest requires, to investigate possible unethical conduct by

one or more members of its own house or by a legislative employee of its own house as to violations of the code of legislative ethics or statutes governing legislative ethics. Any such investigation shall be conducted in accordance with the following procedures:

(a) When the conduct of a particular legislator or legislative employee is under investigation, and a board decides to hold a hearing thereon, such legislator or legislative employee shall receive at least thirty days' written notice of the matters under investigation, and shall be entitled to present evidence, cross-examine witnesses and be represented by counsel.

(b) Because hearings conducted by a board may, in some cases, involve alleged misconduct by particular legislators or legislative employees, the board shall hold hearings in closed session and the fact that hearings are being held or are to be held shall also be regarded as confidential information. However, any legislator or legislative employee who has received a notice of hearing under the terms of subparagraph (a) above, may advise the board that he elects that such hearing be public and the board shall be bound by the election if such election was made in writing and formally presented to the chairman of the board not less than seven days prior to the date set for the hearing.

(c) A board may designate a subcommittee of the board to conduct hearings. The board, or if designated thereby, any member or subcommittee of the board, may issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under examination by the board or involved in any hearing, administer oaths or affirmations, examine witnesses and receive evidence. In case of disobedience to a subpoena, the board may invoke the aid of any superior court of the state. Such court may, in case of refusal to obey a subpoena issued to such person, issue an order requiring such person to appear before the board, or to produce documentary evidence, or to give evidence, and any failure to obey such order may be punished by that court as contempt. Notwithstanding any other provision of law, every public official, state agency, and local governmental unit shall furnish to the board any documents, records, data, statements or information which the board designates as being necessary for the exercise of its functions, powers or duties.

(d) Members of a board shall disqualify themselves in any case involving a legislator or legislative employee whom they cannot judge impartially.

(e) All testimony, documents, records, data, statements or information received by a board in the course of any investigation shall be held private and confidential except in the course of a public hearing. If the board shall make a finding of unethical conduct, it shall transmit its findings and recommendations as provided in subsection (f) of this section.

(f) Whenever a board finds that a legislator or legislative employee has engaged in unethical conduct, the board shall report its findings and recommendations directly to its own house, or to such other officer or committee as may be provided in the rules of such house, for such action as may be appropriate. The report

shall include a recommendation as to whether the findings should remain confidential or become a matter of public record. A copy of the report shall be sent, by registered mail, to the legislator or legislative employee under investigation. The board shall notify the appropriate law enforcement agency directly if the board makes a finding that it has reasonable grounds to believe that a criminal violation of chapter 42.21 RCW or chapter 9.18 RCW has occurred.

(3) To provide a continuing program of education, assistance, and information to legislators with regard to legislative ethics.

(4) To make such rules for its own functioning and exercise such powers as may be appropriate for the discharge of the responsibilities of the board not in conflict with this chapter or the joint rules of the legislature. [1967 ex.s. c 150 § 7.]

*Code of ethics for public officials: Chapter 42.21 RCW.*

**44.60.070 Joint board, duties—Code of ethics.** The boards jointly shall:

(1) Prepare for the adoption by the forty-first legislature a code of ethics to govern the conduct of the members and employees thereof, and may from time to time present to the legislature amendments or revisions to the code. The code of ethics shall follow the following principles: In private transactions, or activities involving an economic benefit to himself, and in the exercise of official responsibility, a legislator should avoid (a) action which destroys his independence of judgment as a legislator, (b) involves undue influence upon any state agency, court, or governmental subdivision, or (c) constitutes an abuse of his official position or a violation of his trust.

The code, and each revision or amendment thereto, shall be prepared in the form of joint rules of the senate and the house of representatives and shall be submitted in the form of a concurrent resolution at the commencement of the forty-first session of the legislature, and any revision or amendment thereto shall be submitted at the next session of the legislature following its preparation. Such code, or revision or amendment thereof, when adopted, shall become effective as standards of conduct for the members and employees of the legislature.

For the purpose of complying with the provisions of this section, the joint board shall select a chairman who may be either a legislator member or a lay member, a vice chairman and a secretary; and meetings of the joint board shall be called by the chairman when deemed necessary for the performance of the duties of the joint board.

The code submitted to the legislature for adoption shall be approved by a majority of the members of the joint board.

(2) To recommend other legislation and other action relating to legislative ethics.

(3) Investigate possible unethical conduct of employees of legislative interim committees in the same manner as hereafter specified for employees of one house. [1967 ex.s. c 150 § 6.]

**44.60.080 Legislative council to provide staff services.** The legislative council shall provide necessary staff services to the board. [1967 ex.s. c 150 § 8.]

**44.60.090 Discharge of legislative employees.** Nothing contained in this chapter shall prevent the discharge of any legislative employee without recourse to the provisions hereof. [1967 ex.s. c 150 § 9.]





# TITLE 45

## TOWNSHIPS

### Chapters

- 45.04 Vote on township organization.
- 45.08 Division of county into townships.
- 45.12 Town meetings—Powers of towns.
- 45.16 Qualifications of town officers.
- 45.20 Vacancies in office.
- 45.24 Duties of town supervisors.
- 45.28 Duties of town clerk.
- 45.32 Duties of town treasurer.
- 45.36 Pounds and poundmasters.
- 45.40 Duties of town officers at elections.
- 45.44 Compensation of officers.
- 45.48 Duty of retiring officers.
- 45.52 Claims against towns.
- 45.54 Assessment of property.
- 45.56 Town taxes and charges.
- 45.64 Actions by or against towns.
- 45.68 Guideposts.
- 45.72 Miscellaneous provisions.
- 45.76 Disorganization of townships.
- 45.80 County-wide disorganization of townships.
- 45.82 Ad valorem taxes—Special assessments—  
Gifts—Disorganization election.

*Elections: Title 29 RCW.*

*Hospitalization and medical aid for public employees and dependents—Premiums, governmental contributions authorized: RCW 41.04.180, 41.04.190.*

*Township organization: State Constitution Art. 11 § 4.*

### Chapter 45.04

#### VOTE ON TOWNSHIP ORGANIZATION

##### Sections

- 45.04.010 Petition for township organization.
- 45.04.020 County commissioners to examine petition and order vote at election on township organization.
- 45.04.030 Ballots.

**45.04.010 Petition for township organization.** When at least thirty days before a general election one hundred or more qualified electors of any county in this state present a petition in writing, signed by them, to the board of county commissioners of their county, asking that the question of township organization in said county be submitted to a vote of the people at the next general election, it shall be the duty of said commissioners to submit the question of adopting township organization in said county to the vote of the electors thereof at the first general election held after such petition is presented to said board of commissioners. [1895 c 175 § 1; RRS § 11360.]

**45.04.020 County commissioners to examine petition and order vote at election on township organization.** Upon such petition being filed with the clerk of the board of county commissioners, it shall be the duty of said board to examine said petition, and if they find that it has been signed by the requisite number of electors of said county, said board shall, by an order to be entered on their minutes, direct that the question of adopting township organization shall be submitted to the voters of said county at the next general election; said order shall direct that after the names of the candidates for office to be voted for at the next general election, and after any question directed by the state to be voted on, there shall be printed on the ballots the words "For township organization", and "Against township organization". [1895 c 175 § 2; RRS § 11361.]

**45.04.030 Ballots.** The clerk of the board of county commissioners shall, on preparing the ballots for the general election to be held next after the said petition has been so presented, have the words "For township organization", and "Against township organization" printed on said ballots as above directed. At said election the votes on said question shall be returned by the judges and clerks of election, and shall be canvassed along with the rest of the election returns. [1895 c 175 § 3; RRS § 11362.]

### Chapter 45.08

#### DIVISION OF COUNTY INTO TOWNSHIPS

##### Sections

- 45.08.010 Division, how made.
- 45.08.020 Dividing towns.
- 45.08.060 Towns to be named.
- 45.08.070 County auditor to send abstract of report to state auditor.
- 45.08.080 Proceedings when two towns have the same name.
- 45.08.090 Boundaries of town to remain as first established.

**45.08.010 Division, how made.** Should the majority of the votes cast at such general election be in favor of township organization, it shall be the duty of the board of county commissioners, at their next meeting after such election, or as soon thereafter as practicable, to divide all the surveyed portion of the county, outside of incorporated cities, towns and villages, into organized townships. In making such division the county commissioners shall see that each organized township has at least twenty-five inhabitants who are legal voters, and they shall pay due regard to the lines of congressional townships, but wherever it shall be most convenient for the inhabitants of two or more congressional townships,

or portions thereof adjoining each other, that they should be formed into one organized township, the county commissioners may organize a township out of such adjacent congressional townships or portions thereof, and a congressional township may be divided among two or more organized townships. Thereafter, when any township has been surveyed, it shall either be organized into a township or be attached to another township or townships. When any unsurveyed tract of land in a county has a sufficient number of inhabitants who are legal voters to be organized into a township, the board of county commissioners may organize such tract into a township, or any unsurveyed tract may be annexed to an adjoining township. Said board shall fix and determine the boundaries of each of such townships, and shall name the same; and said board shall make a full report of all their proceedings in relation to laying out said towns, and shall have said report entered in full upon their minutes. [1927 c 74 § 1; 1895 c 175 § 4; RRS § 11363.]

**Reviser's note:** Caption for 1895 c 175 § 4 reads: "Division of counties into townships by county commissioners."

**Registration:** Chapter 29.07 RCW.

**45.08.020 Dividing towns.** When rivers or lakes or mountains so divide a township as to make it inconvenient to do town business, the said commissioners may dispose of any fraction so formed by annexing the same to an adjoining township in the same county, if it shall seem to them proper, whenever petitioned to do so by not less than two-thirds of the legal voters residing in such fraction, and the fact that such petition is signed by two-thirds of such voters may be proved by the affidavit of any legal voter residing in such fraction and having knowledge of the fact; and any township having two or more villages, each containing two hundred or more inhabitants, may petition the county commissioners for a division. When the county commissioners are so petitioned, they may, if they think the interest of such town will be subserved thereby, proceed to divide such townships in such manner as will best suit the inhabitants thereof: *Provided, however,* That at least twenty days' notice shall first be given by the county commissioners to the chairman of the board of supervisors of each township affected by the change before action is taken thereon: *Provided further,* That nothing herein contained shall be construed to release any property in or belonging to that part of any township so detached from any tax levied or assessed prior to such division being made: *Provided,* That part of any town annexed to any other town, and any village or city separated from any town under the provisions of this act shall not be released from or in any way discharged from the payment of any bonded or other indebtedness that may exist against the town from which separation has been made. [1895 c 175 § 5; RRS § 11364. Formerly RCW 45.08.020, 45.08-.030, 45.08.040 and 45.08.050.]

**Reviser's note:** "this act", 1895 c 175 is codified in chapters 45.04, 45.08, 45.12, 45.16, 45.20, 45.24 RCW, RCW 45.28.010, 45.28.040 through 45.28.100, 45.32.010 through 45.32.080, chapters 45.36, 45.40, 45.44, 45.48, 45.52 RCW, RCW 45.56.010, 45.56.040, 45.56-.060 through 45.56.080, chapters 45.64 and 45.68 RCW, RCW 45.72-.010 through 45.72.030 and 45.72.070.

**45.08.060 Towns to be named.** Towns thus formed shall be named by the county commissioners in accordance with the expressed wish of a majority of the legal voters resident therein; but if they fail to so designate the name, the county commissioners may select a name. [1895 c 175 § 6; RRS § 11365.]

**45.08.070 County auditor to send abstract of report to state auditor.** Each county auditor shall, within thirty days after such town is organized, transmit by mail to the auditor of state an abstract of such report, giving the bounds of each town, and the name designated; and said county auditor shall record, in a book for that purpose, a full description of each town. [1895 c 175 § 7; RRS § 11366.]

**45.08.080 Proceedings when two towns have the same name.** If the auditor of state, on comparing the abstracts of the reports from the several counties, finds that any two or more townships have the same name, he shall transmit to the auditor of the proper county the name of the town to be altered; and the board of commissioners shall, at their next meeting thereafter, adopt for such town some name different from those heretofore named, so that no two towns organized under this chapter shall have the same name; and when such name is adopted, the auditor of the county shall inform the state auditor as before directed. [1895 c 175 § 8; RRS § 11367.]

**Reviser's note:** "this chapter" appears in the session law (1895 c 175) which was divided by Roman numbered subtitles into twenty-one subdivisions. The above section appears in subdivision "II—DIVISION OF COUNTIES INTO TOWNSHIPS" which contains sections 4 through 9 of the 1895 act, codified herein as RCW 45.08.010, 45.08-.020 and 45.08.060 through 45.08.090.

**45.08.090 Boundaries of town to remain as first established.** The limits and boundary lines of every organized township shall remain as first established, until otherwise provided by the board of county commissioners under the authority of law. [1895 c 175 § 9; RRS § 11368.]

## Chapter 45.12

### TOWN MEETINGS—POWERS OF TOWNS

#### Sections

45.12.010	Place and time of holding first town meeting.
45.12.020	Powers of towns.
45.12.021	Joint acquisition, operation and maintenance of public cemeteries.
45.12.030	Limitation of powers.
45.12.040	Proceedings to be in name of town.
45.12.050	Bylaws, when to take effect.
45.12.060	Electors—Eligibility to office.
45.12.070	Annual town meetings.
45.12.080	What officers to be elected at town meeting.
45.12.090	Supervisors to be fence viewers.
45.12.100	Powers of electors at town meetings.
45.12.110	Special town meetings.
45.12.120	Notice of special town meeting.
45.12.130	Contents of notice.
45.12.140	Town meeting, how organized.
45.12.150	Business, how transacted.
45.12.160	Challenges, how regulated.
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45.12.180	Officers, how elected.
45.12.190	Names voted on to be on one ballot.

- 45.12.200 Method of voting.  
 45.12.210 Manner of conducting canvass.  
 45.12.220 Result of canvass to be read to meeting.  
 45.12.230 Minutes of town meeting to be filed.  
 45.12.240 Persons elected to be notified.

**45.12.010 Place and time of holding first town meeting.** At the time of dividing any county into organized townships the county commissioners shall make out notices designating a suitable place for holding the first town meeting in each town, which shall be holden on the second Tuesday in January following the election at which township organization was adopted by vote of the county, and the auditor shall deliver such notice to the sheriff of the county, who shall cause the same to be posted in each township not less than ten days before the day set for such town meeting. [1923 c 13 § 1; 1895 c 175 § 10; RRS § 11369.]

**45.12.020 Powers of towns.** Each town is a body corporate, and has capacity:

- (1) To sue and be sued.
- (2) To purchase, or receive by gift or otherwise, and hold lands within or without its own limits for the use of its inhabitants, subject to the power of the legislature.
- (3) To make contracts, purchase, and hold such personal property as may be necessary for the exercise of its corporate or administrative powers, and convey and dispose of the same.
- (4) To make such orders for the disposition, regulation or use of its corporate property as may be deemed conducive to the interest of its own inhabitants.
- (5) To acquire property jointly with adjacent towns to use for the operation of a garbage disposal dump, and to mutually contribute to the cost of operating said garbage disposal dump in such amounts as shall be determined by the electors at the annual town meeting. [1953 c 167 § 1; 1909 c 47 § 1; 1895 c 175 § 11; RRS § 11370.]

**45.12.021 Joint acquisition, operation and maintenance of public cemeteries.** Two or more townships may agree, contract or combine for the purpose of acquiring, operating and maintaining a public cemetery or cemeteries, and may enter into any necessary negotiations, contracts or agreements with the state or any political subdivision thereof, the federal government or any agency thereof, or any private individual, corporation, partnership or unincorporated association for the joint purchase, operation and maintenance of such public cemetery or cemeteries. [1965 c 119 § 1.]

**45.12.030 Limitation of powers.** No town shall possess or exercise any corporate powers except such as are enumerated in this chapter or are especially given by law or necessary to the exercise of the powers so enumerated or granted. [1895 c 175 § 12; RRS § 11371.]

*Reviser's note:* "this chapter" appears in the session law (1895 c 175) which was divided by Roman numbered subtitles into twenty-one subdivisions. The above section appears in subdivision "III—TOWN MEETINGS, POWERS OF TOWNS" which contains sections 10 through 33 of the 1895 act, codified herein as chapter 45.12 RCW.

**45.12.040 Proceedings to be in name of town.** All acts or proceedings by or against a town in its corporate

capacity shall be in the name of such town; but every conveyance of land within the limits of such town, made in any manner for the use or benefit of its inhabitants, has the same effect as if made to the town by name. [1895 c 175 § 13; RRS § 11372.]

*Actions, in what name brought: RCW 45.64.020.*

**45.12.050 Bylaws, when to take effect.** No bylaw made by any town shall take effect before the same is published by posting up copies thereof in three of the most public places in the town; and such bylaws duly made and so published are binding upon all persons coming within the limits of the town, as well as upon the inhabitants thereof, and shall remain in force until altered or repealed at some subsequent town meeting. [1895 c 175 § 14; RRS § 11373.]

**45.12.060 Electors—Eligibility to office.** Every person possessing the qualifications of an elector in any town is entitled to vote at any town meeting, and is eligible to any town office. [1895 c 175 § 15; RRS § 11374.]

*Reviser's note:* Caption for 1895 c 175 § 15 reads: "Who are electors at town meeting."

*Registration: Chapter 29.07 RCW.*

**45.12.070 Annual town meetings.** The citizens of the several towns of this state qualified to vote at town meetings shall annually assemble and hold town meetings in their several towns on the second Tuesday in January, at such place in each town as the electors thereof, at their annual town meetings from time to time appoint, and notice of the time and place of holding such meeting shall be given by the town clerk by posting up written or printed notices in three of the most public places in said town, at least ten days prior to said meeting. Every town meeting shall be held at the same place as the last preceding town meeting was held, unless the place of meeting be changed by vote of the town meeting or of the board of supervisors: *Provided*, That before any change of place of holding town meetings is made by the board of supervisors, notice of such contemplated change may be given by any member of the town board to the town clerk, who shall, in his regularly printed or written notices as provided herein, incorporate the notice of the change of place at which said town meeting is to be held. [1923 c 13 § 2; 1895 c 175 § 16; RRS § 11375.]

*Supervisors to make report of guideposts: RCW 45.68.020.*

**45.12.080 What officers to be elected at town meeting.** There shall be elected at the annual town meeting in each town, one supervisor and there shall be elected at the annual town meeting in the odd-numbered years one town clerk, one treasurer, one assessor, one justice of the peace and one constable to hold office for the term of two years and until their successors are elected and qualified: *Provided*, That at the first annual town meeting of every town hereafter organized there shall be elected three supervisors, one to hold office for the term of one year, one to hold office for the term of two years and one to hold office for the term of three years. The

board of supervisors shall have power to employ and appoint and to fix the salary of an \*overseer of highways for said town or an \*overseer of highways for each road district in said town. Said overseer or overseers may or may not be a resident of said town or road district. [1923 c 13 § 3; 1915 c 90 § 1; 1909 c 47 § 2; 1895 c 175 § 17; RRS § 11376.]

\*Reviser's note: "overseer of highways", see note (1) following RCW 45.24.010.

*Office of township assessor abolished: Chapter 45.54 RCW.*

*Officers, how elected: RCW 45.12.180.*

**45.12.090 Supervisors to be fence viewers.** The supervisors elected in every town are, by virtue of their office, fence viewers of such town. [1959 c 16 § 5. Prior: 1895 c 175 § 18; RRS § 11377.]

**45.12.100 Powers of electors at town meetings.** The electors of each town shall have power, at their annual town meeting:

(1) To determine the number of poundmasters, and location of pounds.

(2) To select such town officers as are required to be chosen.

(3) To direct the institution or defense of actions in all controversies where the town is interested.

(4) To direct such sums to be raised in the town for prosecuting or defending such actions as they may deem necessary.

(5) To make all rules and regulations for ascertaining the sufficiency of fences in the town and for impounding animals.

(6) To determine the time and manner in which certain domestic animals, including dogs, may be permitted to go at large.

(7) To impose such penalties on persons offending against any rules and regulations established by the town, except such as relate to the keeping and maintaining of fences, as they think proper not exceeding ten dollars for each offense, unless herein otherwise provided.

(8) To apply such penalties, when collected, in such manner as they may deem conducive to the interests of the town.

(9) To vote to raise such sums of money as they deem necessary for the purchase, repair, maintenance, and operation of snow plows or snow removing equipment, appliances for the prevention of highway dust or debris, and highway lighting, all in cooperation with the state and county authorities: *Provided*, The board of county commissioners of any county wherein township taxing power is abolished under the provisions of this chapter shall annually budget and levy under chapter 36.82 RCW such additional amounts as necessary to maintain street lighting facilities now provided by townships if no other sufficient financial provision has been made for that purpose at the conclusion of the final hearing on the county's annual road fund budget. Such amount shall be limited to the dollar amount budgeted by the townships in the year 1967 for such street lighting and shall be subject to the same limitations applicable to township

levies prior to August 11, 1969. The county shall thereafter maintain such street lighting facilities either as a part of its road fund program or by contract, during the next ensuing year.

(10) To instruct by vote the board to purchase grounds for a town cemetery; to limit the price to be paid therefor, to raise a special assessment for payment thereon and to establish rules for the care and management thereof.

(11) To make such bylaws and regulations as may be deemed conducive to the peace, good order and welfare of the town; to license, tax, regulate and control dogs, hawkers, peddlers, auctioneers, shows, theatricals, circuses, lawful games, merry-go-rounds, ferris wheels, or other amusement devices or places of amusement.

(12) To create a river improvement fund from revenues available for that purpose other than ad valorem taxes. [1969 ex.s. c 243 § 4; 1959 c 16 § 2; 1953 c 165 § 1. Prior: (i) 1927 c 269 § 1; 1923 c 13 § 4; 1919 c 108 § 2; 1913 c 142 § 1; 1911 c 34 § 1, part; 1909 c 47 § 3; 1895 c 175 § 19; RRS § 11378. (ii) 1945 c 148 § 3; 1941 c 226 § 1, part; Rem. Supp. 1945 § 11449-1, part.]

*Severability—1969 ex.s. c 243: See note following RCW 45.82.010.*

*Public places for posting notices: RCW 45.72.010.*

*Town taxes and charges: Chapter 45.56 RCW.*

*What officers to be elected at town meeting: RCW 45.12.080.*

**45.12.110 Special town meetings.** Special town meetings may be held for the purpose of transacting any lawful business whenever the supervisors, town clerk and justice of the peace, or any two of them, together with at least twelve other freeholders of the town, file in the office of the town clerk a written statement that a special meeting is necessary for the interest of the town. [1895 c 175 § 20; RRS § 11379.]

**45.12.120 Notice of special town meeting.** Every town clerk with whom such statement is filed, as required in RCW 45.12.110, shall record the same and immediately cause notice to be posted up in five of the most public places in the town, giving at least ten days' notice of such special meeting; and if there is a newspaper published in said town he shall cause a copy of said notice to be published therein at least three days before the time appointed for such meeting. [1895 c 175 § 21; RRS § 11380.]

**45.12.130 Contents of notice.** Every notice given for a special town meeting shall specify the purpose for which it is to be held, and no other business shall be transacted at such meeting than such as is specified in such notice. [1895 c 175 § 22; RRS § 11381.]

**45.12.140 Town meeting, how organized.** The electors present at any time between nine and ten o'clock in the forenoon of the day of the annual town meeting, or special town meeting, shall be called to order by the town clerk, if there is one present; in case there is none present, then the voters may elect, by acclamation, one of their number chairman. They shall then proceed to

choose one of their number to preside as moderator of such meeting. The town clerk last before elected shall be clerk of the meeting, and keep full minutes of its proceedings, in which he shall enter at length every order or direction, and all rules and regulations made by the meeting. If the town clerk is absent, then such person as is elected for that purpose shall act as clerk of the meeting. [1895 c 175 § 23; RRS § 11382.]

**45.12.150 Business, how transacted.** At the opening of every town meeting, the moderator shall state the business to be transacted and the order in which it shall be entertained, and no proposition to vote a tax shall be acted on out of the order of business as stated by the moderator; and no proposition to reconsider any vote shall be entertained at any town meeting, unless such proposition to reconsider is made within one hour from the time such vote was passed or the motion for such reconsideration is sustained by a number of voters equal to a majority of all the names entered upon the poll list at such election up to the time such motion is made; and all questions upon motions made at town meetings shall be determined by a majority of the electors voting, and the moderator shall ascertain and declare the result of the votes on each question. [1895 c 175 § 24; RRS § 11383.]

**45.12.160 Challenges, how regulated.** If any person offering to vote at any election or upon any question arising at such town meeting is challenged as unqualified, the judges of the town meeting shall proceed thereupon in like manner as the judges at the general election are required to proceed, adapting the oath to the circumstances of the town meeting. [1895 c 175 § 25; RRS § 11384.]

**45.12.170 Proclamation.** Before the electors proceed to elect any town officer, proclamation shall be made of the opening of the polls by the moderator, and proclamation shall, in like manner, be made of the adjournment, and the opening and closing of the polls, until the election is ended. [1895 c 175 § 26; RRS § 11385.]

**45.12.180 Officers, how elected.** The supervisors, treasurer, town clerk, assessor, justices of the peace and constables in each township shall be elected by ballot. All other officers, if not otherwise provided by law, shall be chosen either by yeas or nays or by a division, as the electors determine. [1895 c 175 § 27; RRS § 11386.]

*Office of township assessor abolished: Chapter 45.54 RCW.*

*What officers to be elected at town meeting: RCW 45.12.080.*

**45.12.190 Names voted on to be on one ballot.** When the electors vote by ballot, all the officers voted for shall be named in one ballot, which shall contain, written or printed, or partly written and partly printed, the names of the persons voted for and the offices to which such persons are intended to be chosen. [1895 c 175 § 28; RRS § 11387.]

**45.12.200 Method of voting.** When the election is by ballot, the elector voting shall fold his ballot so that the

names voted for cannot be seen, and hand the ballot to one of the judges of election, who shall, without opening the same or permitting the same to be opened or examined, deposit the ballot in the ballot box, and shall announce the name of the elector in an audible voice. The clerk of the town meeting shall then enter on a poll list to be kept by him the name of the person voting. [1895 c 175 § 29; RRS § 11388.]

*Reviser's note: Caption for 1895 c 175 § 28 reads: "Judge to deposit ballot in box—Poll list to be kept."*

**45.12.210 Manner of conducting canvass.** At the close of every election by ballot the judges shall proceed publicly to canvass the votes, which canvass, when commenced, shall continue without adjournment or interruption until the same is completed. The canvass shall be conducted by taking a ballot at a time from the ballot box and counting until the number of ballots is equal to the number of names on the poll list; and if there are any left in the box they shall be immediately destroyed; and the person having the greatest number of votes for any office shall be declared duly elected: *Provided*, That if two or more persons have an equal and the highest number of votes for any office the judges of election shall at once publicly, by lot, determine who of such persons shall be declared elected. If, on opening the ballots, two or more ballots are found to be so folded that it is apparent that the same person voted them, the board shall destroy such votes immediately. [1895 c 175 § 30; RRS § 11389.]

**45.12.220 Result of canvass to be read to meeting.** The canvass being completed, a statement of the result shall be entered at length by the clerk of the meeting in the minutes of its proceedings, to be kept by him as before required, which shall be publicly read by him to the meeting; and such reading shall be deemed notice of the result of the election to every person whose name is entered on the poll list as a voter. [1895 c 175 § 31; RRS § 11390.]

**45.12.230 Minutes of town meeting to be filed.** The minutes of the proceedings of every town meeting, subscribed by the clerk of said meeting and by the judges, shall be filed in the office of the town clerk within two days after such town meeting. [1895 c 175 § 32; RRS § 11391.]

**45.12.240 Persons elected to be notified.** The clerk of every town meeting, within ten days thereafter, shall transmit to each person elected to any town office whose name is not entered on the poll list as a voter notice of his election. [1895 c 175 § 33; RRS § 11392.]

## Chapter 45.16 QUALIFICATIONS OF TOWN OFFICERS

### Sections

45.16.010	Officers to take oath.
45.16.020	Certificate of oath to be filed.
45.16.030	Effect of not filing oath or bond.
45.16.035	Effect of not filing oath or bond—Treasurer, constable or overseer.

- 45.16.040 Overseers and poundmasters to file acceptance of office.
- 45.16.060 Treasurer to give bond.
- 45.16.070 Bond, when approved, to be filed.
- 45.16.080 Constable to take oath and give bond.
- 45.16.090 Justices to take oath and give bond.
- 45.16.100 Penalty for entering on duties before taking oath.
- 45.16.110 Town officers must not be interested in contracts with towns.
- 45.16.120 Terms of office.

*Public officials—Official bonds: Chapter 42.08 RCW.*

**45.16.010 Officers to take oath.** Every person elected or appointed to the office of supervisor, town clerk, assessor, treasurer or constable, within two weeks after he is notified of his election or appointment, shall take and subscribe before the town clerk or justice of the peace an oath to support the Constitution of the United States and of the state of Washington, and faithfully to discharge the duties of his office (naming the same) to the best of his ability. Such oath shall be administered without fee and certified by the officer before whom it was taken, with the date of taking the same. [1895 c 175 § 34; RRS § 11393.]

*Office of township assessor abolished: Chapter 45.54 RCW.*

**45.16.020 Certificate of oath to be filed.** The person taking such oath shall immediately, and before entering upon the duties of his office, file the certificate of such oath in the office of the town clerk. [1895 c 175 § 35; RRS § 11394.]

**45.16.030 Effect of not filing oath or bond.** If any person elected or appointed to any town office, of whom an oath or bond is required, neglects to file the same within the time prescribed by law, such neglect shall be deemed a refusal to serve in such office. [1895 c 175 § 36; RRS § 11395.]

*Penalty for entering on duties before taking oath: RCW 45.16.100.*

**45.16.035 Effect of not filing oath or bond—Treasurer, constable or overseer.** If any person elected or appointed to the office of treasurer, constable or overseer of highways does not give such bond and take such oath as is required above, within the time limited for that purpose, such neglect shall be deemed a refusal to serve. [1913 c 142 § 4; 1895 c 175 § 42; RRS § 11401.]

*Reviser's note:* (1) Caption for 1895 c 175 § 42 reads: "Effect of neglect to give bond."

(2) "overseer of highways", see note (1) following RCW 45.24.010.

*Penalty for entering on duties before taking oath: RCW 45.16.100.*

**45.16.040 Overseers and poundmasters to file acceptance of office.** Every person elected or appointed to the office of \*overseer of highways or poundmaster, before he enters on the duties of his office, and within two weeks after he is notified of his election or appointment, shall file in the office of the town clerk a notice signifying his acceptance of such office. A neglect to file such notice shall be deemed a refusal to serve. Every person elected or appointed to the office of \*overseer of highways, before he enters upon the duties of his office, and within two weeks after he is notified of his election or appointment shall take and subscribe before the town

clerk or justice of the peace an oath to support the Constitution of the United States and of the state of Washington, and faithfully to discharge the duties of his office to the best of his ability. Such \*overseer of highways shall also execute and deliver to the supervisors of the town and their successors in office a bond, with one or more sureties, to be approved by the board of supervisors, in an amount determined by said board, conditioned for the faithful discharge of his duties. [1913 c 142 § 2; 1895 c 175 § 37; RRS § 11396. Formerly RCW 45.16.040 and 45.16.050.]

*\*Reviser's note:* "overseer of highways", see note (1) following RCW 45.24.010.

**45.16.060 Treasurer to give bond.** Every person appointed or elected to the office of treasurer, before he enters upon the duties of his office, shall execute and deliver to the supervisors of the town and their successors in office, a bond, with one or more sureties, to be approved by the board of supervisors, in double the probable amount of money to be in his hands at any one time, which amount shall be determined by said board, conditioned for the faithful execution of his duties as such treasurer. [1913 c 142 § 3; 1895 c 175 § 38; RRS § 11397.]

**45.16.070 Bond, when approved, to be filed.** The said chairman shall, within six days thereafter, file such bond, with said approval indorsed thereon, in the office of the county clerk, who shall record the same in a book provided for that purpose. [1895 c 175 § 39; RRS § 11398.]

**45.16.080 Constable to take oath and give bond.** Every person chosen to the office of constable, before he enters upon the duties of his office, and within two weeks after he is notified of his election or appointment, shall take and subscribe the oath of office prescribed by law and execute a bond to the state of Washington in such penal sum as the supervisors direct, with one or more sufficient sureties, to be approved by the chairman of said board or the town clerk, conditioned for the faithful discharge of his duties. The chairman of said board or the town clerk shall, if such bond is approved, indorse his approval thereon and cause such bond to be filed with the town clerk for the benefit of any person aggrieved by acts or omission of said constable; and any person so aggrieved, or the town, may maintain an action on said bond against said constable and sureties. [1895 c 175 § 40; RRS § 11399.]

**45.16.090 Justices to take oath and give bond.** Every person elected or appointed to the office of justice of the peace shall, within two weeks after receiving notice thereof, take and subscribe before any other officer duly authorized to administer oaths, an oath to support the Constitution of the United States and of the state of Washington and faithfully and impartially to discharge the duties of his office according to the best of his ability. He shall also execute a bond to the state of Washington, with two or more sufficient sureties, to be approved by the chairman, in the penal sum of not less

than five hundred dollars nor more than one thousand dollars, conditioned for the faithful discharge of his official duties. Said chairman shall indorse thereon his approval of the sureties named in such bond, and such justice shall immediately file the same, together with his oath of office, duly certified, with the clerk of the county of the proper county for the benefit of any person aggrieved by the acts of said justice; and any person aggrieved may maintain an action on said bond in his own name against said justice and his sureties. [1895 c 175 § 41; RRS § 11400.]

**45.16.100 Penalty for entering on duties before taking oath.** If any town officer who is required by law to take the oath of office enters upon the duties of his office before taking such oath, he forfeits to such town the sum of fifty dollars, and the same to go to the county poor fund. [1895 c 175 § 43; RRS § 11402.]

**45.16.110 Town officers must not be interested in contracts with towns.** No town officer shall become a party to or interested, directly or indirectly, in any contract made by the board of which he may be a member: *Provided*, This shall not be construed to prohibit the employment of a team or teams belonging to a township officer when a required number of teams, owned in the township, are not otherwise obtainable, or the employment of a township officer as a day laborer. Every contract or payment voted for or made contrary to the provisions of \*this title is void and any violation of this section hereafter committed shall be a malfeasance in office, which will subject the officer so offending to be removed from office. [1913 c 142 § 5; 1895 c 175 § 44; RRS § 11403.]

*Reviser's note:* "this title" apparently refers to title 505, Pierce's Washington Code, 1912—TOWNSHIP ORGANIZATION, in which 1895 c 175 and amendments thereto were codified.

**45.16.120 Terms of office.** Town officers, except as otherwise provided, hold their offices for one year and until others are elected or appointed in their places and are qualified. All officers shall qualify and enter upon the duties of their offices at the first regular meeting of the board of supervisors following their election, and such first meeting of the board of supervisors shall be held within thirty days after such election. [1923 c 13 § 5; 1895 c 175 § 45; RRS § 11404.]

**Chapter 45.20  
VACANCIES IN OFFICE**

**Sections**

- 45.20.010 County commissioners may accept resignations.
- 45.20.020 Procedure for filling vacancies.

**45.20.010 County commissioners may accept resignations.** The board of county commissioners of any county may, for sufficient cause shown to them, accept the resignation of any town officer in any township in their county, and whenever they accept any such resignation, they shall forthwith appoint another elector of the town to the office, and shall give notice thereof in writing to the person so appointed and to the town clerk;

or in the case of a vacancy in the office of town clerk or overseer of highways, to the chairman of the board of supervisors of the town. [1913 c 142 § 6; 1895 c 175 § 46; RRS § 11405.]

*Reviser's note:* (1) Caption for 1895 c 175 § 46 reads: "Vacancies in town offices, how filled."

(2) "overseer of highways", see note (1) following RCW 45.24.010.

**45.20.020 Procedure for filling vacancies.** Whenever any town fails to elect the proper number of town officers, or when any person elected to a town office fails to qualify, or whenever any vacancy happens in any town office from death, resignation, removal from town or other cause, the town clerk, or in case there is no town clerk, then the chairman or one of the town supervisors shall give notice in writing of such vacancy or vacancies to the board of county commissioners of the county in which such town is situated, and said board, upon such notice being given them, or if they know of any vacancy in any town office in any township in their county, shall forthwith fill the vacancy or vacancies by appointment by warrant, signed by the chairman of the board, and countersigned by the clerk of said board, and shall give notice in writing personally or by mail to the town clerk or the chairman of the board of supervisors, and also to the person so appointed. All persons appointed to office under this act shall qualify as herein provided, and shall hold their offices until the next annual town meeting and until their successors are elected or appointed and qualified in their places, and shall have the same powers and be subject to the same duties and penalties as if they had been duly elected to such offices. [1895 c 175 § 47; RRS § 11406.]

*Reviser's note:* (1) "this act", see note following RCW 45.08.020.

(2) Caption for 1895 c 175 § 47 reads: "Fail to elect officers."

**Chapter 45.24  
DUTIES OF TOWN SUPERVISORS**

**Sections**

- 45.24.010 Powers and duties—General—Powers of police judge.
- 45.24.030 Town supervisors to be board of health.
- 45.24.040 Supervisors to prosecute actions on bonds, penalties and trespasses.
- 45.24.050 Supervisors to audit accounts against towns.
- 45.24.060 Two supervisors a quorum.

*Actions by or against towns—Papers in action, how served:* RCW 45.64.030.

*Actions by or against towns—Tax levy to pay judgment:* RCW 45.64.080.

*Division of precinct:* RCW 45.40.030.

*Guideposts—Supervisors to make report of guideposts:* RCW 45.68.020.

*Judges and clerks of election—Places of holding elections:* RCW 45.40.010.

*Office of township assessor abolished:* Chapter 45.54 RCW.

*Poundmaster—Duties—Fees:* RCW 45.36.030.

**45.24.010 Powers and duties—General—Powers of police judge.** The supervisors shall have charge of such affairs of the town as are not by law committed to other town officers; and they shall have power to designate the justice of the peace, or other suitable person, as

police judge in and for such township; and such police judge shall have the same powers and duties as are conferred by law upon the police judge in cities of the fourth class; and they shall have power to draw orders on the town treasurer for the disbursement of such sums as may be necessary for the purpose of defraying the incidental expenses of the town, and for all moneys raised by the town to be disbursed for any other purpose. They shall have charge of all highways and bridges in their respective townships, and the care and supervision thereof; and shall have power to divide their respective townships into road districts and to appoint one resident elector of each road district as overseer thereof for the first year of township organization; to establish new highways and bridges and to vacate or alter all highways and bridges wholly within the township in the same manner as now provided by law for the establishing of new highways and bridges and the vacation or alteration of the same by the county commissioners in the case of county roads and bridges, except that the duties therein provided to be performed by the county commissioners shall be performed by the township board of supervisors except that all notices therein provided shall be given by the county engineer and all meetings therein provided shall be held at his office in the county court house and all records and files maintained therein, and all expenses for the condemnation and procuring of right of ways therein provided shall be met and paid by the township treasurer on order of the board of township supervisors, and it shall be unlawful for any township funds to be expended upon any roads not established in accordance with said law: *Provided*, Nothing in this act contained shall be construed as prohibiting any county from or denying to any county the power to build, repair, alter and maintain, at the county's expense, such highways and bridges as the county generally is interested in or such as may be of so large cost that a single township could not undertake the construction of, or such as are located in sparsely settled townships as are unable to construct the same. Whenever the electors of any township shall have voted to establish a river improvement fund, such fund shall be expended by the board of township supervisors to acquire by condemnation or otherwise, any land bordering upon or in the vicinity of the banks of any river or stream to be improved, which in their judgment it is advisable to acquire, to strengthen and preserve the banks of any river or stream and prevent overflow thereof, and confine such river or stream within its proper channel, or to straighten the channel by dredging or construction of a new channel; to construct any levee, embankment, channel or other construction at such point where such land is acquired, as in their judgment they may deem necessary or advisable; to protect and render more secure the banks of any river by constructing therein stone or masonry work, contrivance or piling or such other construction as in their judgment is best adapted to accomplish such purpose; to remove log jams or obstructions that may be or hereafter form in such river, and to do any other act to prevent the formation of any obstruction in such river or stream; to employ such persons as they deem necessary and fix their compensation to patrol such rivers and streams and

remove such log jams or obstructions now existing or which may hereafter form, and for the purpose of preventing the formation thereof, and who shall perform such other duties as are contemplated by this act and directed by said board of township supervisors. And such board of supervisors shall be authorized, in the expenditure of such funds for any of the purposes aforesaid, to cooperate with the board of county commissioners of the county acting under the provisions of RCW 86.12.010 through 86.12.030 in making new improvements and to enter into contracts with the county to pay a certain portion of the cost of any improvements made by the county. [1919 c 108 § 2; 1911 c 34 § 1, part; 1909 c 47 § 4; 1895 c 175 § 48; RRS § 11407. Formerly RCW 45.24.010 and 45.24.020.]

**Reviser's note:** (1) **Powers Relating to Road Purposes:** This section and other sections throughout this title relating to roads should be read in the light of *Great Northern Railway Co. v. Glover*, 194 Wash. 146, 77 P (2d) 598, wherein it is said that ". . . the provisions of the township laws have been impliedly repealed insofar as they are inconsistent with chapters 53, 187, and 207 of the Laws of 1937." Such 1937 laws are comprehensive, general acts relating to highways, roads and bridges.

(2) Caption for 1895 c 175 § 48 reads: "Powers and duties of supervisors."

(3) "this act", see note following RCW 45.08.020.

#### **45.24.030 Town supervisors to be board of health.**

The town supervisors shall constitute a board of health, and within their respective towns shall have and exercise all the powers necessary for the preservation of the public health and for the prevention and suppression of public nuisances. [1895 c 175 § 50; RRS § 11409.]

**45.24.040 Supervisors to prosecute actions on bonds, penalties and trespasses.** The supervisors shall, in the name of their town, prosecute, for the benefit of the town, all actions upon bonds given to them or their predecessors in office; and shall also sue for and collect all penalties and forfeitures, in respect to which no other provision is made, incurred by any officer or inhabitant of the town; and they shall have power, in like manner, to prosecute for any trespass committed on any public inclosure or property belonging to the town, and shall pay all moneys collected under this section to the town treasurer. [1895 c 175 § 51; RRS § 11410.]

**Reviser's note:** Caption for 1895 c 175 § 51 reads: "Supervisors shall bring actions on official bonds."

*Action to recover penalty for trespass: RCW 45.64.050.*

*Actions by or against towns: Chapter 45.64 RCW.*

*Powers of electors at town meetings: RCW 45.12.100(3).*

*Proceedings to be in name of town: RCW 45.12.040.*

**45.24.050 Supervisors to audit accounts against towns.** The supervisors constitute a town board for the purpose of auditing all accounts payable by said town; and if from any cause there are not three supervisors present to constitute said board, the chairman, and, in his absence, either of the other supervisors, may notify the justice of the peace of the town as will, together with the supervisors present, make a board of three; and the board so constituted shall have authority to act as the town board. [1895 c 175 § 52; RRS § 11411.]

*Board to audit and settle town charges: RCW 45.52.050.*



*Claims against towns: Chapter 45.52 RCW.*

**45.24.060 Two supervisors a quorum.** Any two of the supervisors constitute a quorum for the performance of any duties required by law of the town supervisors, except when otherwise provided. [1895 c 175 § 49; RRS § 11408.]

## Chapter 45.28 DUTIES OF TOWN CLERK

### Sections

- 45.28.010 Duties in general—Appointment of deputy.
- 45.28.020 Annual report of needed supplies.
- 45.28.030 Supplies to be furnished at cost.
- 45.28.040 To record minutes and preserve accounts.
- 45.28.050 Town clerks may take acknowledgments and oaths.
- 45.28.060 Official bond.
- 45.28.070 Name of constable to be sent to clerk of court.
- 45.28.080 Name of justice to be sent to clerk of court.
- 45.28.090 Penalty for neglect to return.
- 45.28.100 Bylaws to be posted.

**45.28.010 Duties in general—Appointment of deputy.** The town clerk shall be clerk of the town board, and shall keep a true record of all their proceedings in his office. He shall have the custody of the record books and papers of the town, when no other provision is made by law, and he shall duly file and safely keep all certificates of oaths and other papers required by law to be filed in his office. The town board may, in case of necessity, appoint a deputy town clerk. Before any deputy town clerk shall enter upon the duties of his office he shall take and subscribe the oath required by law, which oath shall be filed in the office of the county clerk. In the month of March, each year, after the annual town meeting, the town clerk of each town shall make to the county auditor a return of all taxes and sums of money voted at said town meeting to be raised, except such taxes as may be assessed by the supervisors as labor tax, designating the separate amounts to be raised for each purpose; and it shall be the duty of the county auditor to levy such amounts on the tax rolls of that year against the assessed property of such town as hereinafter provided. [1895 c 175 § 53; RRS § 11412.]

*Reviser's note:* Caption for 1895 c 175 § 53 reads: "Town clerk to be clerk of town board and custodian of books—May appoint deputy."

**45.28.020 Annual report of needed supplies.** It shall be the duty of each township clerk to report to the county auditor on or before the first day of March in each year the amount and the kind of printing supplies, blank books, etc., other than those furnished by the county assessor, needed by the township for the ensuing year. [1911 c 34 § 2; RRS § 11413.]

**45.28.030 Supplies to be furnished at cost.** The county auditor upon receiving the estimates of the various townships shall procure from the lowest bidder the supplies and turn said supplies over to the township ordering the same at actual cost. [1911 c 34 § 3; RRS § 11414.]

**45.28.040 To record minutes and preserve accounts.** He shall record, in the book of records of his town, minutes of the proceedings of every town meeting, and he shall enter therein every order or direction, and all rules and regulations of any such town meeting; and shall also file and preserve all accounts audited by the town board, or allowed at a town meeting, and enter a statement thereof in such book of records. [1895 c 175 § 54; RRS § 11415.]

*Reviser's note:* Caption for 1895 c 175 § 54 reads: "Proceedings of town meeting to be recorded."

**45.28.050 Town clerks may take acknowledgments and oaths.** The town clerks of the several towns in this state are hereby authorized to administer all oaths, and take all acknowledgments of instruments, authorized or required by \*this act. [1895 c 175 § 55; RRS § 11416.]

*\*Reviser's note:* "this act", see note following RCW 45.08.020.

**45.28.060 Official bond.** Every person elected or appointed to the office of town clerk in any of the towns of this state shall, before he enters upon the duties of his office, and within the time prescribed by law for filing his oath of office, execute a bond with two or more sufficient sureties, to be approved by the town supervisors, in such penal sum as the supervisors direct, conditioned for the faithful discharge of his duties. Said bond so approved shall be filed and recorded in the office of the clerk of the superior court, for the benefit of any person aggrieved by the acts or omissions of said town clerk; and any person so aggrieved, or the town, may maintain an action on said bond against said town clerk and sureties. [1895 c 175 § 56; RRS § 11417.]

*Effect of not filing oath or bond: RCW 45.16.030.*

*Supervisors to prosecute actions on bonds, penalties and trespasses: RCW 45.24.040.*

**45.28.070 Name of constable to be sent to clerk of court.** Every town clerk, immediately after the qualification of any constable elected or appointed in his town, shall transmit to the clerk of the superior court of the county the name of such constable. [1895 c 175 § 57; RRS § 11418.]

**45.28.080 Name of justice to be sent to clerk of court.** Each town clerk shall, immediately after the election of any justice of the peace in his town, transmit a written notice thereof to the clerk of the superior court of said county, stating therein the name of the person elected, and the term for which he is elected; and if elected to fill a vacancy, he shall state in said notice who was the last incumbent of the office. [1895 c 175 § 58; RRS § 11419.]

**45.28.090 Penalty for neglect to return.** If any town clerk wilfully neglects to make such return, such omission is hereby declared a misdemeanor, and, on conviction thereof, the person so offending shall be adjudged to pay a fine not exceeding ten dollars. [1895 c 175 § 59; RRS § 11420.]

**45.28.100 Bylaws to be posted.** The town clerk shall post in three of the most public places in his town, copies of all bylaws made by such town, and shall make an entry in the town records of the time when, and the place where, such bylaws were posted. [1895 c 175 § 60; RRS § 11421.]

*Fees for posting notices: RCW 45.44.010.*

*Public places for posting notices: RCW 45.72.010.*

### Chapter 45.32 DUTIES OF TOWN TREASURER

#### Sections

- 45.32.010 Duties of town treasurer.
- 45.32.020 Shall keep true accounts, and deliver books to successor.
- 45.32.030 Shall draw money from county treasurer—  
Compensation.
- 45.32.050 Shall make annual statement.
- 45.32.060 Penalty for noncompliance.
- 45.32.070 Unpaid orders—Indorsement.
- 45.32.080 Order of payment of town orders.
- 45.32.090 Town depository—Bond.

*Actions by or against towns—Judgment against town, how collected: RCW 45.64.070.*

*Treasurer shall pay audited accounts: RCW 45.52.090.*

**45.32.010 Duties of town treasurer.** The town treasurer shall receive and take charge of all moneys belonging to the town or which are by law required to be paid into the town treasury, and shall pay over and account for the same upon the order of such town, or the officers thereof duly authorized in that behalf, made pursuant to law, and shall perform all such duties as may be required of him by law. [1895 c 175 § 70; RRS § 11431.]

**45.32.020 Shall keep true accounts, and deliver books to successor.** Every town treasurer shall keep a true account of all moneys by him received by virtue of his office, and the manner in which the same are disbursed, in a book provided at the expense of the town for that purpose, and exhibit such account, together with his vouchers, to the town board at its annual meeting for adjustment; and he shall deliver all books and property belonging to his office, the balance of all moneys in his hands as such treasurer, to his successor in office, on demand, after such successor has qualified according to law. [1895 c 175 § 71; RRS § 11432.]

*Qualifications of town officers: Chapter 45.16 RCW.*

**45.32.030 Shall draw money from county treasurer—Compensation.** The town treasurer shall from time to time draw from the county treasurer such moneys as have been received by the county treasurer for the use of his town, and on receipt of such moneys shall deliver proper vouchers therefor. Each town treasurer shall be allowed and entitled to retain, as his official compensation, one percent of all moneys paid out in the redemption of warrants: *Provided*, That the compensation of said treasurer shall in no case exceed the sum of seventy-five dollars in any one year: *Provided further*, That in any town meeting, before the electors commence balloting for officers, they may by resolution, reduce or

increase such compensation. [1923 c 13 § 6; 1913 c 142 § 7; 1895 c 175 § 72; RRS § 11433.]

*Reviser's note:* Caption for 1895 c 175 § 72 reads: "Shall draw money from county treasurer—Fees."

**45.32.050 Shall make annual statement.** Each town treasurer, within five days preceding the annual town meeting, shall make out a statement in writing of the moneys by him received into the town treasury from the county treasurer, and from all other officers and persons, and also of all moneys paid out by him as such treasurer, in which statement he shall set forth particularly from whom and on what account such moneys were received by him, with the amount received from each officer or person and the date of receiving the same; also to whom and for what purpose any moneys have been paid out by him, with the amount and date of each payment. He shall also state therein the amount of moneys remaining in his hands as treasurer. Such statement shall be filed by him in the office of the town clerk and shall be by such clerk carefully preserved and recorded in the town book of records. [1895 c 175 § 73; RRS § 11435.]

**45.32.060 Penalty for noncompliance.** Every town treasurer who refuses or neglects to comply with the provisions of the four preceding sections shall forfeit not more than two thousand dollars, to be recovered in any court of competent jurisdiction, the amount to be fixed by the jury trying the cause, or by the court if there is no jury impaneled, and may be recovered by civil action in the name of any person who prosecutes the same, with costs of suit; one-half shall go to the person so prosecuting and the remainder to the town of which such delinquent is or has been treasurer. [1895 c 175 § 74; RRS § 11436.]

*Reviser's note:* (1) "the four preceding sections" are codified as RCW 45.32.010, 45.32.020, 45.32.030 and 45.32.050.

(2) Caption for 1895 c 175 § 74 reads: "Violation of four preceding sections—Penalty."

**45.32.070 Unpaid orders—Indorsement.** Each and every town treasurer shall keep a suitable book, to be provided at the expense of the town, in which he shall enter the town orders that he cannot pay for want of funds when presented to him for payment, which orders, when presented, shall be indorsed by such treasurer by putting upon the back of the same the words "Not paid for want of funds", giving the date of such indorsement, signing the same as town treasurer. [1895 c 175 § 75; RRS § 11437.]

*Reviser's note:* Caption for 1895 c 175 § 75 reads: "Unpaid town orders—Record—Interest."

**45.32.080 Order of payment of town orders.** All town orders shall be paid in the order of their issuance out of the first moneys that come into the town treasurer's hands for such purpose. [1895 c 175 § 76; RRS § 11438.]

**45.32.090 Town depository—Bond.** Each township treasurer shall annually within thirty days after taking office, designate some bank of the state as a depository

of all public funds held and acquired to be kept by him as such treasurer: *Provided*, That the bank designated by the township treasurer shall furnish, if required by the board of supervisors, to the township an indemnity bond equal in amount to the official bond of said treasurer, such designation shall be filed in writing as part of the minutes of the township board. [1913 c 142 § 9; RRS § 11434. Formerly RCW 45.32.040.]

**Chapter 45.36  
POUNDS AND POUNDMASTERS**

Sections

- 45.36.010 Pounds to be under care of poundmasters.
- 45.36.020 Pounds discontinued.
- 45.36.030 Poundmaster—Duties—Fees.

*Powers of electors at town meetings: RCW 45.12.100(1), (5), (6), (7) and (8).*

**45.36.010 Pounds to be under care of poundmasters.** Whenever the electors of any town determine at their annual meeting to erect one or more pounds therein, the same shall be under the care and direction of such poundmasters as are chosen or appointed for that purpose. [1895 c 175 § 95; RRS § 11458.]

**45.36.020 Pounds discontinued.** The electors of any town may, at an annual meeting, discontinue any pounds therein. [1895 c 175 § 96; RRS § 11459.]

**45.36.030 Poundmaster—Duties—Fees.** The poundmaster shall be allowed the following fees, to wit: For taking into pound and discharging therefrom any horse, ass or mule and all meat cattle, fifty cents each; and for every hog, large or small, sheep or lamb, goat or kid, twenty-five cents each; and fifty cents a day for keeping each head of horses, asses, mules or meat cattle twenty-four hours, and twenty cents for keeping each hog, sheep or goat, for each twenty-four hours. And the poundmaster has a lien on all such animals for the full amount of his legal charges and expenses, and shall be entitled to the possession of such animals until the same are paid; and if the same are not paid, and said animals removed, within four days after they are so impounded, the said poundmaster shall give notice by posting the same in three of the most public places in said town, or by personal notice in writing, if the owner is known, that said animals (describing them) are impounded and that, unless the same are taken away and fee paid within fifteen days after the date of such notice, he will sell the same at public vendue at the place where the town meetings of said town are usually held; and on the day designated in such notice the said poundmaster shall expose the said animals for sale, and sell the same to the highest bidder in cash, for which service he shall receive two percent of the purchase money for each animal. Out of the money realized from said sale, the said poundmaster shall deduct all his legal fees and charges, and pay the balance, if any, to the chairman of the town supervisors, at the same time giving to said supervisors an accurate description of the animals sold, and the amount received by him for each animal, and shall take a receipt and duplicate therefor, and file one of them

with the town clerk: *Provided*, That the said supervisors shall, at any time within six months, upon sufficient proof from the owner of any animal so sold, pay to said owner the balance due as received from the said poundmaster; but if said money is not claimed within that time, the sum so received shall be retained for the use of said town. [1911 c 34 § 1, part; 1895 c 175 § 94; RRS § 11457.]

**Chapter 45.40  
DUTIES OF TOWN OFFICERS AT ELECTIONS**

Sections

- 45.40.010 Judges and clerks of election—Places of holding elections.
- 45.40.030 Division of precinct.

**45.40.010 Judges and clerks of election—Places of holding elections.** Each township shall constitute at least one election precinct. The township supervisors of each township are the judges of election, and the town clerk of each township shall act as one of the clerks of election in their respective election precinct, and the judges of election shall appoint an additional clerk of election, who shall be of an opposite political party, if practicable, to the town clerk. The election shall be held in such election precinct at the place where the last preceding town meeting was held, except as herein provided; but if in any town a vote is taken to hold it elsewhere the next ensuing election shall be held at the place designated by such vote. When, in any township having over four hundred electors, the supervisors divide the same into two or more election precincts, they shall designate the boundaries thereof, and thereafter shall be elected, at the annual town meeting of such township, three judges of election and two clerks of election in each precinct, and the place of holding said election in each precinct shall be designated by said town meeting, or, in default of such designation, shall be appointed by the judges of election thereof, in which case they shall make such designation at least twenty days before election, and give notice thereof by posting proper notices in the public places in the township. In case the supervisors divide the township into precincts, as herein provided, and no town meeting is thereafter held prior to the election, then the county commissioners shall, twenty-five days before election, appoint the judges and clerks for that election. No more than two judges and one clerk of election, except where town supervisors and town clerks so act, shall belong to the same political party. No person shall be eligible as judge or clerk of election unless he be a qualified voter within the election district in which he sits, nor unless he can read, write and speak the English language understandingly. [1895 c 175 § 77; RRS § 11439. Formerly RCW 45.40.010 and 45.40.020.]

**45.40.030 Division of precinct.** Whenever any town constituting one election precinct is found by the number of votes there cast at any election to contain more than four hundred voters, it shall be the duty of the supervisors of the town to cause such precinct at least six weeks before the next ensuing general or town election, to be divided into two or more districts, each containing as

nearly as may be an equal number of voters. [1895 c 175 § 78; RRS § 11440.]

### Chapter 45.44 COMPENSATION OF OFFICERS

#### Sections

45.44.010 Schedule of compensation and fees fixed.

**45.44.010 Schedule of compensation and fees fixed.** The following town officers are entitled to compensation at the following rates for each day necessarily devoted by them to the service of the town, in the duties of their respective offices. The town assessors shall receive for their services three dollars per day, while engaged in their respective duties as such assessors. Each road overseer shall receive for his services such salary as shall be fixed by the board of supervisors, while engaged in his duties as such road overseer. The town clerks and supervisors shall receive two dollars per day while engaged in their respective duties. No supervisor shall receive more than seventy-five dollars for compensation in any one year, and no clerk shall receive more than one hundred dollars for compensation in any one year: *Provided*, That the town clerks shall be paid fees for the following, and not a per diem: For filing any paper required by law to be filed in his office ten cents each; for posting up notices required by law, twenty-five cents each; for recording any order or any instrument of writing authorized by law, five cents for each one hundred words; for copying any record or instrument on file in his office and certifying the same, five cents for each one hundred words, to be paid for by the person applying for the same: *Provided, further*, That in any town meeting, before the electors commence balloting for officers, they may by resolution, reduce or increase the compensation of officers, and may fix the compensation of the town clerk at an annual salary not to exceed one hundred dollars, in lieu of the compensation per diem and fix his services other than copying and certifying records or instruments on file in his office for which he is paid by the person applying for the same. [1923 c 13 § 9; 1915 c 90 § 2; 1909 c 47 § 9; 1895 c 175 § 93; RRS § 11456.]

*Reviser's note:* (1) Caption for 1895 c 175 § 93 reads: "Fees of town officers."

(2) "road overseer", see note (1) following RCW 45.24.010.

*Bylaws to be posted:* RCW 45.28.100.

*Office of township assessor abolished:* Chapter 45.54 RCW.

*Poundmaster—Duties—Fees:* RCW 45.36.030.

*Public places for posting notices:* RCW 45.72.010.

*Township treasurer—Compensation:* RCW 45.32.030.

### Chapter 45.48 DUTY OF RETIRING OFFICERS

#### Sections

45.48.010 Incoming officer to demand books and papers.  
45.48.020 Same in case of vacancy.  
45.48.030 Books to be delivered to successor.  
45.48.040 Same in case of death.

**45.48.010 Incoming officer to demand books and papers.** Whenever the term of any supervisor, town

clerk, assessor, justice of the peace, constable, road overseer or other town officer expires and another person is appointed or elected to such office, such successor, immediately after he enters upon the duties of his office, shall demand of his predecessor all books and papers under his control and belonging to such office. [1895 c 175 § 111; RRS § 11474.]

*Reviser's note:* (1) "road overseer", see note (1) following RCW 45.24.010.

(2) Caption for 1895 c 175 § 111 reads: "Books and papers of outgoing officers."

*Office of township assessor abolished:* Chapter 45.54 RCW.

*Township treasurer to keep true accounts, and deliver books to successor:* RCW 45.32.020.

**45.48.020 Same in case of vacancy.** Whenever either of the officers above named resigns, or the office becomes vacant in any way, and another person is elected or appointed in his stead, the person so elected shall make such demand of his predecessors or of any person having charge of such books and papers. [1895 c 175 § 112; RRS § 11475.]

**45.48.030 Books to be delivered to successor.** Every person so going out of office, whenever thereto required pursuant to the foregoing provisions, shall deliver, upon oath, all records, books and papers in his possession or in his control belonging to the office held by him, which oath may be administered by the officer to whom such delivery is made. [1895 c 175 § 113; RRS § 11476.]

**45.48.040 Same in case of death.** Upon the death of any of the officers enumerated, the successor of such officer shall make such demand, as above provided, of the executors or administrators of such deceased officer, and such executors or administrators shall deliver, upon like oath, all records, books, papers or moneys in their possession or under their control, belonging to the office held by their testator or intestate. [1895 c 175 § 114; RRS § 11477.]

### Chapter 45.52 CLAIMS AGAINST TOWNS

#### Sections

45.52.010 Claims to be itemized before allowance.  
45.52.020 Verification of claims.  
45.52.030 Auditing of claims.  
45.52.040 Penalties for allowing claims not verified.  
45.52.050 Board to audit and settle town charges.  
45.52.060 Shall audit accounts of town officers.  
45.52.070 Board shall draw up report.  
45.52.080 Report to be read at town meeting.  
45.52.090 Treasurer shall pay audited accounts.

*Supervisors to audit accounts against towns:* RCW 45.24.050.

*What are town charges:* RCW 45.56.010.

**45.52.010 Claims to be itemized before allowance.** Before any account, claim or demand against any town of this state, for any property or services for which such town shall be liable, shall be audited or allowed by the board of officers authorized by law to audit and allow the same, the person in whose favor such account, claim or demand shall be, or his agent, shall reduce the same to writing in items, and shall verify the same to the

effect that such account, claim or demand is just and true, that the money therein charged was actually paid for the purposes therein stated, that the property therein charged was actually delivered or used for the purposes therein stated, and was of the value therein charged, and that the services therein charged were actually rendered, and of the value therein charged; or, in case such services were official for which fees are prescribed by law, then that the fees or amounts charged therefor are such as are allowed by law, and that no part of such account, claim or demand has been paid: *Provided*, That when the books of the town clerk show the official attendance of a town officer, his claim for per diem for that service need not be verified. [1895 c 175 § 61; RRS § 11422.]

*Supervisors to audit accounts against towns: RCW 45.24.050.*

**45.52.020 Verification of claims.** The verification required by RCW 45.52.010 may be made before any officer authorized by law to administer oaths, or before any member of the board to which the account, claim or demand shall be presented to be audited; and every member of any such board is hereby authorized to administer the proper oath in such cases; and every person who shall wilfully or knowingly swear falsely on any such cases, shall be deemed guilty of wilful perjury, and be punished accordingly: *Provided*, That in any case any such account, claim or demand shall be made or presented by any administrator or executor on behalf of the estate of a deceased person, he shall not be required to verify the same, but may prove the same otherwise to the satisfaction of the board. [1895 c 175 § 62; RRS § 11423.]

**45.52.030 Auditing of claims.** Whenever any account, claim or demand against any town shall have been verified in the manner prescribed in \*this act, the board of officers to whom the same shall be presented may receive and consider the same, and may allow or disallow the same in whole or in part as to such board or officers shall appear just or lawful, saving to such claimants the right of appeal. [1895 c 175 § 63; RRS § 11424.]

\*Reviser's note: "this act", see note following RCW 45.08.020.  
*Verification of claims: RCW 45.52.020.*

**45.52.040 Penalties for allowing claims not verified.** Any member of such board who shall audit and allow any accounts, claim or demand required by \*this act to be itemized and verified, without the same having been first duly itemized and verified, shall be deemed guilty of a misdemeanor, and be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. [1895 c 175 § 64; RRS § 11425.]

\*Reviser's note: "this act", see note following RCW 45.08.020.

**45.52.050 Board to audit and settle town charges.** The town board shall meet annually on the Tuesday next preceding the annual town meeting to be held in said town, and at such other times as they deem necessary and expedient, for the purpose of auditing and settling

all charges against said town, and they shall state on each account the amount allowed by them; but no allowance shall be made for any account which does not specifically state each item of the same, and the nature thereof; and all unpaid accounts of town officers for services rendered since the last annual meeting of said board shall be presented to the town board at their annual meeting on the Tuesday next preceding the annual town meeting, to be audited as aforesaid. [1895 c 175 § 65; RRS § 11426.]

Reviser's note: Caption for 1895 c 175 § 65 reads: "Town board to meet, when."

**45.52.060 Shall audit accounts of town officers.** The said board shall also, at their annual meeting in each year, examine and audit the accounts of the town treasurer for all moneys received and disbursed by him as such officer; and they shall audit the accounts of all other town officers who are authorized by law to receive or disburse any money of the town by virtue of their office. [1895 c 175 § 66; RRS § 11427.]

*Duties of town treasurer—Shall make annual statement: RCW 45.32.050.*

*Poundmaster—Duties—Fees: RCW 45.36.030.*

**45.52.070 Board shall draw up report.** Such board shall draw up a report, stating in detail the items of account audited and allowed since the last annual meeting, the nature of each account and the name of the person to whom such account was allowed, the total amount audited and allowed to each township officer in payment for his services since their last annual meeting, including a statement of all the fiscal concerns of the town. As a part thereof said board shall make an estimate of the sum necessary for the current expenses thereof, and other incidental expenses for the ensuing year. [1895 c 175 § 67; RRS § 11428.]

**45.52.080 Report to be read at town meeting.** Such report shall be produced and publicly read by the town clerk at the next ensuing town meeting; and the whole or any portion of such report may be referred, by the order of the meeting, to a committee whose duty it shall be to examine the same and report thereon to such meeting. [1895 c 175 § 68; RRS § 11429.]

**45.52.090 Treasurer shall pay audited accounts.** The amount of any account audited and allowed by the town board, and the amount of any account voted to be allowed at any town meeting, shall be paid by the town treasurer on the order of said board, signed by the chairman and countersigned by the clerk; and all orders issued to any person by the town board for any sums due from such town shall be received in payment of town taxes of said town. [1895 c 175 § 69; RRS § 11430. Formerly RCW 45.52.090 and 45.52.100.]

## Chapter 45.54 ASSESSMENT OF PROPERTY

### Sections

45.54.010 Assessors and town board of review abolished.

45.54.020 Assessors and town board of review abolished—Powers transferred.

Reviser's note: Assessment of property was regulated by 1895 c 175 §§ 79–82 and amendments thereto, as follows:

**Duties of township assessor.** "Each township assessor elected or appointed under this title shall take an oath and give a bond as now required of county assessors, the amount of said bond to be fixed, and the said bond to be approved, by the board of supervisors; and each township assessor shall, in his town, perform the same duties and exercise the same rights as are now performed and exercised by county assessors in their respective counties under the laws of this state, and shall be subject to the same penalties as county assessors now are. All township assessors of the respective counties shall meet at the office of the county assessor on the second Tuesday of February of each year, and formulate and adopt by a majority vote of those present a plan and policy for the purpose of securing the equitable and uniform listing and valuation of property throughout the county, and it shall be the duty of all township assessors to make their respective assessments according to the plan and policy adopted at such meeting, and the county assessor shall have supervisory control over said township assessors for the purpose of enforcing the making of assessments according to such plan and policy." [1923 c 13 § 7; 1909 c 47 § 5; 1895 c 175 § 79; RRS § 11441.]

**County auditor to furnish assessors' books and blanks.** "First. The county assessor shall annually provide the necessary assessment books and blanks at the expense of the county, for and to correspond with each assessment district. He shall make out in the real property assessment book complete lists of all lands or lots subject to taxation, showing the names of the owners, if to him known, and, if unknown, so stated opposite each tract or lot, the number of acres and the lots and parts of lots or blocks included in each description of property. The list of real property becoming subject to assessment and taxation every odd numbered year may be appended to the personal property assessment book. The assessment books and blanks shall be delivered to the county assessor on or before the second Saturday of March in each year, and the town assessors shall meet on that day at the office of the county assessor for the purpose of receiving such books and blanks, and for conference with the said county assessor in reference to the performance of their duties and that all township assessors shall perform their duties under the supervision of the county assessor.

Second. The county assessor shall in making up his work for the county board of equalization, add thereto the assessment rolls of the various townships and the same shall be equalized by the county board of equalization as between townships as other property in such counties is equalized. If it shall be necessary to raise the assessment of a township or townships, the county board of equalization shall serve written notice upon the chairman of the township board of supervisors of its intention so to do and shall also give general notice by publication to the residents of such township or townships at least five days previous to raising such assessment." [1911 c 34 § 1; 1909 c 47 § 6; 1895 c 175 § 80; RRS § 11442.]

**Town board of review—Duties.** "The board of supervisors of each town shall meet on the second Monday in May at the office of the town clerk for the purpose of reviewing the assessment of property in such town, and they shall immediately proceed to examine, ascertain and see that all taxable property in their town or district has been properly placed upon the list and duly valued by the assessor; and in case any property, real or personal, shall have been omitted by inadvertence or otherwise, it shall be the duty of said board to place the same upon the list, with the true value thereof, and proceed to correct the assessment, so that each tract or lot of real property and each article, parcel or class of personal property shall be entered on the assessment list at the true and full value thereof; but the assessment of the property of any person shall not be raised until such person shall have been duly notified of the intention of the board so to do. And on the application of any person considering himself aggrieved they shall review the assessment and correct the same as shall appear to them just. Any two of said officers are authorized to act at such meeting, and they may adjourn from day to day until they shall finish the hearing of all cases presented. All complaints and grievances of individuals, residents of the town or district, in reference to the assessment of any property, shall be heard and decided by the town board: *Provided*, That the complaints of nonresidents in reference to the assessment of any property, real or personal, and of others in reference to any assessment made after the meeting of the town board of review, shall be heard and determined by the county board of equalization: *Provided further*, That any person considering himself aggrieved by a decision of

the town board of review may present the matter to the county board of equalization for determination." [1909 c 47 § 7; 1895 c 175 § 81; RRS § 11443.]

**Notice of meeting of board of review.** "The assessor shall cause at least ten days' previous notice of the time and place of the meeting of the town board of review by posting notices in at least three public places in his town or district, but the failure to give such notice or hold such meeting shall not vitiate such assessment, except as to the excess of valuation of tax thereon shown to be unjustly made or levied. It shall be the duty of the assessor to attend the meeting of the town board of review with his assessment books and papers, and note all changes and additions made by the board, and correct his work accordingly, and not later than ten days after the meeting of the board of review said assessor shall return the assessment books of his town, duly verified, along with all the assessment papers in his hands, to the county assessor not later than the fifth day of June." [1909 c 47 § 8; 1895 c 175 § 82; RRS § 11444.]

**45.54.010 Assessors and town board of review abolished.** Hereafter no assessor shall be elected by the electors of any township at any township meeting; nor shall the board of supervisors of any township hereafter meet and convene, or exercise any powers or perform any duties, as a town board of review, for the purpose of reviewing the assessment of property of the township or for any other purpose. [1937 c 81 § 1; RRS § 11376–1.]

**45.54.020 Assessors and town board of review abolished—Powers transferred.** On and after March 1, 1937, the office of township assessor and the town board of review for townships shall be and hereby are abolished; and on and after said date all powers and duties of said assessor and said board of review shall be vested in and required to be performed by the county assessor and the county board of equalization, respectively: *Provided*, That the abolishment of said office and said board shall not affect the validity of any act done or performed by any township assessor or any town board of review in assessing and valuing or equalizing property for taxation purposes prior to said date, and shall not affect the validity of any tax levied or based upon any such acts. [1937 c 81 § 2; RRS § 11443–1.]

## Chapter 45.56 TOWN TAXES AND CHARGES

### Sections

- 45.56.010 What are town charges.
- 45.56.035 Ad valorem taxes prohibited—Levy by county commissioners.
- 45.56.040 Limit of debts and outlays.
- 45.56.050 County aid to townships.
- 45.56.070 Poll tax to be a town fund.
- 45.56.080 County treasurer to pay over township moneys quarterly.

*Tax levy to pay judgment: RCW 45.64.080.*

**45.56.010 What are town charges.** The following shall be deemed town charges:

- (1) The compensation of town officers for services rendered their respective towns.
- (2) Contingent expenses necessarily incurred for the use and benefit of the town.
- (3) The moneys authorized to be raised by the vote of the town meeting for any town purpose.
- (4) Every sum directed by law to be raised for any town purpose. [1959 c 16 § 3. Prior: 1895 c 175 § 84; RRS § 11446.]

**45.56.035 Ad valorem taxes prohibited—Levy by county commissioners.** See chapter 45.82 RCW.

**45.56.040 Limit of debts and outlays.** No town has power to contract debts or make expenditures for any one year in a larger sum than the amount of revenues provided for that year in a formally adopted budget. [1969 ex.s. c 243 § 5; 1895 c 175 § 86; RRS § 11448.]

**Severability—1969 ex.s. c 243:** See note following RCW 45.82.010.

**45.56.050 County aid to townships.** Whenever any county of this state shall have adopted township organization it shall be the duty of the board of county commissioners of such county to set aside from the levy of the current year the following sums, which shall be paid to the township treasurer in the manner provided by law: To each township for current expenses, one hundred dollars; to each township for \*township roads and bridges, twenty-five percent of the amount levied upon the property of said township for construction and repair of roads and bridges. [1913 c 142 § 10; RRS § 11449.]

**\*Reviser's note:** "township roads and bridges", see note (1) following RCW 45.24.010.

**45.56.070 Poll tax to be a town fund.** All poll tax collected by any \*road overseer or other town officer shall be by him paid to the town treasurer and be part of the township funds. [1895 c 175 § 90; RRS § 11453.]

**\*Reviser's note:** "road overseer", see note (1) following RCW 45.24.010.

**45.56.080 County treasurer to pay over township moneys quarterly.** The county treasurer shall keep an account of the money received for each town, and shall quarterly, after the settlement between the county treasurer and county auditor, pay over any money due a town to its treasurer upon the warrant of the county auditor. [1895 c 175 § 92; RRS § 11455.]

**Chapter 45.64  
ACTIONS BY OR AGAINST TOWNS**

Sections

- 45.64.010 How governed.
- 45.64.020 Actions, in what name brought.
- 45.64.030 Papers in action; how served.
- 45.64.040 Action before justice of peace.
- 45.64.050 Action to recover penalty for trespass.
- 45.64.060 In action over lands court may partition.
- 45.64.070 Judgment against town; how collected.
- 45.64.080 Tax levy to pay judgment.

**Powers of electors at town meetings:** RCW 45.12.100(3), (4), (7), and (8).

**Proceedings to be in name of town:** RCW 45.12.040.

**Supervisors to prosecute actions on bonds, penalties and trespasses:** RCW 45.24.040.

**45.64.010 How governed.** Whenever any controversy or cause of action exists between towns, or between a town and an individual or corporation, such proceedings shall be had either at law or equity, for the purpose of trying and settling such controversy, and the same shall be conducted in the same manner, and the judgment or

decree therein shall have the like effect, as in other actions or proceedings of a similar kind between individuals and corporations. [1895 c 175 § 97; RRS § 11460.]

**Reviser's note:** Caption for 1895 c 175 § 97 reads: "Actions between towns; how regulated."

**Only one form of action—Civil action:** RCW 4.04.020.

**45.64.020 Actions, in what name brought.** In all such actions and proceedings the town shall sue and be sued in its name. [1895 c 175 § 98; RRS § 11461.]

**Powers of towns:** RCW 45.12.020(1).

**Proceedings to be in name of town:** RCW 45.12.040.

**45.64.030 Papers in action; how served.** In legal proceedings against a town by name, all papers shall be served on the chairman of the board of supervisors, and, in case of his absence, on the town clerk; and whenever any action or proceeding is commenced, said chairman shall attend to the defense thereof, and lay before the electors of the town, at the first town meeting, a full statement of such proceedings, for their direction in regard to the defense thereof. [1895 c 175 § 99; RRS § 11462.]

**45.64.040 Action before justice of peace.** No action in favor of any town shall be brought before any justice of the peace residing in such town. [1895 c 175 § 100; RRS § 11463.]

**45.64.050 Action to recover penalty for trespass.** Whenever any action is brought to recover a penalty imposed for any trespass committed on the lands belonging to the town, if it appears on the trial thereof that the actual amount of injury to such town lands in consequence of such trespass exceeds the sum of twelve dollars and fifty cents, then the amount of actual damage with cost of suit shall be recovered in said action, instead of any penalty for said trespass imposed by the town meeting; and such recovery shall be used as a bar to every other action for the same trespass. [1895 c 175 § 101; RRS § 11464.]

**Supervisors to bring actions for trespass:** RCW 45.24.040.

**Trespass:** Chapter 64.12 RCW.

**45.64.060 In action over lands court may partition.** Whenever by decree or decision, in any action or proceeding brought to settle any controversy in relation to town commons or other lands, the common property of a town, or for the partition thereof, the rights of any town are settled and confirmed, the court in which such proceedings are had may partition such lands according to the right of parties. [1895 c 175 § 102; RRS § 11465.]

**Reviser's note:** Caption for 1895 c 175 § 102 reads: "Other actions; how regulated."

**Special proceedings—Partition:** Chapter 7.52 RCW.

**45.64.070 Judgment against town; how collected.** When a judgment is recovered against any town, or against any town officers, in an action prosecuted by or against them in their name of office, no execution shall be awarded or issued upon such judgment, but the same, unless reversed or stayed on appeal, shall be paid by the

town treasurer, upon demand and the delivery to him of the certified copy of the judgment, if there is sufficient money of such town in his hands not otherwise appropriated. If he fails to do so, he shall be personally liable for the amount, unless the collection thereof is afterward stayed upon appeal. If payment is not made within thirty days after the time fixed by law for the county treasurer to pay over to the town treasurer the money in his hands belonging to such town, levied for the purpose of paying such judgment, next after the rendition of such judgment, execution may be issued on such judgment, but only town property shall be liable thereon. [1895 c 175 § 103; RRS § 11466.]

*Enforcement of judgments—Executions: Chapter 6.04 RCW.*

**45.64.080 Tax levy to pay judgment.** If judgment for the recovery of money is rendered against any town, and the judgment is not satisfied, or proceedings thereon stayed by appeal or otherwise, before the next annual meeting of said town, a certified copy of the judgment may be presented to said town at said annual meeting. The supervisors of the town shall thereupon cause the amount due on the judgment, with interest from the date of its recovery, to be added to the tax of said town, and the same certified to the county auditor, and collected as other town taxes are collected. [1895 c 175 § 104; RRS § 11467.]

### Chapter 45.68 GUIDEPOSTS

#### Sections

- 45.68.010 Guideposts.
- 45.68.020 Supervisors to make report of guideposts.
- 45.68.030 Town to determine places for guideposts; penalty.
- 45.68.040 Guideposts; how erected and marked.
- 45.68.050 Penalty for not maintaining guideposts.

**45.68.010 Guideposts.** Every township shall, in the manner provided herein, erect and maintain guideposts on the highways and other ways within the township at such places as are necessary or convenient for the direction of travelers. [1895 c 175 § 105; RRS § 11468.]

**45.68.020 Supervisors to make report of guideposts.** The supervisors shall submit to the electors at every annual meeting a report of all the places at which guideposts are erected and maintained within the town, and of all places at which, in their opinion, they ought to be erected and maintained. For each neglect or refusal to make such report, they shall severally forfeit the sum of ten dollars. [1895 c 175 § 106; RRS § 11469.]

**45.68.030 Town to determine places for guideposts; penalty.** Upon the report of the supervisors, the town shall determine the several places at which guideposts shall be erected and maintained, which shall be recorded in the town records. A town officer who neglects or refuses to determine such places and to cause a record thereof to be made shall forfeit to the \*road and bridge fund the sum of five dollars for every month during which it [he] neglects or refuses so to do; and in such case, upon any trial for not erecting or maintaining

guideposts reported to be necessary or convenient by the supervisors, the town shall be estopped from alleging that such guideposts were not necessary or convenient. [1895 c 175 § 107; RRS § 11470.]

\*Reviser's note: "road and bridge fund", see note (1) following RCW 45.24.010.

**45.68.040 Guideposts; how erected and marked.** At each of the places determined by the town there shall be a substantial post of not less than eight feet in height, near the upper end of which shall be placed a board, and upon such board shall be plainly and legibly painted or otherwise marked the name of the next town or place, and such other town or place of note as the supervisors think proper, to which each of such roads lead, together with the distance or number of miles to the same; and also the figure of a hand with the forefinger thereof pointed towards the towns or places to which said roads lead: *Provided*, That the inhabitants of any town may, at their annual meeting, agree upon some suitable substitute for such guideposts. [1895 c 175 § 108; RRS § 11471.]

**45.68.050 Penalty for not maintaining guideposts.** Every town officer who neglects or refuses to erect and maintain such guideposts or some suitable substitute therefor shall forfeit annually the sum of five dollars for every guidepost which he so neglects or refuses to maintain, which sum may be sued for and collected by any person before any justice of the peace of the proper county, and the moneys so collected shall be paid into the town treasury for the \*benefit of the roads and bridges of said town. [1895 c 175 § 109; RRS § 11472.]

\*Reviser's note: "benefit of the roads and bridges", see note (1) following RCW 45.24.010.

### Chapter 45.72 MISCELLANEOUS PROVISIONS

#### Sections

- 45.72.010 Public places for posting notices.
- 45.72.020 Conveyances of real estate.
- 45.72.030 Former precincts and road districts abolished, etc.
- 45.72.040 Payment of outstanding obligations.
- 45.72.050 Payment of outstanding obligations—Tax levy to pay obligations.
- 45.72.060 Payment of outstanding obligations—Collection of tax—Application of proceeds.
- 45.72.070 Construction of words used in this act.

**45.72.010 Public places for posting notices.** At the annual town meeting in each year, the legal voters present at each meeting shall determine and designate three places in the town as public or the most public places of such town, and that all legal notices required to be posted in three public or the most public places of a town shall be posted up at such places at least, and they shall make provision for the erection and maintenance of suitable posts on which to post up notices as aforesaid, in all places so designated in which there is no sufficient natural convenience for that purpose. [1895 c 175 § 110; RRS § 11473.]

*Bylaws to be posted: RCW 45.28.100.*



*Fees for posting notices: RCW 45.44.010.*

**45.72.020 Conveyances of real estate.** Whenever any real estate belonging to the town is sold, the conveyances thereof shall be executed by the chairman of the town board in his official capacity and attested by the clerk; and such conveyance, duly witnessed and acknowledged, shall convey to the grantee therein named all of the right, title and estate which the town then has in the real estate conveyed. [1909 c 47 § 11; RRS § 11483.]

*Powers of towns: RCW 45.12.020(2).*

*Proceedings to be in name of town: RCW 45.12.040.*

*Town supervisors—Powers and duties—General—Powers of police judge: RCW 45.24.010.*

**45.72.030 Former precincts and road districts abolished, etc.** In all townships after they become fully organized under this act, the election precinct or precincts, and road district or districts theretofore organized by the county commissioners shall be abolished, and election precincts and road districts shall be established as provided in this act; and there shall be no election for road overseers in the December following the general election at which township organization is voted, but the road overseers then holding office shall continue to hold their offices till the township road overseers have been elected or appointed and qualified. After townships have been organized, justices of the peace and constables shall not be elected at general elections, but at town meetings as herein provided. The assessment of property in any town made last before any township has been organized shall remain and continue in force till the next assessment has been made by the township assessor. The county assessor shall not assess any property within the limits of an organized township, and the assessment of property made by the township assessors shall have the same force and effect, when reviewed by the town board of review, as the assessment of property now made by county assessors, and shall be acted on and equalized by the county board of equalization as required by law. [1895 c 175 § 116; RRS § 11479.]

*Reviser's note:* (1) "this act", see note following RCW 45.08.020.

(2) "road districts", "road overseers", see note (1) following RCW 45.24.010.

*Office of township assessor abolished: Chapter 45.54 RCW.*

**45.72.040 Payment of outstanding obligations.** Whenever any county has heretofore, or shall hereafter, adopt and take upon itself township organization and government under the provisions of any law passed pursuant to the provisions of section 4, Article XI of the Constitution of this state, authorizing such organization and government, and at the time of the adoption of such form of government there shall exist against any road district in such county, previously created and defined by the commissioners of such county, any obligations for debts incurred in the construction or repair of any roads or bridges in such road district, such change in the government of said county shall not in any way affect such existing obligations of any such road district; but all such obligations shall remain and constitute a valid charge upon and against all of the taxable property

included within the territorial limits of such road district as it existed at the time of the adoption of such township organization for the full amount of all of said obligations. For the purposes of \*this act, the territory which comprised said road district shall thereafter comprise and constitute a road tax district of said county, and said road tax district shall be designated by a like number by which said road district was theretofore known. [1911 c 13 § 1; RRS § 11480.]

*\*Reviser's note:* "this act", 1911 c 13, is codified as RCW 45.72.040 through 45.72.060.

*Town taxes and charges: Chapter 45.56 RCW.*

**45.72.050 Payment of outstanding obligations—Tax levy to pay obligations.** There shall be levied annually at the same time the levy for general county taxes is made, and by the officers levying the said county tax, a tax of not more than one dollar and twenty-five cents per thousand dollars of assessed value on all taxable property within the territorial limits of every such road district as the same existed at the time of the adoption of such township organization for the payment of and until the full amount of all indebtedness, together with all accrued and accruing interest thereon, existing against any such road district, shall have been paid in full. [1973 1st ex.s. c 195 § 45; 1911 c 13 § 2; RRS § 11481.]

*Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.*

*Property taxes—Levy of taxes: Chapter 84.52 RCW.*

**45.72.060 Payment of outstanding obligations—Collection of tax—Application of proceeds.** The tax levied, as provided for in RCW 45.72.050, shall be extended upon the tax rolls of the county, and shall be collected by the county treasurer of said county at the same time and in the same manner as other taxes are collected, and said treasurer shall credit to the proper road tax district all sums collected from any such levy, and all sums so collected shall by the said treasurer be applied to the payment, in the order of their issue, of the outstanding warrants against the road district for the indebtedness of which said levy was made. [1911 c 13 § 3; RRS § 11482.]

*Property taxes—Collection of taxes: Chapter 84.56 RCW.*

**45.72.070 Construction of words used in \*this act.** In \*this act the words town and township are used with the same meaning, and are used to designate a township organized under \*this act, unless the contrary appears from the context; and whenever the word oath is used, it shall be understood to mean oath or affirmation.

The word tax means special taxes raised by special assessments and other forms of taxation authorized by law except ad valorem property taxes. [1969 ex.s. c 243 § 6; 1909 c 47 § 10; 1895 c 175 § 115; RRS § 11478.]

*\*Reviser's note:* "this act", see note following RCW 45.08.020.

*Severability—1969 ex.s. c 243: See note following RCW 45.82.010.*

**Chapter 45.76**  
**DISORGANIZATION OF TOWNSHIPS**

## Sections

45.76.020	Proceedings for disorganization—Petition for election.
45.76.030	Petition—Canvass by auditor.
45.76.040	Election—Notice—Precincts.
45.76.050	Election—Ballots.
45.76.060	Election—Conduct.
45.76.070	Order of disorganization—Receiver.
45.76.080	Powers of receiver.
45.76.090	Tax levy to pay obligations.
45.76.100	Final account—Disposition of remaining funds— Order of dissolution.

**45.76.020 Proceedings for disorganization—Petition for election.** Proceedings for disorganization of a township may be commenced by petition for an election therein upon the question. A petition for such election shall be filed with the county auditor. It must be signed by registered voters residing within the township sufficient in number to equal twenty percent of the vote of the township at the last general election. [1951 c 173 § 1.]

**45.76.030 Petition—Canvass by auditor.** The county auditor shall canvass the petition for an election to vote upon the question of disorganization:

(1) By ascertaining the number of votes cast at the last general election by persons residing within such township; and

(2) By ascertaining by comparison whether the handwriting of each signer on the petition and on the registration card bearing his name were made by the same person. [1951 c 173 § 2.]

**45.76.040 Election—Notice—Precincts.** If the number of valid signatures on the petition are sufficient, the county auditor shall fix a date for holding the election and give at least twenty days' notice thereof. Notices of elections shall contain a statement of the purpose for which the election is called, the time at which it will be held and the location of the voting place or voting places. Regular voting precincts may be divided or combined, or both. The notices shall be posted in ten of the most public places within the township sought to be disorganized. [1951 c 173 § 3.]

**45.76.050 Election—Ballots.** Ballots for elections to be held under the provisions of this chapter shall have printed thereon the words "for disorganization" on one line, followed by a printed square bounded on all sides by a line one quarter of an inch long, and the words "against disorganization" on another line, followed by a similar printed square. At the top of the ballot shall appear directions to the voter advising him to place a cross in the square opposite the decision of his choice, or words to that effect. [1951 c 173 § 4.]

**45.76.060 Election—Conduct.** Elections held under the provisions of this chapter shall be conducted by the county auditor and canvassed by the county election board conformable as nearly as practicable to the requirements for conducting and canvassing the returns of general elections. [1951 c 173 § 5.]

*Elections—Canvassing the returns: Chapter 29.62 RCW.*

*Elections—Generally: Title 29 RCW.*

**45.76.070 Order of disorganization—Receiver.** If, in an election held under the provisions of this chapter, a majority of the votes cast thereat favor disorganization, the county auditor shall certify the results to the presiding judge of the superior court for the county, who shall enter an order of disorganization and shall appoint the chairman of the board of county commissioners who shall act as receiver to wind up the affairs of the disorganized township. [1951 c 173 § 6.]

**45.76.080 Powers of receiver.** The chairman of the board of county commissioners shall take possession of all the property, moneys, vouchers, records and books of the former township, including those in any manner pertaining to its business, and proceed to wind up its affairs. He shall have the right to sue and be sued in all cases necessary or proper for the purpose of winding up the affairs of the former township. He is authorized to sell at public auction, after such public notice as the sheriff is required to give as to property sold on execution, all the property of the former township, except such as is necessary for his use in winding up its affairs. Any personal property may be sold for cash. Real property may be sold for all cash or for one-half cash and deferred payments, the last payment not to be later than one year from date of sale. Title shall not pass until all deferred payments have been fully paid. [1951 c 173 § 7.]

*Executions: Chapter 6.04 RCW.*

**45.76.090 Tax levy to pay obligations.** In the same manner and to the same extent as the proper authorities of the former township could have done had it not been disorganized, the chairman of the board of county commissioners may be authorized by the court when necessary to levy taxes on all taxable property therein, to receive the taxes when collected and to apply them together with the proceeds arising from any sales of property to the extinguishment of the obligations of the former township. [1951 c 173 § 8.]

*Town taxes and charges: Chapter 45.56 RCW.*

**45.76.100 Final account—Disposition of remaining funds—Order of dissolution.** Upon the payment of all lawful demands against the former township, the chairman of the board of county commissioners shall file a final account, together with all vouchers, with the clerk of the superior court and pay any funds remaining in his hands to the county treasurer to be placed to the credit of any school district or districts within whose boundaries the township is located, said money to be prorated to such school districts in proportion to their share of assessed value of the real estate located therein: *Provided*, That if within one hundred eighty days after the execution of the order of dissolution any city or town is incorporated within the boundaries of the dissolved township, such remaining funds shall be divided between the operating fund of such city or town and said school district or districts in the proportion that the assessed valuation of the territory included within the boundaries

of the city or town bears to the assessed valuation of the entire property lying within the boundaries of the dissolved township. Upon the approval by the court of said final account the court shall sign proper orders dissolving such township. [1957 c 65 § 1; 1951 c 173 § 9.]

### Chapter 45.80 COUNTY-WIDE DISORGANIZATION OF TOWNSHIPS

#### Sections

- 45.80.010 Proceedings for disorganization—Resolution directing election.
- 45.80.020 Election—Date.
- 45.80.030 Election—Conduct and canvass.
- 45.80.040 Election—Order of disorganization—Receiver.
- 45.80.050 Powers and duties of receiver.
- 45.80.060 Tax levy by disorganized township barred—Levy to extinguish obligations.
- 45.80.070 Final account—Payment of demands—Disposition of funds—Order of dissolution—Transfer of cemetery properties.
- 45.80.080 Vesting of property—Management, conditions.
- 45.80.090 Tax levy by fire protection district when township disorganized and no longer making a levy.
- 45.80.100 Chapter additional to other laws.

*County-wide disorganization election: RCW 45.82.010(2).*

**45.80.010 Proceedings for disorganization—Resolution directing election.** Proceedings for the disorganization of the township organization of a county may be commenced by the board of county commissioners through its filing a resolution with the county auditor directing that there be an election by the voters of the county upon the question. [1961 c 53 § 1.]

**45.80.020 Election—Date.** Upon the filing of the resolution the county auditor shall fix a date for holding an election thereon which may be either a special or general election date set not later than the general election next succeeding the filing of the resolution in the office of the county auditor. [1961 c 53 § 2.]

**45.80.030 Election—Conduct and canvass.** Elections held under the provisions of this chapter shall be conducted by the county auditor and canvassed by the county election board in the manner provided by law for the conducting and canvassing of returns of general elections within the county. [1961 c 53 § 3.]

*Canvassing election returns: Chapter 29.62 RCW.*

*Elections generally: Title 29 RCW.*

**45.80.040 Election—Order of disorganization—Receiver.** If a majority of the votes cast upon the question favor disorganization of the township system of the county, the county auditor shall certify the results to the presiding judge of the superior court for the county, who shall enter an order of disorganization effective December 31st of that year and shall appoint the chairman of the board of county commissioners to act as receiver to wind up the affairs of the disorganized township. [1961 c 53 § 4.]

**45.80.050 Powers and duties of receiver.** The chairman of the board of county commissioners shall take

possession of all the property, moneys, vouchers, records and books of the townships of the county, including those in any manner pertaining to its business, and proceed to wind up their affairs. He shall have the right to sue and be sued in all cases necessary or proper for the purpose of winding up the affairs of the townships. He is authorized to sell at public auction, after such public notice as the sheriff is required to give as to property sold on execution, all the property of the former townships, except property granted under the provisions of RCW 45.80.080. [1961 c 53 § 5.]

*Executions generally: Chapter 6.04 RCW.*

**45.80.060 Tax levy by disorganized township barred—Levy to extinguish obligations.** A township ordered disorganized by the court will not after the effective date of the order of disorganization levy any tax. However, the chairman of the board of county commissioners may be authorized by the court, when necessary for the extinguishment of the obligations of the township, to levy taxes on all taxable property therein, to receive the taxes when collected and to apply them, together with the proceeds arising from any sales of property, to the extinguishment of the obligations of the townships. [1961 c 53 § 6.]

**45.80.070 Final account—Payment of demands—Disposition of funds—Order of dissolution—Transfer of cemetery properties.** When an election has resulted in an affirmative vote to disorganize the townships in a county, the chairman of the board of county commissioners shall take the following actions in the order indicated:

First, he shall pay all lawful demands against the townships, and then file a final account together with all vouchers, with the clerk of the superior court;

Second, if prior to the election a tax levy has been made by one or more of the townships, for collection the year following the election, and if a pro rata reduction has been caused in the levy of any junior taxing district in the county which would [not] have been required had the township made no levy, the chairman shall order the county treasurer to collect the township levy and to disburse to the junior taxing district whose levy was reduced by proration the sum of money by which its levy was so reduced; if the township levy is not sufficient for such payments, any available funds to the credit of the township shall be so paid;

Third, the chairman shall pay any remaining township funds to the county treasurer to be deposited to the credit of the several taxing districts of the county (except the state and county) in the following allocations: Each such taxing district of the county shall receive a share that bears the same proportion to the total amount as its assessed valuation within the township times its authorized levy last in process of collection (excepting excess levies) bears to the total assessed valuation of such taxing districts within the township times the total authorized levy (excepting excess levies) of such districts. Upon approval by the court of said final account the court shall sign proper orders dissolving said township;

Fourth, he shall transfer all cemetery properties, facilities, and funds, real and personal, together with all funds designated or intended for endowment care, perpetual care, or similar purposes to the cemetery authority succeeding to the operation and maintenance of such cemetery. All gifts and donations shall be applied strictly according to the requirements stipulated by the donor. Where donor has not otherwise specified, such funds shall be presumed to be endowment care funds within the meaning of chapter 68.44 RCW, and are to be devoted exclusively to the care, improvement, or embellishment of the cemetery or such other purposes authorized by RCW 68.40.060. [1971 c 19 § 3; 1961 c 53 § 7.]

**45.80.080 Vesting of property—Management, conditions.** Cemetery real property, buildings, and the furnishings and equipment used in connection with the operation of a cemetery shall pass to the cemetery authority succeeding to the control, management, and operation of the cemetery. All other real property, buildings, and the furnishings and equipment used in connection with buildings owned by the township shall pass to the county in fee upon the effective date of the order of disorganization. Such property, as all other county property, shall be managed and controlled by the board of county commissioners: *Provided*, That the board shall for at least five years maintain and operate township meeting halls for community and public use. [1971 c 19 § 4; 1961 c 53 § 8.]

**45.80.090 Tax levy by fire protection district when township disorganized and no longer making a levy.** See RCW 52.16.160.

**45.80.100 Chapter additional to other laws.** This chapter shall not be construed to repeal, amend or modify any law heretofore enacted providing a method of township disorganization in this state, but shall be held to be an additional and concurrent method providing for such purpose. [1961 c 53 § 10.]

### Chapter 45.82

#### AD VALOREM TAXES—SPECIAL ASSESSMENTS—GIFTS—DISORGANIZATION ELECTION

##### Sections

- 45.82.010 Ad valorem taxes prohibited—Special assessments authorized, procedure—Gifts and grants—Disorganization election.  
45.82.020 Levy of property taxes by county commissioners.

**45.82.010 Ad valorem taxes prohibited—Special assessments authorized, procedure—Gifts and grants—Disorganization election.** (1) Hereafter no township shall assess or levy any ad valorem taxes upon property. Townships may levy and collect special assessments upon property specially benefited by improvements constructed by such townships under their general powers. The procedure for the making of such improvements and the levying and collecting of such assessments shall, insofar as applicable, be the same as that prescribed for fire protection districts under chapter 52.20

RCW. A township may also receive and expend gifts and grants from any source for strictly township purposes.

(2) The county auditor of each county which contains one or more townships shall prior to January 1, 1970, fix a date for holding an election which may be either a special or general election at which election the voters of the county shall determine whether all township organizations within the county shall or shall not be disorganized. If a majority of votes cast upon the question favor disorganization of the township system of the county, the ensuing disorganization shall be conducted pursuant to RCW 45.80.040, 45.80.050, 45.80.060, 45.80.070 and 45.80.080: *Provided*, That nothing contained in subsection (1) of this section shall limit the authority of the county commissioners when authorized by the court from levying ad valorem taxes upon real property and using the proceeds therefrom in order to extinguish the obligations of townships disorganized pursuant to this subsection or pursuant to the provisions of chapter 45.80 RCW. [1969 ex.s. c 243 § 1.]

**Severability—1969 ex.s. c 243:** "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." [1969 ex.s. c 243 § 8.]

This applies to RCW 45.82.010 and 45.82.020, the 1969 amendments to RCW 45.12.100, 45.56.040, 45.72.070, 52.16.160 and to the repeal of RCW 45.56.020, 45.56.030, 45.56.060, 45.60.010, 45.60.030 and 45.60.040.

*County-wide disorganization election: RCW 45.80.020.*

**45.82.020 Levy of property taxes by county commissioners.** Any township which at the time that this 1969 amendatory act takes effect has outstanding obligations in excess of anticipated receipts from sources other than general tax levies for the next ensuing year may certify the same to the board of county commissioners and the board shall levy taxes on the property within the township at the rates which the township would have been permitted to levy except for this 1969 amendatory act until such obligations have been extinguished, and until such time such dollar rate levy will take precedence over any additional dollar rates of fire protection districts under this 1969 amendatory act. [1973 1st ex.s. c 195 § 46; 1969 ex.s. c 243 § 3.]

**Reviser's note:** (1) The effective date of 1969 ex.s. c 243 was August 11, 1969.

(2) "this 1969 amendatory act" [1969 ex.s. c 243] consists of RCW 45.82.010, 45.82.020, 45.12.100, 45.56.040, 45.72.070, 52.16.160, and the repeal of RCW 45.56.020, 45.56.030, 45.56.060, 45.60.010, 45.60.030 and 45.60.040.

**Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195:** See notes following RCW 84.52.043.

# TITLE 46

## MOTOR VEHICLES

### Chapters

- 46.01 Department of motor vehicles.
- 46.04 Definitions.
- 46.08 General provisions.
- 46.09 All-terrain vehicles.
- 46.10 Snowmobiles.
- 46.12 Certificates of ownership and registration.
- 46.16 Vehicle licenses.
- 46.20 Drivers' licenses—Identicards.
- 46.21 Driver license compact.
- 46.29 Financial responsibility.
- 46.32 Vehicle inspection.
- 46.37 Vehicle lighting and other equipment.
- 46.38 Vehicle equipment safety compact.
- 46.44 Size, weight, load.
- 46.48 Safety.
- 46.52 Accidents—Reports—Abandoned vehicles.
- 46.61 Rules of the road.
- 46.64 Enforcement.
- 46.65 Washington habitual traffic offenders act.
- 46.68 Disposition of revenue.
- 46.70 Unfair motor vehicle business practices—Dealers' and salesmen's licenses.
- 46.72 Transportation of passengers in for hire vehicles.
- 46.76 Motor vehicle transporters.
- 46.79 Hulk haulers' or scrap processors' licenses.
- 46.80 Motor vehicle wreckers.
- 46.81 Traffic safety education courses.
- 46.82 Drivers' training schools.
- 46.83 Traffic schools.
- 46.85 Reciprocal or proportional registration of vehicles.
- 46.86 Interstate commercial vehicles—Single cab cards.
- 46.88 Out-of-state commercial vehicles—Intrastate permits.
- 46.90 Washington model traffic ordinance.
- 46.98 Construction.

Reviser's note: Throughout Title 46 RCW: (1) "department of licenses" and "director of licenses" have been changed to "department of motor vehicles" and "director of motor vehicles" by authority of chapter 156, Laws of 1965 (chapter 46.01 RCW) which transferred the powers, duties and functions of the department and director of licenses to the department and director of motor vehicles; (2) "state tax commission" has been changed to "state department of revenue" by authority of 1967 ex.s. c 26 § 3; (3) "joint committee on highways, streets and bridges" has been changed to "legislative transportation committee" by authority of RCW 44.40.010; (4) "public service commission" has been changed to "utilities and transportation commission" by authority of 1961 c 290 § 1.

*Abandoned junk motor vehicles: RCW 46.52.145 through 46.52.160.*

*Aircraft and airman regulations: Chapter 14.16 RCW.*

*Aircraft dealers: Chapter 14.20 RCW.*

*Ambulances and drivers: RCW 70.54.060, 70.54.065.*

*Antifreeze vending: Chapter 19.04 RCW.*

*Auto transportation companies: Title 81 RCW.*

*Bicycles, regulation by cities: Chapter 35.75 RCW.*

*Crimes*

*driving while intoxicated while engaged in occupational duties: RCW 9.91.020.*

*firearms in vehicle: RCW 77.16.250, 77.16.280.*

*Explosives, regulation: Chapter 70.74 RCW.*

*Fireworks, regulation, transportation: Chapter 70.77 RCW.*

*Highway funds, use, constitutional limitations: State Constitution Art. 2 § 40 (Amendment 18).*

*House trailer excise tax: Chapter 82.50 RCW.*

*Hulk haulers' or scrap processors' licenses: Chapter 46.79 RCW.*

*Juveniles, court to forward record to director of motor vehicles: RCW 13.04.120.*

*Liens for towing, transportation or storage of motor vehicles: RCW 46.52.111, 46.52.114.*

*Limited access highways, violations: RCW 47.52.120.*

*Marine employe commission: Chapter 47.64 RCW.*

*Motor boat regulation: Chapter 88.12 RCW.*

*Motor vehicle excise tax: Chapter 82.44 RCW.*

*Motor vehicle fuel tax: Chapter 82.36 RCW.*

*Motor vehicle fund income from United States securities—Exemption from reserve fund requirement: RCW 43.84.095.*

*Motor vehicle, use tax: Chapter 82.12 RCW.*

*State patrol: Chapter 43.43 RCW.*

*Toll bridge authority: Chapters 47.56, 47.60 RCW.*

*Traffic control at work sites: RCW 47.36.200–47.36.230.*

*Traffic safety commission: Chapter 43.59 RCW.*

### Chapter 46.01 DEPARTMENT OF MOTOR VEHICLES

#### Sections

- 46.01.010 Purpose.
- 46.01.020 Department created—Powers, duties and jurisdiction.
- 46.01.030 Department to administer and recommend improvement of certain motor vehicle laws.
- 46.01.040 Powers, duties and functions of director of licenses relating to motor vehicle laws vested in department.
- 46.01.050 Other powers, duties and functions of director, department and division of professional licensing transferred to business and professional administration—Divisions created.
- 46.01.055 Business and professions administration—Supervision.
- 46.01.060 Transfer of property, records, funds, appropriations, etc., of department of licenses.
- 46.01.070 Functions performed by state patrol as agent for director of licenses transferred to department.
- 46.01.080 Functions performed by state patrol as agent for director of licenses transferred to department—Transfer of certain property, records, funds, etc., of state patrol to department—Segregation.
- 46.01.090 Director—Appointment—Qualifications.
- 46.01.100 Organization of department.
- 46.01.110 Rules and regulations.
- 46.01.120 Rules and regulations—Continuation of rules and regulations of director of licenses.

- 46.01.130 Powers of department and director—Personnel—  
Appointment of county auditors as agents.
- 46.01.140 County auditors, others, as agents of director—Dispo-  
sition of application fees.
- 46.01.150 Branch offices.
- 46.01.160 Forms for applications, licenses and certificates.
- 46.01.170 Seal.
- 46.01.180 Oaths and acknowledgments.
- 46.01.190 Designation of state patrol as agent for surrender of driv-  
ers' licenses.
- 46.01.200 Transfer of employees of department of licenses and state  
patrol to department—Applicability of civil service  
law.
- 46.01.230 Payment of licenses, certificates, taxes, and fees by check  
or money order authorized—Regulations—Penalty  
for nonsurrender upon cancellation.
- 46.01.250 Certified copies of records—Fee.
- 46.01.260 Destruction of records by director.
- 46.01.270 Destruction of records by county auditor.
- 46.01.290 Director to make annual reports to governor—  
Contents.

*Director of state lottery, commission, department to provide office,  
administrative and legal services for—Payment: RCW 67.67.020.*

*Extension of licensing period authorized—Rules and regulations,  
manner and content: RCW 43.24.140.*

*Gambling commission, administrator and staff for: RCW 9.46.080.*

*Interstate commercial vehicles, single cab cards: Chapter 46.86 RCW.*

**46.01.010 Purpose.** Due to the tremendous increase in motor vehicles on our highways and the attendant tragic death and accident tolls, the effective regulation and control of motor vehicles and drivers is now a major state responsibility.

It is the purpose of this chapter to establish a department of state government to be known as the department of motor vehicles, vested with the power and charged with the responsibility for efficiently administering the motor vehicle laws of this state. [1965 c 156 § 1.]

**Reviser's note:** The language "this amendatory act" appearing in the second paragraph of 1965 c 156 § 1 has been changed to "this chapter" "This amendatory act" consists of this chapter, the 1965 amendments to RCW 43.17.010, 43.17.020, and the 1965 amendments to RCW 46.08.140, 46.08.090 and 46.08.100, recodified herein pursuant to legislative directive as RCW 46.01.110, 46.01.130 and 46.01.140, respectively.

**Effective date—1965 c 156:** "The effective date of this amendatory act shall be July 1, 1965." [1965 c 156 § 24.] See above reviser's note for application of this section.

**46.01.020 Department created—Powers, duties and jurisdiction.** (1) A department of the government of this state to be known as the "department of motor vehicles" is hereby created.

(2) The department shall succeed to and is hereby vested with all powers, duties and jurisdiction relating to motor vehicles now vested in the director of licenses. [1965 c 156 § 2.]

*Powers, duties and functions of department of motor vehicles as to licensure of businesses, professions, etc., and regulation of securities: Chapter 43.24 RCW.*

**46.01.030 Department to administer and recommend improvement of certain motor vehicle laws.** The department shall be responsible for administering and recommending the improvement of the motor vehicle laws of this state relating to:

- (1) driver examining and licensing;
- (2) driver improvement;

- (3) driver records;
- (4) financial responsibility;
- (5) certificates of ownership;
- (6) certificates of license registration and license plates;
- (7) proration and reciprocity;
- (8) liquid fuel tax collections;
- (9) licensing of dealers, motor vehicle transporters, motor vehicle wreckers, for hire vehicles, and drivers' schools;
- (10) general highway safety promotion in cooperation with the Washington state patrol and state safety council;
- (11) such other activities as the legislature may provide. [1965 c 156 § 3.]

**Reviser's note:** Chapter 43.60 RCW, the state safety council, was repealed by 1967 ex.s. c 147 § 15. For provisions relating to the transfer of powers and duties to the traffic safety commission, see chapter 43.59 RCW.

**46.01.040 Powers, duties and functions of director of licenses relating to motor vehicle laws vested in department.** The department of motor vehicles is vested with all powers, functions, and duties of the director of licenses with respect to and including the following:

- (1) the motor vehicle fuel excise tax as provided in chapter 82.36 RCW;
- (2) the use fuel tax as provided in \*chapter 82.40 RCW;
- (3) the motor vehicle excise tax as provided in chapter 82.44 RCW;
- (4) the house trailer excise tax as provided in chapter 82.50 RCW;
- (5) all general powers and duties relating to motor vehicles as provided in chapter 46.08 RCW;
- (6) certificates of ownership and registration as provided in chapters 46.12 and 46.16 RCW;
- (7) the registration and licensing of motor vehicles as provided in chapters 46.12 and 46.16 RCW;
- (8) dealers' licenses as provided in chapter 46.70 RCW;
- (9) the licensing of motor vehicle transporters as provided in chapter 46.76 RCW;
- (10) the licensing of motor vehicle wreckers as provided in chapter 46.80 RCW;
- (11) the administration of the laws relating to the highway user tax structure as provided in \*\*chapter 46.84 RCW;
- (12) the licensing of passenger vehicles for hire as provided in chapter 46.72 RCW;
- (13) operators' licenses as provided in chapter 46.20 RCW;
- (14) commercial driver training schools as provided in chapter 46.82 RCW;
- (15) financial responsibility as provided in chapter 46.29 RCW;
- (16) accident reporting as provided in chapter 46.52 RCW;
- (17) disposition of revenues as provided in chapter 46.68 RCW; and

(18) the administration of all other laws relating to motor vehicles now vested in the director of licenses. [1965 c 156 § 4.]

*Reviser's note:* \*"chapter 82.40 RCW" was repealed by 1971 ex.s. c 175 § 33. For provisions relating to taxation of special fuels, see chapter 82.38 RCW.

\*\*"chapter 46.84 RCW" was repealed by 1963 c 106 § 32. For provisions relating to reciprocal or proportional registration, see chapter 46.85 RCW.

**46.01.050 Other powers, duties and functions of director, department and division of professional licensing transferred to business and professional administration—Divisions created.** All powers, functions and duties now vested by law in the director of licenses or the department of licenses or in the division of professional licensing in the department of motor vehicles, other than those enumerated in RCW 46.01.040, shall be transferred to the business and professional administration hereby created consisting of the divisions of securities, real estate, and professional licensing, within the department of motor vehicles. [1969 ex.s. c 281 § 34; 1965 c 156 § 5.]

*Delegation of authority to division of professional licensing: RCW 43.24.024.*

*Powers, duties and functions of director of licenses pursuant to licensing of businesses and professions and the regulation of securities vested in director of motor vehicles: RCW 43.24.022.*

**46.01.055 Business and professions administration—Supervision.** The director of motor vehicles shall appoint and deputize an assistant director of business and professions administration, who shall have charge and supervision of the business and professions administration. [1969 ex.s. c 281 § 35; 1967 c 32 § 117.]

**46.01.060 Transfer of property, records, funds, appropriations, etc., of department of licenses.** On July 1, 1965, all records, books, accounts, equipment, funds, appropriations, and all other property, real, personal, and mixed now or hereafter held by the department of licenses shall be transferred to the department of motor vehicles. [1965 c 156 § 6.]

**46.01.070 Functions performed by state patrol as agent for director of licenses transferred to department.** Functions named in RCW 46.01.030 which have heretofore been performed by the state patrol as agent of the director of licenses shall be performed by the department of motor vehicles after June 30, 1965. [1965 c 156 § 7.]

**46.01.080 Functions performed by state patrol as agent for director of licenses transferred to department—Transfer of certain property, records, funds, etc., of state patrol to department—Segregation.** On July 1, 1965, all records, books, accounts, equipment, funds and all other personal property now or hereafter held for the use of the Washington state patrol in performing driver licensing and driver improvement functions shall be transferred to the possession and control of the department of motor vehicles. In all cases where any question shall arise as to the proper custody of any such

property or pending business, the governor shall determine the question.

Such property used jointly for driver licensing and driver improvement functions, and enforcement functions of the Washington state patrol shall be segregated between the department of motor vehicles and the Washington state patrol as shall be determined by the governor. [1965 c 156 § 8.]

**46.01.090 Director—Appointment—Qualifications.** The department shall be under the control of an executive officer to be known as the director of motor vehicles. He shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director shall be selected with special reference to his experience, capacity and interest in the field of motor vehicle administration or highway safety. [1965 c 156 § 9.]

*Appointment of director: RCW 43.17.020.*

*Authority of director: RCW 43.24.010.*

**46.01.100 Organization of department.** The director shall organize the department in such manner as he may deem necessary properly to segregate and conduct the work of the department effectively. [1965 c 156 § 10.]

**46.01.110 Rules and regulations.** The director of motor vehicles is hereby authorized to adopt and enforce such reasonable rules and regulations as may be consistent with and necessary to carry out the provisions relating to vehicle licenses, certificates of ownership and license registration and drivers' licenses not in conflict with the provisions of Title 46 RCW. [1965 c 156 § 11; 1961 c 12 § 46.08.140. Prior: 1937 c 188 § 79; RRS § 6312-79. Formerly RCW 46.08.140.]

**46.01.120 Rules and regulations—Continuation of rules and regulations of director of licenses.** The lawfully adopted rules and regulations of the director of licenses in effect on June 30, 1965 shall continue to have full force and effect and be applicable until superseded by, or repealed by, rules and regulations lawfully adopted by the director of motor vehicles. Any references in such rules and regulations to the director of licenses shall be considered to be references to the director of motor vehicles. [1965 c 156 § 12.]

**46.01.130 Powers of department and director—Personnel—Appointment of county auditors as agents.** The department of motor vehicles shall have the general supervision and control of the issuing of vehicle licenses and vehicle license number plates and shall have the full power to do all things necessary and proper to carry out the provisions of the law relating to the licensing of vehicles; the director shall have the power to appoint and employ deputies, assistants and representatives, and such clerks as may be required from time to time, and to provide for their operation in different parts of the state, and the director shall have the power to appoint the county auditors of the several counties as his agents for the licensing of vehicles. [1973 c 103 § 2; 1971 ex.s. c 231 § 8; 1965 c 156 § 13; 1961 c 12 § 46.08.090. Prior:

1937 c 188 § 26; RRS § 6312-26; prior: 1921 c 96 § 3, part; 1917 c 155 § 2, part; 1915 c 142 § 3, part. Formerly RCW 46.08.090.]

**Severability**—1973 c 103: "If any provision of this 1973 amendatory 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." [1973 c 103 § 9.] This applies to the amendments to RCW 46.01.130, 46.01.140, 46.68.030, 82.50.902, 46.16.104, 46.16.106 and to the repeal of RCW 46.01.300, 46.16.510-46.16.550 by 1973 c 103.

**Effective date**—1971 ex.s. c 231: "(1) Sections 1 through 7 of this 1971 amendatory act shall take effect on January 1, 1972.

(2) Sections 8 through 23 of this 1971 amendatory act shall take effect on January 1, 1973." [1971 ex.s. c 231 § 24.] Sections 1 through 7 of Laws of 1971 ex. sess. c 231 consist of RCW 46.04.085, 46.04.302, 46.04.303, 46.04.305, 46.12.280, 46.16.111 and 46.16.505; sections 8 through 23 of Laws of 1971 ex. sess. c 231 consist of RCW 46.01.130, 46.01.140, 46.01.300, 46.12.105, 46.12.290, 46.16.100, 46.16.104-46.16.106, 46.16.510-46.16.550, 46.68.030 and 46.70.290.

**46.01.140 County auditors, others, as agents of director**—Disposition of application fees. The county auditor, if appointed by the director of motor vehicles shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

At any time any application is made to the director, the county auditor or other agent pursuant to any law dealing with licenses, certificates of ownership, registration, the right to operate any vehicle upon the public highways of this state, the applicant shall pay to the director, county auditor or other agent a fee of one dollar for each application in addition to any other fees required by law, which fee of one dollar, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. In the event that such fee is paid to another agent of the director, such fee shall be used by such agent to defray his expenses in handling the application: *Provided*, That in the event such fee is collected by the state patrol, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such filing fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund. [1975 1st ex.s. c 146 § 1; 1973 c 103 § 1; 1971 ex.s. c 231 § 9; 1971 ex.s. c 91 § 3; 1965 c 156 § 14; 1963 c 85 § 1; 1961 c 12 § 46.08.100. Prior: 1955 c 89 § 3; 1937 c 188 § 27; RRS § 6312-27. Formerly RCW 46.08.100.]

**Effective date**—1971 ex.s. c 231: See note following RCW 46.01.130.

**46.01.150 Branch offices.** The department may maintain such branch offices within the state as the director may deem necessary properly to carry out the powers and duties vested in the department. [1965 c 156 § 15.]

*Office of department, maintenance at state capitol: RCW 43.17.050.*

**46.01.160 Forms for applications, licenses and certificates.** The director shall prescribe and provide suitable forms of applications, certificates of ownership and registration, drivers' licenses and all other forms and licenses requisite or deemed necessary to carry out the provisions of Title 46 RCW and any other laws the enforcement and administration of which are vested in the department. [1965 c 156 § 16.]

*Director to prescribe forms for applications, licenses and certificates: RCW 43.24.040.*

**46.01.170 Seal.** The department shall have an official seal with the words "Department of Motor Vehicles of Washington" engraved thereon. [1965 c 156 § 17.]

**46.01.180 Oaths and acknowledgments.** Officers and employees of the department designated by the director are, for the purpose of administering the motor vehicle laws, authorized to administer oaths and acknowledge signatures and shall do so without fee. [1965 c 156 § 18.]

*Oath of director: RCW 43.17.030.*

**46.01.190 Designation of state patrol as agent for surrender of drivers' licenses.** The director of motor vehicles may designate the Washington state patrol as an agent to secure the surrender of drivers' licenses which have been suspended, revoked, or canceled pursuant to law. [1965 c 156 § 19.]

**46.01.200 Transfer of employees of department of licenses and state patrol to department**—Applicability of civil service law. (1) All employees of the department of licenses who are employed exclusively or principally in performing the functions vested in the department of motor vehicles shall, upon July 1, 1965, be transferred to the department of motor vehicles.

(2) All civilian employees of the Washington state patrol who are employed exclusively or principally in performing driver examining and licensing functions and driver improvement functions shall, upon July 1, 1965, be transferred to the department of motor vehicles.

(3) All such employees transferred to the department of motor vehicles as provided in this section shall continue to be governed by the provisions of chapter 41.06 RCW, the state civil service law without any loss of rights granted by said law. [1965 c 156 § 22.]

**46.01.230 Payment of licenses, certificates, taxes, and fees by check or money order authorized**—Regulations—Penalty for nonsurrender upon cancellation. (1) The department of motor vehicles is authorized to accept checks and money orders for payment of drivers' licenses, certificates of ownership and registration, motor vehicle excise taxes, gross weight fees and other fees and taxes collected by the department, in accordance with regulations adopted by the director. The director's regulations shall duly provide for the public's convenience consistent with sound business practice and shall encourage the annual renewal of vehicle registrations by



mail to the department, authorizing checks and money orders for payment. Such regulations shall contain provisions for cancellation of any registrations, licenses or permits paid for by checks or money orders which are not duly paid and for the necessary accounting procedures in such cases: *Provided*, That any bona fide purchaser for value of a vehicle shall not be liable or responsible for any prior uncollected taxes and fees paid, pursuant to this section, by a check which has subsequently been dishonored: *And provided further*, That no transfer of ownership of a vehicle shall be denied to a bona fide purchaser for value of a vehicle if there are outstanding uncollected fees or taxes for which a predecessor paid, pursuant to this section, by check which has subsequently been dishonored nor shall the new owner be required to pay any fee for replacement vehicle license number plates that may be required pursuant to RCW 46.16.270.

(2) Any person shall be guilty of a misdemeanor who shall fail to surrender within ten days to the department or any authorized agent of the department any certificate, license or permit after being notified by certified mail that such certificate, license or permit has been canceled pursuant to this section. [1975 c 52 § 1; 1965 ex.s. c 170 § 44.]

**46.01.250 Certified copies of records—Fee.** The director shall have the power and it shall be his duty upon request and payment of the fee as provided herein to furnish under seal of the director certified copies of any records of the department, except those for confidential use only. The director shall charge and collect therefor the actual cost to the department. Any funds accruing to the director of motor vehicles under this section shall be certified and sent to the state treasurer and by him deposited to the credit of the highway safety fund. [1967 c 32 § 3; 1961 c 12 § 46.08.110. Prior: 1937 c 188 § 80; RRS § 6312-80. Formerly RCW 46.08.110.]

**46.01.260 Destruction of records by director.** The director, in his discretion, may destroy applications for vehicle licenses, copies of vehicle licenses issued, applications for drivers' licenses, copies of issued drivers' licenses, certificates of title and registration or other documents, records or supporting papers on file in his office which have been microfilmed or photographed or are more than five years old. [1971 ex.s. c 22 § 1; 1965 ex.s. c 170 § 45; 1961 c 12 § 46.08.120. Prior: 1955 c 76 § 1; 1951 c 241 § 1; 1937 c 188 § 77; RRS § 6312-77. Formerly RCW 46.08.120.]

**46.01.270 Destruction of records by county auditor.** The county auditor may destroy applications for vehicle licenses, copies of vehicle licenses issued, applications for vehicle driver's licenses, and copies of issued vehicle driver's licenses, if any there be, after such records shall have been on file in his office for a period of three years, unless otherwise directed by the director. [1967 c 32 § 4; 1961 c 12 § 46.08.130. Prior: 1937 c 188 § 78; RRS § 6312-78. Formerly RCW 46.08.130.]

**46.01.290 Director to make annual reports to governor—Contents.** The director shall, on or before the first day of October of each year, make to the governor a full report of the activities of the department relating to motor vehicle administration for the prior fiscal year, incorporating therein a statement of the program for the ensuing fiscal year. Such report shall contain a statistical analysis of the activities of the department relating to driver licensing and driver improvement, vehicle licensing and liquid fuel tax collections. [1967 c 32 § 5; 1965 c 28 § 1; 1961 ex.s. c 21 § 29. Formerly RCW 46.08.200.]

## Chapter 46.04 DEFINITIONS

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"Conviction" defined: RCW 46.20.270.

"Motor vehicle dealer" defined: RCW 46.70.011.

**46.04.010 Scope and construction of terms.** Terms used in this title shall have the meaning given to them in this chapter except where otherwise defined, and unless where used the context thereof shall clearly indicate to the contrary.

Words and phrases used herein in the past, present or future tense shall include the past, present and future tenses; words and phrases used herein in the masculine, feminine or neuter gender shall include the masculine, feminine and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary. [1961 c 12 § 46.04.010. Prior: 1959 c 49 § 2; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

**46.04.020 Alley.** "Alley" means a public highway not designed for general travel and used primarily as a means of access to the rear of residences and business establishments. [1961 c 12 § 46.04.020. Prior: 1959 c 49 § 3; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.030 Arterial highway.** "Arterial highway" means every public highway, or portion thereof, designated as such by proper authority. [1961 c 12 § 46.04.030. Prior: 1959 c 49 § 4; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.040 Authorized emergency vehicle.** "Authorized emergency vehicle" means any vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington state patrol, ambulance service, public or private, which need not be classified, registered or authorized by the state commission on equipment, or any other vehicle authorized in writing by the state commission on equipment. [1961 c 12 § 46.04.040. Prior: 1959 c 49 § 5; 1953 c 40 § 1; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.050 Auto stage.** "Auto stage" means any motor vehicle used for the purpose of carrying passengers together with incidental baggage and freight or either, on a regular schedule of time and rates: *Provided*, That no motor vehicle shall be considered to be an auto stage where substantially the entire route traveled by such vehicle is within the corporate limits of any city or town or the corporate limits of any adjoining cities or towns. [1961 c 12 § 46.04.050. Prior: 1959 c 49 § 6; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 1, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.060 Axle.** "Axle" means structure or structures in the same or approximately the same transverse plane with a vehicle supported by wheels and on which or with which such wheels revolve. [1961 c 12 § 46.04.060. Prior: 1959 c 49 § 7; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

**46.04.071 Bicycle.** Bicycle means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than twenty inches in diameter. [1965 ex.s. c 155 § 86.]

**46.04.080 Business district.** "Business district" means the territory contiguous to and including a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway. [1975 c 62 § 2; 1961 c 12 § 46.04.080. Prior: 1959 c 49 § 9; prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

**Severability—1975 c 62:** See note following RCW 36.75.010.

**46.04.085 Camper.** "Camper" means a structure designed to be mounted upon a motor vehicle which provides facilities for human habitation or for temporary outdoor or recreational lodging and which is five feet or more in overall length and five feet or more in height from its floor to its ceiling when fully extended, but shall not include motor homes as defined in RCW 46.04.305. [1971 ex.s. c 231 § 2.]

**Effective date—**1971 ex.s. c 231: See note following RCW 46.01.130.

**46.04.090 Cancel.** "Cancel," in all its forms, means the invalidation indefinitely and until successful application, but shall be for a period of not less than one year. [1961 c 12 § 46.04.090. Prior: 1959 c 49 § 10; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.100 Center line.** "Center line" means the line, marked or unmarked, parallel to and equidistant from the sides of a two-way traffic roadway of a highway except where otherwise indicated by painted lines or markers. [1975 c 62 § 3; 1961 c 12 § 46.04.100. Prior: 1959 c 49 § 11; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

**Severability—**1975 c 62: See note following RCW 36.75.010.

**46.04.110 Center of intersection.** "Center of intersection" means the point of intersection of the center lines of the roadway of intersecting public highways. [1961 c 12 § 46.04.110. Prior: 1959 c 49 § 12; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.120 City street.** "City street" means every public highway, or part thereof located within the limits of cities and towns, except alleys. [1961 c 12 § 46.04.120. Prior: 1959 c 49 § 13; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.130 Combination of vehicles.** "Combination of vehicles" means every combination of motor vehicle and motor vehicle, motor vehicle and trailer or motor vehicle and semitrailer. [1963 c 154 § 26; 1961 c 12 § 46.04.130. Prior: 1959 c 49 § 14; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

**Effective date—**1963 c 154: The effective date of the above amendment is January 1, 1964, see note following RCW 46.37.010.

**46.04.140 Commercial vehicle.** "Commercial vehicle" means any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire. [1961 c 12 § 46.04.140. Prior: 1959 c 49 § 15; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.150 County road.** "County road" means every public highway or part thereof, outside the limits of cities and towns and which has not been designated as a

state highway. [1961 c 12 § 46.04.150. Prior: 1959 c 49 § 16; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.160 Crosswalk.** "Crosswalk" means the portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk. [1961 c 12 § 46.04.160. Prior: 1959 c 49 § 17; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.165 Driveaway-towaway operation.** "Driveaway-towaway operation" means any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, new or used, constitutes the commodity being transported when one set or more wheels of any such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power. [1963 c 154 § 27.]

**Effective date—**1963 c 154: The effective date of this section is January 1, 1964, see note following RCW 46.37.010.

**46.04.170 Explosives.** "Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, and which contains any oxidizing or combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonation of any part of the compound mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb. [1961 c 12 § 46.04.170. Prior: 1959 c 49 § 18; prior: 1937 c 189 § 1, part; RRS § 6360-1, part. Cf. 1951 c 102 § 3.]

**46.04.180 Farm tractor.** "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry. [1961 c 12 § 46.04.180. Prior: 1959 c 49 § 19; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.181 Farm vehicle.** "Farm vehicle" means any vehicle other than a farm tractor or farm implement which is designed and/or used primarily in agricultural pursuits on farms for the purpose of transporting machinery, equipment, implements, farm products, supplies and/or farm labor thereon and is only incidentally operated on or moved along public highways for the purpose of going from one farm to another. [1967 c 202 § 1.]

**46.04.182 Farmer.** "Farmer" means any person, firm, partnership or corporation engaged in farming. If a person, firm, partnership or corporation is engaged in activities in addition to that of farming, the definition

shall only apply to that portion of the activity that is defined as farming in RCW 46.04.183. [1969 ex.s. c 281 § 58.]

**46.04.183 Farming.** "Farming" means the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (except forestry or forestry operations), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices performed on a farm as an incident to or in conjunction with such farming operations. [1969 ex.s. c 281 § 59.]

**46.04.190 For hire vehicle.** "For hire vehicle" means any motor vehicle other than an auto stage used for the transportation of persons for compensation. [1961 c 12 § 46.04.190. Prior: 1959 c 49 § 20; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.200 Hours of darkness.** "Hours of darkness" means the hours from one-half hour after sunset to one-half hour before sunrise, and any other time when persons or objects may not be clearly discernible at a distance of five hundred feet. [1961 c 12 § 46.04.200. Prior: 1959 c 49 § 21; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.210 Flammable liquid.** "Flammable liquid" means any liquid which has a flash point of 70° Fahrenheit, or less, as determined by a Tagliabue or equivalent closed cup test device. [1961 c 12 § 46.04.210. Prior: 1959 c 49 § 22; prior: 1937 c 189 § 1, part; RRS § 6360-1, part. Cf. 1951 c 102 § 3.]

**46.04.220 Intersection area.** (1) "Intersection area" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none then the lateral boundary lines of the roadways of two or more highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(2) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

(3) The junction of an alley with a street or highway shall not constitute an intersection. [1975 c 62 § 4; 1961 c 12 § 46.04.220. Prior: 1959 c 49 § 23; prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

**Severability**—1975 c 62: See note following RCW 36.75.010.

**46.04.240 Intersection control area.** "Intersection control area" means intersection area, together with such modification of the adjacent roadway area as results from the arc of curb corners and together with any marked or unmarked crosswalks adjacent to the intersection. [1961 c 12 § 46.04.240. Prior: 1959 c 49 § 25; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.260 Laned highway.** "Laned highway" means a highway the roadway of which is divided into clearly marked lanes for vehicular traffic. [1961 c 12 § 46.04.260. Prior: 1959 c 49 § 27; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.270 Legal owner.** "Legal owner" means a person having a security interest in a vehicle perfected in accordance with chapter 46.12 RCW or the registered owner of a vehicle unencumbered by a security interest or the lessor of a vehicle unencumbered by a security interest. [1975 c 25 § 1; 1961 c 12 § 46.04.270. Prior: 1959 c 49 § 28; prior: 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part.]

**46.04.280 Local authorities.** "Local authorities" includes every county, municipal, or other local public board or body having authority to adopt local police regulations under the Constitution and laws of this state. [1961 c 12 § 46.04.280. Prior: 1959 c 49 § 29; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

**46.04.290 Marked crosswalk.** "Marked crosswalk" means any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof. [1961 c 12 § 46.04.290. Prior: 1959 c 49 § 30; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.300 Metal tire.** "Metal tire" includes every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, non-resilient material. [1961 c 12 § 46.04.300. Prior: 1959 c 49 § 31; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

**46.04.302 Mobile home.** "Mobile home" means all trailers of the type designed as facilities for human habitation and which are capable of being moved upon the public streets and highways and which are more than thirty-five feet in length or more than eight feet in width, except as hereinafter specifically excluded, and excluding modular homes. [1971 ex.s. c 231 § 4.]

**Effective date**—1971 ex.s. c 231: See note following RCW 46.01.130.

**46.04.303 Modular home.** "Modular home" means any factory-built housing designed primarily for residential occupancy by human beings which does not contain a permanent frame and must be mounted on a permanent foundation. [1971 ex.s. c 231 § 5.]

**Effective date—**1971 ex.s. c 231: See note following RCW 46.01.130.

**46.04.305 Motor homes.** "Motor homes" means motor vehicles originally designed, reconstructed, or permanently altered to provide facilities for human habitation. [1971 ex.s. c 231 § 3.]

**Effective date—**1971 ex.s. c 231: See note following RCW 46.01.130.

**46.04.310 Motor truck.** "Motor truck" means any motor vehicle designed or used for the transportation of commodities, merchandise, produce, freight, or animals. [1961 c 12 § 46.04.310. Prior: 1959 c 49 § 32; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

**46.04.320 Motor vehicle.** "Motor vehicle" shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. [1961 c 12 § 46.04.320. Prior: 1959 c 49 § 33; 1955 c 384 § 10; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

**46.04.330 Motorcycle.** "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor. [1961 c 12 § 46.04.330. Prior: 1959 c 49 § 34; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

**46.04.332 Motor-driven cycle.** "Motor-driven cycle" means every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft), and every bicycle with motor attached. [1963 c 154 § 28.]

**Effective date—**1963 c 154: The effective date of this section is January 1, 1964, see note following RCW 46.37.010.

**46.04.340 Muffler.** "Muffler" means a device consisting of a series of chambers, or other mechanical designs for the purpose of receiving exhaust gas from an

internal combustion engine and effective in reducing noise resulting therefrom. [1961 c 12 § 46.04.340. Prior: 1959 c 49 § 35; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.350 Multiple lane highway.** "Multiple lane highway" means any highway the roadway of which is of sufficient width to reasonably accommodate two or more separate lanes of vehicular traffic in the same direction, each lane of which shall be not less than the maximum legal vehicle width and whether or not such lanes are marked. [1975 c 62 § 5; 1961 c 12 § 46.04.350. Prior: 1959 c 49 § 36; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

**Severability—**1975 c 62: See note following RCW 36.75.010.

**46.04.355 Municipal transit vehicle.** Municipal transit vehicle includes every motor vehicle, street car, train, trolley vehicle, and any other device, which (1) is capable of being moved within, upon, above, or below a public highway, (2) is owned or operated by a city, county, or metropolitan municipal corporation within the state, and (3) is used for the purpose of carrying passengers together with incidental baggage and freight on a regular schedule. [1974 ex.s. c 76 § 4.]

**46.04.360 Nonresident.** "Nonresident" means any person whose residence is outside this state and who is temporarily sojourning within this state. [1961 c 12 § 46.04.360. Prior: 1959 c 49 § 37; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.370 Operator or driver.** "Operator or driver" means every person who drives or is in actual physical control of a vehicle. [1975 c 62 § 6; 1967 c 32 § 1; 1961 c 12 § 46.04.370. Prior: 1959 c 49 § 38; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

**Severability—**1975 c 62: See note following RCW 36.75.010.

**46.04.380 Owner.** "Owner" means a person who has a lawful right of possession of a vehicle by reason of obtaining it by purchase, exchange, gift, lease, inheritance or legal action whether or not the vehicle is subject to a security interest and means registered owner where the reference to owner may be construed as either to registered or legal owner. [1975 c 25 § 2; 1961 c 12 § 46.04.380. Prior: 1959 c 49 § 39; prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

**46.04.381 Park or parking.** "Park or parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers. [1975 c 62 § 9.]

**Severability—**1975 c 62: See note following RCW 36.75.010.

**46.04.382 Passenger car.** "Passenger car" means every motor vehicle except motorcycles and motor-driven cycles, designed for carrying ten passengers or less and used for the transportation of persons. [1963 c 154 § 29.]

**Effective date**—1963 c 154: The effective date of this section is January 1, 1964, see note following RCW 46.37.010.

**46.04.391 Police officer.** Police officer means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. [1965 ex.s. c 155 § 89.]

**46.04.400 Pedestrian.** "Pedestrian" means any person afoot. [1961 c 12 § 46.04.400. Prior: 1959 c 49 § 41; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.405 Person.** "Person" includes every natural person, firm, copartnership, corporation, association, or organization. [1961 c 12 § 46.04.405. Prior: 1959 c 49 § 42; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

**46.04.410 Pneumatic tires.** "Pneumatic tires" includes every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon. [1961 c 12 § 46.04.410. Prior: 1959 c 49 § 43; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

**46.04.414 Pole trailer.** "Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes, logs or structural members capable, generally, of sustaining themselves as beams between the supporting connections. [1961 c 12 § 46.04.414. Prior: 1959 c 49 § 44; prior: 1951 c 56 § 1.]

**46.04.416 Private carrier bus.** "Private carrier bus" means every motor vehicle designed for the purpose of carrying passengers (having a seating capacity for eleven or more persons) used regularly to transport persons in furtherance of any organized agricultural, religious or charitable purpose. Such term does not include buses operated by common carriers under a franchise granted by any city or town or the Washington public utilities commission. [1970 ex.s. c 100 § 3.]

**46.04.420 Private road or driveway.** "Private road or driveway" includes every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons. [1961 c 12 § 46.04.420. Prior: 1959 c 49 § 45; prior: 1937 c 189 § 1, part; RRS §

6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

**46.04.431 Highway.** Highway means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. [1965 ex.s. c 155 § 87.]

**46.04.435 Public scale.** "Public scale" means every scale under public or private ownership which is certified as to its accuracy and which is available for public weighing. [1961 c 12 § 46.04.435. Prior: 1959 c 49 § 47.]

**46.04.440 Railroad.** "Railroad" means a carrier of persons or property upon vehicles, other than street cars, operated upon stationary rails, the route of which is principally outside cities and towns. [1961 c 12 § 46.04.440. Prior: 1959 c 49 § 48; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.450 Railroad sign or signal.** "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. [1961 c 12 § 46.04.450. Prior: 1959 c 49 § 49; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.460 Registered owner.** "Registered owner" means the person whose lawful right of possession of a vehicle has most recently been recorded with the department. [1975 c 25 § 3; 1961 c 12 § 46.04.460. Prior: 1959 c 49 § 50; prior: 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part.]

**46.04.470 Residence district.** "Residence district" means the territory contiguous to and including a public highway not comprising a business district, when the property on such public highway for a continuous distance of three hundred feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business. [1961 c 12 § 46.04.470. Prior: 1959 c 49 § 51; prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

**46.04.480 Revoke.** "Revoke," in all its forms, means the invalidation for a period of one calendar year and thereafter until reissue. [1961 c 12 § 46.04.480. Prior: 1959 c 49 § 52; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.490 Road tractor.** "Road tractor" includes every motor vehicle designed and used primarily as a road building vehicle in drawing road building machinery and devices. [1961 c 12 § 46.04.490. Prior: 1959 c 49 § 53; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.500 Roadway.** "Roadway" means the paved, improved, or proper driving portion of a public highway designed, or ordinarily used for vehicular travel. [1961 c 12 § 46.04.500. Prior: 1959 c 49 § 54; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.510 Safety zone.** "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards, or otherwise, so as to be plainly discernible. [1961 c 12 § 46.04.510. Prior: 1959 c 49 § 55; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.521 School bus.** School bus means every motor vehicle used regularly to transport children to and from school or in connection with school activities, which is subject to the requirements set forth in the most recent edition of "Specifications for School Buses" published by the state superintendent of public instruction, but does not include buses operated by common carriers in urban transportation of school children. [1965 ex.s. c 155 § 90.]

**46.04.530 Semitrailer.** "Semitrailer" includes every vehicle without motive power designed to be drawn by a motor vehicle or truck tractor and so constructed that an appreciable part of its weight and that of its load rests upon and is carried by such motor vehicle or truck tractor. [1961 c 12 § 46.04.530. Prior: 1959 c 49 § 57; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

**46.04.540 Sidewalk.** "Sidewalk" means that property between the curb lines or the lateral lines of a roadway and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians. [1961 c 12 § 46.04.540. Prior: 1959 c 49 § 58; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.550 Solid tire.** "Solid tire" includes every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon. [1961 c 12 § 46.04.550. Prior: 1959 c 49 § 59; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

**46.04.552 Special mobile equipment.** "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: Ditch digging apparatus,

well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck-tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and draglines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels or other vehicles designed for the transportation of persons or property to which machinery has been attached. [1973 1st ex.s. c 17 § 1; 1972 ex.s. c 5 § 1; 1963 c 154 § 30.]

**Effective date—1963 c 154:** The effective date of this section was January 1, 1964, see note following RCW 46.37.010.

**46.04.555 Stand or standing.** "Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers. [1975 c 62 § 10.]

**Severability—1975 c 62:** See note following RCW 36.75.010.

**46.04.560 State highway.** "State highway" includes every highway or part thereof, which has been designated as a state highway or branch thereof, by legislative enactment. [1975 c 62 § 7; 1961 c 12 § 46.04.560. Prior: 1959 c 49 § 60; prior: 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

**Severability—1975 c 62:** See note following RCW 36.75.010.

**46.04.565 Stop.** "Stop" when required means complete cessation from movement. [1975 c 62 § 11.]

**Severability—1975 c 62:** See note following RCW 36.75.010.

**46.04.566 Stop or stopping.** "Stop or stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal. [1975 c 62 § 12.]

**Severability—1975 c 62:** See note following RCW 36.75.010.

**46.04.570 Street car.** "Street car" means a vehicle other than a train for transporting persons or property and operated upon stationary rails principally within cities and towns. [1961 c 12 § 46.04.570. Prior: 1959 c 49 § 61; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.580 Suspend.** "Suspend," in all its forms, means invalidation for any period less than one calendar year and thereafter until reinstatement. [1961 c 12 § 46.04.580. Prior: 1959 c 49 § 62; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.585 Temporarily sojourning.** "Temporarily sojourning," as the term is used in chapter 46.04 RCW, shall be construed to include any nonresident who is

within this state for a period of not to exceed six months in any one year. [1961 c 12 § 46.04.585. Prior: 1959 c 49 § 63; prior: 1955 c 89 § 6.]

**46.04.590 Traffic.** "Traffic" includes pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together, while using any public highways for purposes of travel. [1961 c 12 § 46.04.590. Prior: 1959 c 49 § 64; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.600 Traffic control signal.** "Traffic control signal" means any traffic device, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled. [1961 c 12 § 46.04.600. Prior: 1959 c 49 § 65; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.611 Traffic-control devices.** Official traffic-control devices means all signs, signals, markings and devices not inconsistent with Title 46 RCW placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic. [1965 ex.s. c 155 § 88.]

**46.04.620 Trailer.** "Trailer" includes every vehicle without motive power designed for being drawn by or used in conjunction with a motor vehicle constructed so that no appreciable part of its weight rests upon or is carried by such motor vehicle, but does not include a municipal transit vehicle, or any portion thereof. [1974 ex.s. c 76 § 3; 1961 c 12 § 46.04.620. Prior: 1959 c 49 § 67; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

**46.04.630 Train.** "Train" means a vehicle propelled by steam, electricity, or other motive power with or without cars coupled thereto, operated upon stationary rails, except street cars. [1961 c 12 § 46.04.630. Prior: 1959 c 49 § 68; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.640 Trolley vehicle.** "Trolley vehicle" means a vehicle the motive power for which is supplied by means of a trolley line and which may or may not be confined in its operation to a certain portion of the roadway in order to maintain trolley line contact. [1961 c 12 § 46.04.640. Prior: 1959 c 49 § 69; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.650 Truck tractor.** "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and

load so drawn. [1975 c 62 § 8; 1961 c 12 § 46.04.650. Prior: 1959 c 49 § 70; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

**Severability**—1975 c 62: See note following RCW 36.75.010.

**46.04.660 Used vehicle.** "Used vehicle" means a vehicle which has been sold, bargained, exchanged, given away, or title transferred from the person who first took title to it from the manufacturer or first importer, dealer, or agent of the manufacturer or importer, and so used as to have become what is commonly known as "second-hand" within the ordinary meaning thereof. [1961 c 12 § 46.04.660. Prior: 1959 c 49 § 71; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

**46.04.670 Vehicle.** "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks. [1961 c 12 § 46.04.670. Prior: 1959 c 49 § 72; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

**46.04.672 Vehicle or pedestrian right of way.** "Vehicle or pedestrian right of way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other. [1975 c 62 § 13.]

**Severability**—1975 c 62: See note following RCW 36.75.010.

**46.04.680 Director—Department.** "Director" means the director of motor vehicles and "department" means the department of motor vehicles. [1967 c 32 § 2; 1961 c 12 § 46.04.680. Prior: 1959 c 49 § 73.]

**46.04.690 Department.** The term "department" shall mean the department of motor vehicles unless a different department is specified. [1975 c 25 § 4.]

**46.04.695 Director.** The term "director" shall mean the director of motor vehicles unless the director of a different department of government is specified. [1975 c 25 § 5.]

**46.04.700 Driver education.** Whenever the term "driver education" is used in the code, it shall be defined to mean "traffic safety education". [1969 ex.s. c 218 § 12.]



**Chapter 46.08**  
**GENERAL PROVISIONS**

## Sections

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**46.08.010 State preempts licensing field.** The provisions of this title relating to the certificate of ownership, certificate of license registration, vehicle license, vehicle license plates and vehicle operator's license shall be exclusive and no political subdivision of the state of Washington shall require or issue any licenses or certificates for the same or a similar purpose, nor shall any city or town in this state impose a tax, license, or other fee upon vehicles operating exclusively between points outside of such city or town limits, and to points therein. [1961 c 12 § 46.08.010. Prior: 1937 c 188 § 75; RRS § 6312-75.]

**46.08.020 Precedence over local vehicle and traffic regulations.** The provisions of this title relating to vehicles shall be applicable and uniform throughout this state and in all incorporated cities and towns and all political subdivisions therein and no local authority shall enact or enforce any law, ordinance, rule or regulation in conflict with the provisions of this title except and unless expressly authorized by law to do so and any laws, ordinances, rules or regulations in conflict with the provisions of this title are hereby declared to be invalid and of no effect. Local authorities may, however, adopt additional vehicle and traffic regulations which are not in conflict with the provisions of this title. [1961 c 12 § 46.08.020. Prior: 1937 c 189 § 2; RRS § 6360-2.]

**46.08.030 Uniformity of application.** The provisions of this title relating to the operation of vehicles shall be applicable and uniform upon all persons operating vehicles upon the public highways of this state, except as otherwise specifically provided. [1961 c 12 § 46.08.030. Prior: 1937 c 189 § 3; RRS § 6360-3.]

**46.08.060 Classification as emergency vehicles—Approval of operators.** Any person, firm, corporation or

municipal corporation desiring to have a vehicle registered as an authorized emergency vehicle shall make application for such classification to the state commission on equipment. Following such inquiry as is considered necessary, the state commission on equipment may issue or refuse such authorization. The director of motor vehicles shall further require that there be submitted information concerning any person or persons who will operate such authorized emergency vehicle and it shall be unlawful for any such person, firm, corporation or municipal corporation and the responsible officer thereof to permit the operation of such authorized emergency vehicle by any person not approved as operator thereof by the director of motor vehicles. [1961 c 12 § 46.08-.060. Prior: 1937 c 189 § 132; RRS § 6360-132.]

**46.08.065 Publicly owned vehicles to be marked—Exceptions.** (1) It shall be unlawful for any public officer having charge of any vehicle other than a motorcycle owned or controlled by any county, city, town, or public body in this state other than the state of Washington and used in public business to operate the same upon the public highways of this state unless and until there shall be displayed upon such automobile or other motor vehicle in letters of contrasting color not less than one and one-quarter inches in height in a conspicuous place on the right and left sides thereof, the name of such county, city, town, or other public body, together with the name of the department or office upon the business of which the said vehicle is used. This section shall not apply to vehicles of a sheriff's office, local police department, or any vehicles used by local peace officers under public authority for special undercover or confidential investigative purposes. This subsection shall not apply to: (a) Any municipal transit vehicle operated for purposes of providing public mass transportation; nor to (b) any motor vehicle on loan to a school district for driver training purposes. It shall be lawful and constitute compliance with the provisions of this section, however, for the governing body of the appropriate county, city, town, or public body other than the state of Washington or its agencies to adopt and use a distinctive insignia which shall be not less than six inches in diameter across its smallest dimension and which shall be displayed conspicuously on the right and left sides of the vehicle. Such insignia shall be in a color or colors contrasting with the vehicle to which applied for maximum visibility. The name of the public body owning or operating the vehicle shall also be included as part of or displayed above such approved insignia in colors contrasting with the vehicle in letters not less than one and one-quarter inches in height. Immediately below the lettering identifying the public entity and agency operating the vehicle or below an approved insignia shall appear the words "for official use only" in letters at least one inch high in a color contrasting with the color of the vehicle. The appropriate governing body may provide by rule or ordinance for exceptions to the marking requirements for local governmental agencies for the same purposes and under the same circumstances as permitted for state agencies under subsections (4) and (5) of this section.

(2) Except as provided by subsections (3), (4), or (5) of this section, every state office, agency, commission, department, or institution financed in whole or in part from funds appropriated by the legislature shall plainly and conspicuously mark the right and left front doors of each motor vehicle other than a motorcycle under its ownership or control which is used on any public road or street with the name of the operating department, agency, or institution (or the words "state motor pool" as appropriate) in letters at least one and one-quarter inches high of a color contrasting with the color of the vehicle. Immediately below such lettering and also in a contrasting color shall appear the official seal of the state of Washington, the size of which shall be not less than six inches in diameter. Immediately below the official seal, or insignia if authorized under subsection (3) of this section, shall appear the words "for official use only" in letters at least one inch high in a color contrasting with the color of the vehicle.

(3) The department of general administration, with the consent of the automotive policy board, may approve the use of a distinctive departmental, office, agency, institutional, or commission insignia in lieu of the state seal required under subsection (2) of this section. Such insignia, if approved, shall be in a color or colors contrasting with the vehicle to which applied and shall be not less than six inches in diameter or across its smallest dimension. The words "State of Washington" shall be included as part of or displayed above such approved insignia in a color contrasting with the vehicle in letters not less than one and one-quarter inches in height.

(4) Any distinctive departmental, office, agency, institutional, or commission insignia approved for marking of state vehicles by the state commission on equipment on or before January 1, 1975, shall be approved for continued use if it conforms to the standards imposed by subsections (2) and (3) of this section.

(5) Subsections (2) and (3) of this section shall not apply to vehicles used by the Washington state patrol for general undercover or confidential investigative purposes. Traffic control vehicles of the Washington state patrol may be exempted from the requirements of subsections (2) and (3) of this section at the discretion of the chief of the Washington state patrol. The department of general administration, with the consent of the automotive policy board, shall promulgate general rules and regulations permitting other exceptions to the requirements of subsections (2) and (3) of this section for other vehicles used for law enforcement, confidential public health work, and public assistance fraud or support investigative purposes, for vehicles leased or rented by the state on a casual basis for a period of less than ninety days, and those provided for in RCW 46.08.066(3). The exceptions in this subsection and those provided for in RCW 46.08.066(3) shall be the only exceptions permitted to the requirements of subsections (2) and (3) of this section.

(6) Any motorcycle owned or controlled by the state of Washington or by any county, city, town, or other public body in this state and used for public purposes on the public highways of this state shall be conspicuously marked in letters of a contrasting color with the words

"State of Washington" or the name of such county, city, town, or other public body, together with the name of the department or office upon the business of which the motorcycle is used.

(7) All motor vehicle markings required under the terms of this chapter shall be maintained in a legible condition at all times. [1975 1st ex.s. c 169 § 1; 1961 c 12 § 46.08.065. Prior: 1937 c 189 § 46; RRS § 6360-46. Formerly RCW 46.36.140.]

**46.08.066 Publicly owned vehicles—Confidential license plates—Issuance, rules governing—Review by legislative auditor.** (1) Except as provided in subsection (3) of this section, the department of motor vehicles is authorized to issue confidential motor vehicle license plates to units of local government and to agencies of the federal government for law enforcement purposes only.

(2) Except as provided in subsections (3) and (4) of this section the use of confidential plates on vehicles owned or operated by the state of Washington by any officer or employee thereof, shall be limited to confidential, investigative, or undercover work of state law enforcement agencies, confidential public health work, and confidential public assistance fraud or support investigations.

(3) Any state official elected on a state-wide basis shall be provided on request with one set of confidential plates for use on official business. When necessary for the personal security of any other public officer, or public employee, the chief of the Washington state patrol may recommend that the director issue confidential plates for use on an unmarked publicly owned or controlled vehicle of the appropriate governmental unit for the conduct of official business for the period of time that the personal security of such state official, public officer, or other public employee may require. The office of the state treasurer may use an unmarked state owned or controlled vehicle with confidential plates where required for the safe transportation of either state funds or negotiable securities to or from the office of the state treasurer.

(4) The director of the department of motor vehicles, with the approval of the automotive policy board established pursuant to RCW 43.19.580, may issue rules and regulations governing applications for, and the use of, such plates by law enforcement and other public agencies. The legislative auditor shall periodically examine or require filing of a current listing of the total number of such plates issued to any law enforcement or other public agency. Reports on the utilization of such plates shall be submitted to the legislative budget committee and to the legislature. [1975 1st ex.s. c 169 § 2.]

**46.08.067 Publicly owned vehicles—Violations concerning marking and confidential license plates.** A violation of any provision of RCW 46.08.065 as now or hereafter amended or of RCW 46.08.066 shall subject the public officer or employee committing such violation to disciplinary action by the appropriate appointing authority or employing agency. Such disciplinary action may include, but shall not be limited to, suspension without pay or termination of employment in the case of

repeated or continuing noncompliance. [1975 1st ex.s. c 169 § 3.]

**46.08.068 Publicly owned vehicles—**—**Marking not required, when.** Any vehicle properly marked pursuant to statutory requirements in effect prior to September 8, 1975, need not be remarked to conform to the requirements of RCW 46.08.065 through 46.08.067 until July 1, 1977. [1975 1st ex.s. c 169 § 4.]

**46.08.070 Nonresidents, application to.** Subject to a compliance with the motor vehicle laws of the state and acceptance of the provisions of this title, nonresident owners and operators of vehicles hereby are granted the privilege of using the public highways of this state, and use of such public highways shall be deemed and construed to be an acceptance by such nonresident owners and operators of the provisions of this title. [1961 c 12 § 46.08.070. Prior: 1937 c 189 § 128; RRS § 6360-128.]

**46.08.150 Control of traffic on capitol grounds.** The director of general administration shall have power to devise and promulgate rules and regulations for the control of vehicular and pedestrian traffic and the parking of motor vehicles on the state capitol grounds. Such rules and regulations shall be promulgated by publication in one issue of a newspaper published at the state capitol and shall be given such further publicity as the director may deem proper. [1961 c 12 § 46.08.150. Prior: 1955 c 285 § 21; 1947 c 11 § 1; Rem. Supp. 1947 § 7921-20.]

**46.08.160 Control of traffic on capitol grounds—**—**Enforcing officer.** The chief of the Washington state patrol shall be the chief enforcing officer to assure the proper enforcement of such rules and regulations. [1961 c 12 § 46.08.160. Prior: 1947 c 11 § 2; Rem. Supp. 1947 § 7921-21.]

**46.08.170 Control of traffic on capitol grounds—**—**Violations, misdemeanors—**—**Jurisdiction.** Any violation of a rule or regulation prescribed under RCW 46.08.150 shall be punishable as a misdemeanor, and the courts of justices of the peace in Thurston county shall have jurisdiction over such offenses. [1963 c 158 § 2; 1961 c 12 § 46.08.170. Prior: 1947 c 11 § 3; Rem. Supp. 1947 § 7921-22.]

**46.08.172 Control of traffic on capitol grounds—**—**Disposition of fines and parking revenue—**—**State capitol vehicle parking account.** There is hereby established an account within the general fund of the state treasury to be known as the "state capitol vehicle parking account". All unpledged parking rental income and fines collected by the department of general administration from rental of parking space and the enforcement of traffic regulations on the capitol grounds and the east capitol site shall be deposited in the "state capitol vehicle parking account".

The "state capitol vehicle parking account" shall be used to pay costs incurred in the operation, maintenance,

regulation and enforcement of vehicle parking and parking facilities at the state capitol. [1963 c 158 § 1.]

**46.08.190 Jurisdiction of justices of peace, police court and superior court.** Every justice of the peace and police court judge shall have concurrent jurisdiction with superior court judges of the state for all violations of the provisions of this title and may impose any punishment provided therefor. [1961 c 12 § 46.08.190. Prior: 1955 c 393 § 4.]

## Chapter 46.09 ALL-TERRAIN VEHICLES

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**46.09.010 Application of chapter—**—**Permission necessary to enter upon private lands.** The provisions of this chapter shall apply to all lands in this state. Nothing in chapter 43.09 RCW, RCW 67.32.050, 67.32.080, 67.32.100, 67.32.130 or 67.32.140 shall be deemed to grant to any person the right or authority to enter upon private property without permission of the property owner. [1972 ex.s. c 153 § 2; 1971 ex.s. c 47 § 6.]

**Reviser's note:** Throughout chapter 46.09 RCW, with the exception of RCW 46.09.010 and 46.09.900, the phrase "this 1971 amendatory act" has been changed to "this chapter" This 1971 amendatory act [1971 ex.s. c 47] consists of chapter 46.09 RCW and RCW 67.32.050, 67.32.080, 67.32.100, 67.32.130 and 67.32.140.

**Appropriations—**—**1972 ex.s. c 153:** "To carry out the provisions of this 1972 amendatory act, there is appropriated to the interagency committee for outdoor recreation from the outdoor recreation account those moneys as provided from ATV permit fees and dealer permit and tag fees, in the sum of one million dollars, or such lesser amounts of the all-terrain vehicle use permit fees and dealer permit and tag fees collected by the department, or so much thereof as may be necessary.

To carry out the provisions of this 1972 amendatory act there is appropriated to the interagency committee for outdoor recreation from

the outdoor recreation account, those moneys as provided from ATV fuel tax refunds, in the sum of one million dollars, or such lesser amount, as represents the refund of tax on motor vehicle fuel which has been determined to be a tax on all-terrain vehicle fuel, or so much thereof as may be necessary.

To carry out the provisions of this 1972 amendatory act, there is appropriated to the department from the motor vehicle fund, the sum of twenty thousand dollars, or so much thereof as may be necessary." [1972 ex.s. c 153 § 26; 1971 ex.s. c 47 § 27.]

**Reviser's note:** "this 1972 amendatory act" [1972 ex.s. c 153] as used in the above quoted appropriation section consists of the amendments to RCW 46.09.010-46.09.120, 46.09.150-46.09.210, 46.10.040, 46.10.070, 46.10.080, 46.10.110, and 46.10.120, and to RCW 46.09-220, 46.09.230, and 46.10.185, and the repeal of RCW 46.09.100.

**Purpose**—1972 ex.s. c 153: See RCW 67.32.080.

**46.09.020 Definitions.** As used in this chapter the following words and phrases shall have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicates:

"Person" shall mean any individual, firm, partnership, association or corporation.

"All-terrain vehicle" shall mean any self-propelled vehicle when used for cross-country travel on trails and nonhighway roads or any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland, and other natural terrain. Such vehicles shall include but are not limited to, four-wheel drive vehicles, motorcycles, amphibious vehicles, ground effects or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind; except any vehicle designed primarily for travel on, over, or in the water, farm vehicles, logging and private forestry vehicles, snowmobiles or any military or law enforcement vehicles.

"ATV use permit" means the permit system established for an all-terrain vehicle, in this state, pursuant to this chapter.

"Trail" for the purpose of this chapter, shall mean a corridor designated and maintained for recreational travel; by whatever mode of transportation (foot, animal, or vehicular) authorized by the managing authority of the property that the trail traverses.

"Owner" shall mean the person other than the lienholder, having an interest in or title to an all-terrain vehicle, and entitled to the use or possession thereof.

"Operator" means each person who operates, or is in physical control of, any all-terrain vehicle.

"Dealer" means a person, partnership, association, or corporation engaged in the business of selling all-terrain vehicles at wholesale or retail in this state.

"Department" shall mean the department of motor vehicles.

"Director" shall mean the director of the department of motor vehicles.

"Committee" shall mean the interagency committee for outdoor recreation.

"Hunt" shall mean any effort to kill, injure, capture, or purposely disturb a wild animal or wild bird.

"Nonhighway road" shall mean any road other than a highway generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles and which are private roads or controlled and maintained by the department of natural resources, the state parks and recreation

commission and the state game department: *Provided*, That such roads are not built or maintained by appropriations from the motor vehicle fund.

"Highway" for the purpose of this chapter only shall mean the entire width between the boundary lines of every way publicly maintained by the state department of highways or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right.

"Organized competitive event" shall mean any competition, advertised in advance, sponsored by recognized clubs, and conducted at a predetermined time and place. [1972 ex.s. c 153 § 3; 1971 ex.s. c 47 § 7.]

**Purpose**—1972 ex.s. c 153: See RCW 67.32.080.

**46.09.030 Use permits—Issuance—Fees.** The department shall provide for the issuance of use permits for all-terrain vehicles and may appoint agents for collecting fees and issuing permits. The provisions of RCW 46.01.130 and 46.01.140 shall apply to the issuance of use permits for all-terrain vehicles as they do to the issuance of vehicle licenses, the appointment of agents and the collection of application fees: *Provided*, That filing fees for ATV use permits collected by the director shall be certified to the state treasurer and deposited to the credit of the outdoor recreation account. [1972 ex.s. c 153 § 4; 1971 ex.s. c 47 § 8.]

**Purpose**—1972 ex.s. c 153: See RCW 67.32.080.

**46.09.040 Use permit prerequisite to operation.** Except as provided in this chapter, no person shall operate any all-terrain vehicle within this state after February 27, 1972 unless such all-terrain vehicle has been assigned an ATV use permit and displays an ATV tag in accordance with the provisions of this chapter: *Provided*, That the 1972 registration, licensing, and display thereof shall be deemed to have complied with this section for the 1972 registration period. [1972 ex.s. c 153 § 5; 1971 ex.s. c 47 § 9.]

**Purpose**—1972 ex.s. c 153: See RCW 67.32.080.

**46.09.050 Vehicles exempted from ATV use permits and tags.** ATV use permits and ATV tags shall be required under the provisions of this chapter except for the following:

(1) All-terrain vehicles owned and operated by the United States, another state, or a political subdivision thereof.

(2) All-terrain vehicles owned and operated by this state, or by any municipality or political subdivision thereof.

(3) An all-terrain vehicle operating in an organized competitive event on privately owned or leased land: *Provided*, That if such leased land is owned by the state of Washington this exemption shall not apply unless the state agency exercising jurisdiction over the land in question specifically authorizes said competitive event: *Provided further*, That such exemption shall be strictly construed.

(4) All-terrain vehicles operated on lands owned or leased by the ATV owner or operator or lands on which

the operator has permission to operate without an ATV use permit.

(5) All-terrain vehicles which are validly licensed to operate over a highway of this state or if owned by non-residents of this state, all-terrain vehicles which are validly licensed for operation over public highways in the state of the owner's residence.

(6) Those two-wheeled vehicles with engines of fifty cubic centimeters or less displacement or those two-wheeled vehicles with engines which develop five or less horsepower, or those two-wheeled vehicles with a wheel-base of forty-two inches or less, or those two-wheeled vehicles which are equipped with wheels of fourteen inches or less rim diameter.

(7) All-terrain vehicles while being used for search and rescue purposes under the authority or direction of an appropriate search and rescue or law enforcement agency.

(8) Vehicles used primarily for construction or inspection purposes during the course of a commercial operation. [1972 ex.s. c 153 § 6; 1971 ex.s. c 47 § 10.]

**Purpose**—1972 ex.s. c 153: See RCW 67.32.080.

**46.09.060 ATV use permit period.** The ATV use permit period established by the department shall be concurrent with the registration period established by the department for motor vehicles pursuant to chapter 46.16 RCW. [1972 ex.s. c 153 § 7; 1971 ex.s. c 47 § 11.]

**Purpose**—1972 ex.s. c 153: See RCW 67.32.080.

**46.09.070 Application for ATV use permit—Number—Fee—Renewal—Application when transfer in ownership—Fee—Application for non-resident owners—Fee—Permit.** Application for an ATV use permit shall be made to the department or its authorized agent in such manner and upon such forms as the department shall prescribe, and shall state the name and address of each owner of the all-terrain vehicle, and shall be signed by at least one such owner, and shall be accompanied by a use permit fee of five dollars. Upon receipt of the application and the application fee, such all-terrain vehicle shall be assigned a use permit number tag or decal, which shall be affixed to the all-terrain vehicle in a manner prescribed by the department. The department may utilize applications, registration and license forms and registration numbering provided for use prior to February 27, 1972 for the balance of 1972 and such shall constitute use permits, tags or decals for 1972.

The ATV use permit provided in this section shall be valid for a period of one year. Use permits shall be renewable each year in such manner as the department may prescribe, for an additional period of one year, upon payment of a renewal fee of five dollars.

Any person acquiring an all-terrain vehicle for which a use permit has been issued under the provisions of this chapter must, within fifteen days of the acquisition or purchase of such all-terrain vehicle make application to the department or its authorized agent for transfer of such ATV use permit, and such application shall be accompanied by a transfer fee of one dollar.

Any out-of-state owner of an all-terrain vehicle shall, when operating in this state, comply with the provisions of this chapter and if an ATV use permit is required under this chapter, he shall obtain a nonresident ATV use permit number and tag, valid for not more than sixty days or an annual permit and tag. Application for such a permit shall state name and address of each owner of the all-terrain vehicle and shall be signed by at least one such owner and shall be accompanied by a fee of two dollars. The permit shall be carried on the vehicle at all times during its operation in this state. [1972 ex.s. c 153 § 8; 1971 ex.s. c 47 § 12.]

**Purpose**—1972 ex.s. c 153: See RCW 67.32.080.

**46.09.080 ATV dealers—Permits—Fees—Number plates—Violations.** (1) Each dealer of all-terrain vehicles in this state who does not have a current "dealer's plate" for vehicle use pursuant to chapter 46.70 RCW, shall obtain a dealer ATV permit from the department in such manner and upon such forms as the department shall prescribe. Upon receipt of a dealer's application for a dealer ATV permit and the fee provided for in subsection (2) of this section, such dealer shall be registered and an ATV dealer permit number assigned.

(2) The ATV fee for dealers shall be twenty-five dollars per year, which shall be deposited in the outdoor recreation account, and such fee shall cover all of the all-terrain vehicles owned by a dealer and not rented: *Provided*, That all-terrain vehicles rented on a regular, commercial basis by a dealer shall have separate use permits under the provisions of \*this 1972 amendatory act.

(3) Upon the issuance of an ATV dealer permit each dealer shall purchase, at a cost to be determined by the department, ATV dealer number plates of a size and color to be determined by the department, which shall contain the dealer ATV permit number assigned to the dealer. Each all-terrain vehicle operated by a dealer for the purposes of testing or demonstration shall display such number plates assigned pursuant to the dealer permit provisions as provided for in chapter 46.70 RCW or this section, in a clearly visible manner.

(4) No person other than a dealer or a representative thereof shall display number plates as prescribed in subsection (3) of this section, and no dealer or representative thereof shall use such number plates for any purpose other than the purpose prescribed in subsection (3) of this section.

(5) ATV dealer permit numbers shall be nontransferable.

(6) On and after January 1, 1973, it shall be unlawful for any dealer to sell any all-terrain vehicle at wholesale or retail, or to test or demonstrate any all-terrain vehicle within the state, unless he has a motor vehicle dealers' license pursuant to chapter 46.70 RCW or an ATV dealer permit number in accordance with the provisions of this section. [1972 ex.s. c 153 § 9; 1971 ex.s. c 47 § 13.]

\*Reviser's note: "this 1972 amendatory act", see note following RCW 67.32.080.

**Purpose**—1972 ex.s. c 153: See RCW 67.32.080.

**46.09.090 Display of use permit and dealer tags.** All ATV use permit tags and ATV dealer tags shall be displayed in a manner prescribed by the department on all-terrain vehicles when required by \*this 1972 amendatory act except as provided in RCW 46.09.050. [1972 ex.s. c 153 § 10; 1971 ex.s. c 47 § 14.]

\*Reviser's note: "this 1972 amendatory act", see note following RCW 67.32.080.

**Purpose**—1972 ex.s. c 153: See RCW 67.32.080.

**46.09.110 Disposition of ATV use permit fees.** The moneys collected by the department as ATV use permit fees shall be distributed from time to time but at least once a year in the following manner:

(1) The department shall retain enough money to cover expenses incurred in the administration of this chapter: *Provided*, That such retention shall never exceed eighteen percent of fees collected.

(2) The remaining funds shall be deposited in the outdoor recreation account of the general fund to be distributed by the interagency committee to departments of state government, to counties, and to municipalities on a basis determined by the amount of present or proposed ATV trails or areas on which they permit ATV use. The interagency committee shall prescribe methods, rules, and standards by which such departments, counties or municipalities may apply for and obtain moneys from the outdoor recreation account for defraying expenses and costs for planning, development, acquisition, and management of ATV recreational areas and trails and the committee shall also apply for applicable federal matching funds: *Provided*, That agencies constructing all-terrain vehicle trails, campgrounds, and recreational areas and facilities, shall consider the possibility of contracting with the state parks and recreation commission, the department of natural resources or other agencies to employ the youth development and conservation corps or other youth crews to construct or assist in construction of such all-terrain vehicle trails, campgrounds and recreational areas and facilities.

The department of natural resources may use up to five percent of the use permit fees for administration cost and for implementing this chapter. [1972 ex.s. c 153 § 11; 1971 ex.s. c 47 § 16.]

**Purpose**—1972 ex.s. c 153: See RCW 67.32.080.

**46.09.120 Operating violations.** It shall be unlawful for any person to operate any all-terrain vehicle:

(1) While under the influence of intoxicating liquor or a controlled substance;

(2) In such a manner as to endanger the property of another;

(3) On lands not owned by the operator or owner of the all-terrain vehicle without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others regardless of ownership;

(4) On lands not owned by the operator or owner of the all-terrain vehicle without an adequate braking device or when otherwise required for the safety of others regardless of ownership;

(5) Without a spark arrester approved by the department of natural resources;

(6) Without an adequate, and operating, muffling device which shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise. All-terrain vehicles manufactured after January 4, 1973, shall effectively maintain such noise at a level of eighty-two decibels or below on the "A" scale at one hundred feet under testing procedures as established by the Washington state patrol;

(7) On lands not owned by the operator or owner of the all-terrain vehicle upon the shoulder or inside bank or slope of any nonhighway road or highway, or upon the median of any divided highway;

(8) On lands not owned by the operator or owner of the all-terrain vehicle in any area or in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage, or destroy trees, growing crops, or other vegetation;

(9) On lands not owned by the operator or owner of the all-terrain vehicle or on any nonhighway road or trail which is restricted to pedestrian or animal travel;

(10) On any public lands in violation of rules and regulations of the agency administering such lands. [1972 ex.s. c 153 § 12; 1971 ex.s. c 47 § 17.]

**Purpose**—1972 ex.s. c 153: See RCW 67.32.080.

**46.09.130 Additional violations—Penalty.** No person shall operate an all-terrain vehicle in such a way as to endanger human life or to run down or harass deer, elk, or any other wildlife, or any domestic animal, nor shall he carry, transport or convey any loaded weapon in or upon, nor hunt from, any all-terrain vehicle. Violation of this section shall constitute a gross misdemeanor. [1971 ex.s. c 47 § 18.]

**46.09.140 Accident reports.** The operator of any all-terrain vehicle involved in any accident resulting in injury to or death of any person, or property damage to another in the estimated amount of two hundred dollars or more, or a person acting for the operator shall submit such reports as are required under chapter 46.52 RCW, as now enacted or as hereafter amended, and the provisions of chapter 46.52 RCW shall be applicable to such reports when submitted. [1971 ex.s. c 47 § 19.]

**46.09.150 Motor vehicle fuel excise taxes on fuel for all-terrain vehicles not refundable under RCW 82.36.280.** Motor vehicle fuel excise taxes paid on fuel used and purchased for providing the motive power for all-terrain vehicles shall not be refundable in accordance with the provisions of RCW 82.36.280 as it now exists or is hereafter amended. [1974 ex.s. c 144 § 1; 1972 ex.s. c 153 § 13; 1971 ex.s. c 47 § 20.]

**Purpose**—1972 ex.s. c 153: See RCW 67.32.080.

**46.09.170 Refunds from motor vehicle fund—Distribution—Use.** From time to time, but at least once each biennium, the director of the department of motor vehicles shall request the state treasurer to refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected pursuant to chapter 82.36

RCW, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall refund and place such amounts in the outdoor recreation account of the general fund to be administered by the interagency committee for outdoor recreation, and such amounts shall be distributed to departments of state government, to counties, and to municipalities on a basis determined by the amount of present or proposed ATV trails or areas on which they permit ATV use. Such distribution shall be reviewed and may be revised by the committee at least once each biennium. These moneys shall be expended by each agency only for all-terrain vehicle trail and area related expenses. [1975 1st ex.s. c 34 § 1; 1974 ex.s. c 144 § 3; 1972 ex.s. c 153 § 15; 1971 ex.s. c 47 § 22.]

**Effective date**—1975 1st ex.s. c 34: "This 1975 amendatory 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, 1975." [1975 1st ex.s. c 34 § 4.]

**Purpose**—1972 ex.s. c 153: See RCW 67.32.080.

**46.09.175 Transferred funds may be used for administration and coordination.** Amounts transferred to the outdoor recreation account pursuant to chapter 46.09 RCW may be used for the necessary administrative and coordinative expenditures of the interagency committee for outdoor recreation in carrying out the provisions of RCW 46.09.110 and 46.09.170. [1975 1st ex.s. c 34 § 2.]

**Effective date**—1975 1st ex.s. c 34: See note following RCW 46.09.170.

**46.09.180 Local political subdivisions, state agencies, may regulate operation of all-terrain vehicles.** Notwithstanding any of the provisions of this chapter, any city, county, or other political subdivision of this state, or any state agency, may regulate the operation of all-terrain vehicles on public lands, waters, and other properties under its jurisdiction, and on streets or highways within its boundaries by adopting regulations or ordinances of its governing body, provided such regulations are not less stringent than the provisions of this chapter. [1971 ex.s. c 47 § 23.]

**46.09.190 General penalty—Civil liability.** (1) Except as provided in RCW 46.09.130, any person violating the provisions of this chapter shall be guilty of a misdemeanor and subject to a fine of not less than twenty-five dollars.

(2) In addition to the penalties provided in subsection (1) of this section, the owner and/or the operator of any all-terrain vehicle shall be liable for any damage to property including damage to trees, shrubs, growing crops injured as the result of travel by such all-terrain vehicle. The owner of such property may recover from the person responsible three times the amount of damage. [1972 ex.s. c 153 § 16; 1971 ex.s. c 47 § 24.]

**Purpose**—1972 ex.s. c 153: See RCW 67.32.080.

**46.09.200 Enforcement.** The provisions of this chapter shall be enforced by all persons having the authority

to enforce any of the laws of this state, including, without limitation, officers of the state patrol, county sheriffs and their deputies, all municipal law enforcement officers within their respective jurisdictions, state wildlife agents and deputy wildlife agents, state park rangers, state fisheries patrolmen, and those employees of the department of natural resources designated by the commissioner of public lands under RCW 43.30.310, 76.04.060, and 76.04.080. [1971 ex.s. c 47 § 25.]

**46.09.210 ATV to include snowmobiles, when.** ATV as used in this chapter shall include snowmobiles unless the 1971 legislature specifically provides for the registration and regulation of snowmobiles. [1971 ex.s. c 47 § 28.]

**Reviser's note:** Snowmobile registration and regulation was provided for by the 1971 legislature in 1971 ex. sess. c 29, codified in chapter 46.10 RCW.

**46.09.220 Department of natural resources to coordinate implementation and administration.** The department of natural resources shall coordinate the implementation and administration of this chapter. [1972 ex.s. c 153 § 18.]

**Purpose**—1972 ex.s. c 153: See RCW 67.32.080.

**46.09.230 Crediting of prior registration fees.** All 1971 registration fees collected pursuant to chapter 47, Laws of 1971 ex. sess. and chapter 46.09 RCW by the department of motor vehicles from August 9, 1971, through February 27, 1972 shall be credited to the 1972 or 1973 permit fee. [1972 ex.s. c 153 § 19.]

**Purpose**—1972 ex.s. c 153: See RCW 67.32.080.

**46.09.900 Severability**—1971 ex.s. c 47. If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1971 amendatory act, or the application of the provision to other persons or circumstances is not affected. [1971 ex.s. c 47 § 26.]

## Chapter 46.10 SNOWMOBILES

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**46.10.010 Definitions.** As used in this chapter the following words and phrases shall have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicated:

(1) "Person" shall mean any individual, firm, partnership, association, or corporation.

(2) "Snowmobile" shall mean any self-propelled vehicle capable of traveling over snow or ice, which utilizes as its means of propulsion an endless belt tread, or cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, and which is steered wholly or in part by skis or sled type runners, and which is not otherwise registered as, or subject to the motor vehicle excise tax in the state of Washington.

(3) "All terrain vehicle" shall mean any self-propelled vehicle other than a snowmobile, capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, and other natural terrain, including, but not limited to, four-wheel vehicles, amphibious vehicles, ground effect or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind; except any vehicle designed primarily for travel on, over, or in the water, farm vehicles, or any military or law enforcement vehicles.

(4) "Owner" shall mean the person, other than a lienholder, having the property in or title to a snowmobile or all terrain vehicle, and entitled to the use or possession thereof.

(5) "Operator" means each person who operates, or is in physical control of, any snowmobile or all terrain vehicle.

(6) "Public roadway" shall mean the entire width of the right of way of any road or street designed and ordinarily used for travel or parking of motor vehicles, which is controlled by a public authority other than the Washington state highway commission, and which is open as a matter of right to the general public for ordinary vehicular traffic.

(7) "Highways" shall mean the entire width of the right of way of all primary and secondary state highways, including all portions of the interstate highway system.

(8) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling snowmobiles or all terrain vehicles at wholesale or retail in this state.

(9) "Department" shall mean the department of motor vehicles.

(10) "Director" shall mean the director of the department of motor vehicles.

(11) "Commission" shall mean the Washington state parks and recreation commission.

(12) "Hunt" shall mean any effort to kill, injure, capture, or disturb a wild animal or wild bird. [1971 ex.s. c 29 § 1.]

**Appropriation—1971 ex.s. c 29:** "To carry out the provisions of section 8(3) of this 1971 act there is appropriated to the commission from the general fund, the sum of one hundred thousand dollars, or such lesser amount as represents fifteen percent per year of the snowmobile registration fees collected by the department, or so much thereof as may be necessary.

To carry out the provisions of section 8(4) of this 1971 act there is appropriated to the commission, to the department of natural resources, and to the department of game, from the general fund, the sums of one hundred thousand dollars for each, or such lesser amounts as represent twenty percent per year of the snowmobile registration fees collected by the department, or so much thereof as may be necessary.

To carry out the provisions of section 15 of this 1971 act there is appropriated to the commission, to the department of natural resources, and to the department of game, from the general fund, the sum of one hundred thousand dollars for each, or such lesser amounts as represent one third of the refund of tax on motor vehicle fuel which has been determined to be a tax on snowmobile fuel, or so much thereof as may be necessary.

To carry out the provisions of section 17 of this 1971 act, there is appropriated to the department from the motor vehicle fund, the sum of twenty thousand dollars, or so much thereof as may be necessary." [1971 ex.s. c 29 § 23.] Sections 8, 15 and 17 of 1971 ex. sess. c 29 are codified as RCW 46.10.080, 46.10.150 and 46.10.170, respectively.

**46.10.020 Operation of snowmobile without registration prohibited.** Except as provided, in this chapter, no person shall operate any snowmobile within this state after August 9, 1971 unless such snowmobile has been registered in accordance with the provisions of this chapter. [1971 ex.s. c 29 § 2.]

**46.10.030 Operation of snowmobile without registration prohibited—Exceptions.** No registration shall be required under the provisions of this chapter for the following described snowmobiles:

(1) Snowmobiles owned and operated by the United States, another state, or a political subdivision thereof.

(2) Snowmobiles owned and operated by this state, or by any municipality or political subdivision thereof.

(3) A snowmobile owned by a resident of another state if that snowmobile is registered in accordance with the laws of the state in which its owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state for snowmobiles registered in this state: *Provided*, That any snowmobile which is validly registered in another state and which is physically located in this state for a period of more than fifteen consecutive days shall be subject to registration under the provisions of this chapter. [1975 1st ex.s. c 181 § 1; 1971 ex.s. c 29 § 3.]

**46.10.040 Application for registration—Fee—Registration number—Term—Renewal—Transfer—Nonresident permit—Decals.** Application for registration shall be made to the department in such manner and upon such forms as the department shall prescribe, and shall state the name and address of each owner of the snowmobile to be registered, and shall be



signed by at least one such owner, and shall be accompanied by a registration fee of five dollars. Upon receipt of the application and the application fee, such snowmobile shall be registered and a registration number assigned, which shall be affixed to the snowmobile in a manner provided in RCW 46.10.070.

The registration provided in this section shall be valid for a period of one year. At the end of such period of registration, every owner of a snowmobile in this state shall renew his registration in such manner as the department shall prescribe, for an additional period of one year, upon payment of a renewal fee of five dollars.

Any person acquiring a snowmobile already validly registered under the provisions of this chapter must, within ten days of the acquisition or purchase of such snowmobile, make application to the department for transfer of such registration, and such application shall be accompanied by a transfer fee of one dollar.

A snowmobile owned by a resident of another state where registration is not required by law may be issued a nonresident registration permit valid for not more than sixty days. Application for such a permit shall state name and address of each owner of the snowmobile to be registered and shall be signed by at least one such owner and shall be accompanied by a registration fee of two dollars. The registration permit shall be carried on the vehicle at all times during its operation in this state.

The registration fees provided in this section shall be in lieu of any personal property or excise tax heretofore imposed on snowmobiles by this state or any political subdivision thereof, and no city, county, or other municipality, and no state agency shall hereafter impose any other registration or license fee on any snowmobile in this state.

The department shall make available a pair of uniform decals consistent with the provisions of RCW 46.10.070 as now or hereafter amended. In addition to the registration fee provided herein the department shall charge each applicant for registration the actual cost of said decal, up to fifty cents per pair of decals. The department shall make available replacement decals for a fee of one dollar and fifty cents per pair. [1973 1st ex.s. c 128 § 1; 1972 ex.s. c 153 § 20; 1971 ex.s. c 29 § 4.]

**Purpose**—1972 ex.s. c 153: See RCW 67.32.080.

**46.10.043 Registration or transfer of registration pursuant to sale by dealer.** Each snowmobile dealer registered pursuant to the provisions of RCW 46.10.050 shall register the snowmobile or, in the event the snowmobile is currently registered, transfer the registration to the new owner prior to delivering the snowmobile to that new owner subsequent to the sale thereof by the dealer. Applications for registration and transfer of registration of snowmobiles shall be made to agents of the department authorized as such in accordance with RCW 46.01.140 and 46.01.150 as now or hereafter amended. [1975 1st ex.s. c 181 § 4.]

**46.10.050 Snowmobile dealers' registration—Fee—Dealer number plates—Time limitation on registration.** (1) Each dealer of snowmobiles in this state

shall register with the department in such manner and upon such forms as the department shall prescribe. Upon receipt of a dealer's application for registration and the registration fee provided for in subsection (2) of this section, such dealer shall be registered and a registration number assigned.

(2) The registration fee for dealers shall be twenty-five dollars per year, and such fee shall cover all of the snowmobiles owned by a dealer and not rented on a regular, commercial basis: *Provided*, That snowmobiles rented on a regular commercial basis by a dealer shall be registered separately under the provisions of RCW 46.10.020, 46.10.040, 46.10.060, and 46.10.070.

(3) Upon registration each dealer shall purchase, at a cost to be determined by the department, dealer number plates of a size and color to be determined by the department, which shall contain the registration number assigned to that dealer. Each snowmobile operated by a dealer for the purposes enumerated in subsection (2) of this section shall display such number plates in a clearly visible manner.

(4) No person other than a dealer or a representative thereof shall display a dealer number plate, and no dealer or a representative thereof shall use a dealer's number plate for any purpose other than the purposes described in subsection (2) of this section.

(5) Dealer registration numbers shall be nontransferable.

(6) Six months after August 9, 1971, it shall be unlawful for any dealer to sell any snowmobile at wholesale or retail, or to test or demonstrate any snowmobile, within the state, unless registered in accordance with the provisions of this section. [1971 ex.s. c 29 § 5.]

**46.10.060 Registration number permanent—Certificate of registration, date tags.** The registration number assigned to a snowmobile in this state at the time of its original registration shall remain with that snowmobile until the vehicle is destroyed, abandoned, or permanently removed from this state, or until changed or terminated by the department. The department shall, upon assignment of such registration number, issue and deliver to the owner a certificate of registration, in such form as the department shall prescribe. The certificate of registration shall not be valid unless signed by the person who signed the application for registration.

At the time of the original registration, and at the time of each subsequent renewal thereof, the department shall issue to the registrant a date tag or tags indicating the validity of the current registration and the expiration date thereof, which validating date, tag, or tags shall be affixed to the snowmobile in such manner as the department may prescribe. Notwithstanding the fact that a snowmobile has been assigned a registration number, it shall not be considered as validly registered within the meaning of this section unless a validating date tag and current registration certificate has been issued. [1971 ex.s. c 29 § 6.]

**46.10.070 Affixing and displaying registration number.** The registration number assigned to each snowmobile shall be permanently affixed to and displayed upon

each snowmobile in such manner as provided by rules adopted by the department, and shall be maintained in a legible condition; except dealer number plates as provided for in RCW 46.10.050 may be temporarily affixed. [1973 1st ex.s. c 128 § 2; 1972 ex.s. c 153 § 21; 1971 ex.s. c 29 § 7.]

**Purpose**—1972 ex.s. c 153: See RCW 67.32.080.

**46.10.080 Distribution of snowmobile registration fees.** The moneys collected by the department as snowmobile registration fees shall be distributed in the following manner:

(1) Ten percent each year for the first two years after August 9, 1971, and five percent each year for each year thereafter shall be retained by the department to cover expenses incurred in the administration of this chapter.

(2) Twenty-five percent each year shall be distributed to the treasurers of those counties of this state having significant snowmobile use in such sums or upon such a formula as shall be determined by the director after consulting with and obtaining the advice of the Washington state association of counties, and shall be deposited in the county parks and recreation fund and expended for snowmobile purposes.

(3) For the first two years after August 9, 1971, fifteen percent each year shall be remitted to the state treasurer for deposit into the general fund and shall be credited to the commission and shall be expended for snow removal operations at other than developed recreational facilities. Thereafter twenty percent each year shall be so remitted for such purposes: *Provided*, That the unused portion of the moneys allotted to the commission for snow removal operations at other than developed recreational facilities, as provided for in this section and in RCW 46.10.150, from the registration moneys and the gasoline fuel tax, as of March 1 of the second year of the biennium shall revert to the snowmobile development and operation fund of the commission, which fund is hereby created.

(4) Fifty percent each year shall be remitted to the state treasurer to be deposited in the general fund, and forty percent of such fifty percent shall remain in the general fund and shall be subject to legislative appropriation until the cumulative totals of such amounts subject to legislative appropriation deposited under this section and under RCW 46.10.150 as now or hereafter amended shall equal forty thousand dollars, or shall equal so much of the appropriation under RCW 46.10.081 as is actually used if the entire appropriation of forty thousand dollars is not used. The remainder of such fifty percent shall be credited in equal amounts to the commission, the department of natural resources, and the department of game and shall be expended on the development or operation of snowmobile facilities, but not on the acquisition thereof. The commission, the department of natural resources and the department of game shall, not later than July 15 of each year, prepare and submit to the Washington state parks and recreation commission an annual report which shall indicate the purposes for which such amounts were expended. [1975 1st ex.s. c 181 § 2; 1973 1st ex.s. c 128 § 3; 1972 ex.s. c 153 § 22; 1971 ex.s. c 29 § 8.]

**Purpose**—1972 ex.s. c 153: See RCW 67.32.080.

**46.10.081 Appropriation for pilot program—Snow groomer.** In order to establish a pilot program of cooperation between snowmobile users, county governments, and the state parks and recreation commission, there is hereby appropriated to the Washington state parks and recreation commission, forty thousand dollars or so much thereof as may be needed from the general fund for the purchase, operation, and maintenance of a snow groomer for use in maintaining and improving snowmobile trails: *Provided*, That such forty thousand dollars or so much thereof as is actually used shall be repaid to the general fund by June 30, 1977, from moneys available pursuant to RCW 46.10.080(4) and 46.10.150 as now or hereafter amended. The state parks and recreation commission shall be responsible for the pilot program and shall report the results and expenses to the standing parks and recreation committees prior to the 1977 legislative session. [1975 1st ex.s. c 181 § 7.]

**46.10.090 Operating violations.** It shall be unlawful for any person to operate any snowmobile:

(1) At a rate of speed greater than reasonable and prudent under the existing conditions.

(2) While under the influence of intoxicating liquor or narcotics or habit forming drugs.

(3) In a manner so as to endanger the person or property of another.

(4) Without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others.

(5) Without an adequate braking device which may be operated either by hand or foot.

(6) Without an adequate and operating muffling device which shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise, and, on snowmobiles manufactured after January 4, 1973, which shall effectively maintain such noise at a level of eighty-two decibels or below on the "A" scale at one hundred feet under testing procedures as established by the Washington state patrol; except snowmobiles used in organized racing events in an area designated for that purpose may use a bypass or cutout device.

(7) Upon the paved portion or upon the shoulder or inside bank or slope of any public roadway or highway, or upon the median of any divided highway, except as provided in RCW 46.10.100 and 46.10.110.

(8) In any area or in such a manner so as to expose the underlying soil or vegetation, or to injure, damage, or destroy trees or growing crops.

(9) Without a current registration decal affixed thereon, if not exempted under RCW 46.10.030 as now or hereafter amended. [1975 1st ex.s. c 181 § 5; 1971 ex.s. c 29 § 9.]

**46.10.100 Crossing public roadways and highways lawful, when.** It shall be lawful to drive or operate a snowmobile across public roadways and highways other than limited access highways when:

The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and

The snowmobile is brought to a complete stop before entering the public roadway or highway; and

The operator of the snowmobile yields the right of way to motor vehicles using the public roadway or highway; and

The crossing is made at a place which is greater than one hundred feet from any public roadway or highway intersection. [1971 ex.s. c 29 § 10.]

**46.10.110 Operating upon public road or highway lawful, when.** Notwithstanding the provisions of RCW 46.10.100, it shall be lawful to operate a snowmobile upon a public roadway or highway:

Where such roadway or highway is completely covered with snow or ice and has been closed by the responsible governing body to motor vehicle traffic during the winter months; or

When the responsible governing body gives notice that such roadway or highway is open to snowmobiles or all-terrain vehicle use; or

In an emergency during the period of time when and at locations where snow upon the roadway or highway renders such impassible to travel by automobile; or

When traveling along a designated snowmobile trail. [1972 ex.s. c 153 § 23; 1971 ex.s. c 29 § 11.]

**Purpose**—1972 ex.s. c 153: See RCW 67.32.080.

**46.10.120 Restrictions on age of operators—Qualifications.** No person under twelve years of age shall operate a snowmobile on or across a public roadway or highway in this state, and no person between the ages of twelve and sixteen years of age shall operate a snowmobile on or across a public road or highway in this state unless he has taken a snowmobile safety education course and been certified as qualified to operate a snowmobile by an instructor designated by the commission as qualified to conduct such a course and issue such a certificate, and he has on his person at the time he is operating a snowmobile evidence of such certification: *Provided*, That persons under sixteen years of age who have not been certified as qualified snowmobile operators may operate a snowmobile under the direct supervision of a qualified snowmobile operator. [1972 ex.s. c 153 § 24; 1971 ex.s. c 29 § 12.]

**Purpose**—1972 ex.s. c 153: See RCW 67.32.080.

**46.10.130 Additional violations—Penalty.** No person shall operate a snowmobile in such a way as to run down or harass deer, elk, or any other wildlife, or any domestic animal, nor shall he carry any loaded weapon upon, nor hunt from, any snowmobile. Any person violating the provisions of this section shall be guilty of a gross misdemeanor. [1971 ex.s. c 29 § 13.]

**46.10.140 Accident reports.** The operator of any snowmobile involved in any accident resulting in injury to or death of any person, or property damage in the estimated amount of two hundred dollars or more, or a

person acting for the operator, or the owner of the snowmobile having knowledge of the accident, should the operator of the snowmobile be unknown, shall submit such reports as are required under chapter 46.52 RCW, as now enacted or as hereafter amended, and the provisions of chapter 46.52 RCW shall be applicable to such reports when submitted. [1971 ex.s. c 29 § 14.]

**46.10.150 Treasurer's duty to refund snowmobile fuel tax to general fund—Crediting—Use.** From time to time, but at least once each biennium, the director shall request the state treasurer to refund from the motor vehicle fund amounts which have been determined to be a tax on snowmobile fuel, and the treasurer shall refund such amounts and place them in the general fund; twenty-five percent of such amounts shall be credited to the commission and shall be expended by it for snow removal operations at other than developed recreational facilities; seventy-five percent of such amounts shall be credited as follows: Forty percent of such seventy-five percent to the general fund to be subject to legislative appropriation until the cumulative totals of such amounts subject to legislative appropriation under this section and under RCW 46.10.080(4) as now or hereafter amended shall equal forty thousand dollars, or shall equal so much of the appropriation under RCW 46.10.081 as is actually used if the entire appropriation of forty thousand dollars is not used. The remainder of such seventy-five percent shall be credited in equal amounts, to the commission, department of natural resources, and the department of game, and shall be expended for the development and/or operation, but not acquisition, of snowmobile facilities. [1975 1st ex.s. c 181 § 3; 1973 1st ex.s. c 128 § 4; 1971 ex.s. c 29 § 15.]

**Appropriation**—1971 ex.s. c 29: See note following RCW 46.10.010.

**46.10.160 Snowmobile fuel excise tax nonrefundable.** Motor vehicle fuel used and purchased for providing the motive power for snowmobiles shall be considered a nonhighway use of fuel, but persons so purchasing and using motor vehicle fuel shall not be entitled to a refund of the motor vehicle fuel excise tax paid in accordance with the provisions of RCW 82.36.280 as it now exists or is hereafter amended. [1971 ex.s. c 29 § 16.]

**46.10.170 Determination of proportion of motor vehicle fuel tax used as snowmobile fuel—Cost offset—Report.** From time, to time, but at least once each four years, the department shall determine the amount or proportion of moneys paid to it as motor vehicle fuel tax which is tax on snowmobile fuel. Such determination may be made in any manner which is, in the judgment of the director, reasonable, but the manner used to make such determination shall be reported at the end of each four year period to the legislature. To offset the cost of making such determination the treasurer shall retain in, and the department is authorized to expend from, the motor vehicle fund, the sum of twenty thousand dollars in the first biennium after August 9, 1971, and ten thousand dollars in each succeeding biennium. [1971 ex.s. c 29 § 17.]

**Appropriation**—1971 ex.s. c 29: See note following RCW 46.10.010.

**46.10.180 Political subdivisions, state agencies, may regulate operation of snowmobiles.** Notwithstanding any of the provisions of this chapter, any city, county, or other political subdivision of this state, or any state agency, may regulate the operation of snowmobiles on public lands, waters, and other properties under its jurisdiction, and on streets or highways within its boundaries by adopting regulations or ordinances of its governing body, provided such regulations are not inconsistent with the provisions of this chapter; and provided further that no such city, county, or other political subdivision of this state, nor any state agency, may adopt a regulation or ordinance which imposes a special fee for the use of public lands or waters by snowmobiles, or for the use of any access thereto which is owned by or under the jurisdiction of either the United States, this state, or any such city, county, or other political subdivision. [1971 ex.s. c 29 § 18.]

**46.10.185 Local authorities may provide for safety and convenience.** Notwithstanding any other provisions of this chapter, the local governing body may provide for the safety and convenience of snowmobiles and snowmobile operators. Such provisions may include, but shall not necessarily be limited to, the clearing of areas for parking automobiles, the construction and maintenance of rest areas, and the designation and development of given areas for snowmobile use. [1972 ex.s. c 153 § 25.]

**Purpose**—1972 ex.s. c 153: See RCW 67.32.080.

**46.10.190 General penalty—Civil liability.** (1) Except as provided in RCW 46.10.130, any person violating the provisions of this chapter shall be guilty of a misdemeanor: *Provided*, That the penalty for failing to have a registration decal under RCW 46.10.090 as now or hereafter amended shall, upon conviction, be a fine of twenty-five dollars.

(2) In addition to the penalties provided in subsection (1) of this section, the operator and/or the owner of any snowmobile used with the permission of the owner shall be liable for three times the amount of any damage to trees, shrubs, growing crops, or other property injured as the result of travel by such snowmobile over the property involved. [1975 1st ex.s. c 181 § 6; 1971 ex.s. c 29 § 19.]

**46.10.200 Enforcement.** The provisions of this chapter shall be enforced by all persons having the authority to enforce any of the laws of this state, including, without limitation, officers of the state patrol, county sheriffs and their deputies, all municipal law enforcement officers within their respective jurisdictions, state game protectors and deputy game protectors, state park rangers, state fisheries patrolmen, and those employees of the department of natural resources designated by the commissioner of public lands under RCW 43.30.310, as having police powers to enforce the laws of this state. [1971 ex.s. c 29 § 20.]

**46.10.210 Administration.** With the exception of the registration and licensing provisions, this chapter shall be administered by the Washington state parks and recreation commission. [1973 1st ex.s. c 128 § 5.]

**46.10.900 Severability**—1971 ex.s. c 29. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances is not affected. [1971 ex.s. c 29 § 21.]

**46.10.910 Short title.** This chapter may be known and cited as the "Snowmobile act". [1971 ex.s. c 29 § 22.]

## Chapter 46.12 CERTIFICATES OF OWNERSHIP AND REGISTRATION

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*Abandoned junk motor vehicles: RCW 46.52.145 through 46.52.160.*

*Hulk haulers' or scrap processors' licenses: Chapter 46.79 RCW.*

**46.12.005 Definitions.** As used in this amendatory act, the words "delivery", "notice", "send" and "security interest" shall have the same meaning as these terms are defined in RCW 62A.1–201 as now and hereafter amended; the word, "secured party" shall have the same meaning as this term is defined in RCW 62A.9–105 as now and hereafter amended. [1967 c 140 § 5.]

**Reviser's note:** "this amendatory act" [1967 c 140] consists of RCW 46.12.005, 46.12.010, 46.12.095, 46.12.101, 46.12.120, 46.12.130, 46.12.151, 46.12.170 and 46.12.181.

**Effective date—1967 c 140:** See note following RCW 46.12.010.

**46.12.010 Certificates required to operate and sell vehicles—Manufacturers or dealers, security interest, how perfected.** It shall be unlawful for any person to operate any vehicle in this state under a certificate of license registration of this state without securing and having in full force and effect a certificate of ownership therefor that contains the name of the registered owner exactly as it appears on the certificate of license registration and it shall further be unlawful for any person to sell or transfer any vehicle without complying with all the provisions of this chapter relating to certificates of ownership and license registration of vehicles: *Provided*, No certificate of title need be obtained for a vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing and demonstration, or a vehicle used by a manufacturer solely for testing: *Provided*, That a security interest in a vehicle held as inventory by a manufacturer or dealer shall be perfected in accordance with RCW 62A.9–302(1) and no endorsement on the certificate of title shall be necessary for perfection: *And provided further*, That nothing in this title shall be construed to prevent any person entitled thereto from securing a certificate of ownership upon a vehicle other than a travel trailer or camper without securing a certificate of license registration and vehicle license plates, when, in the judgment of the director of motor vehicles, it is proper to do so. [1975 c 25 § 6; 1967 c 140 § 1; 1967 c 32 § 6; 1961 c 12 § 46.12.010. Prior: 1937 c 188 § 2; RRS § 6312–2.]

**Effective date—1967 c 140:** "This act shall become effective at midnight on June 30, 1967. It applies to transactions entered into and events occurring after that date." [1967 c 140 § 11.] This applies to

RCW 46.12.005, 46.12.010, 46.12.095, 46.12.101, 46.12.120, 46.12.130, 46.12.151, 46.12.170 and 46.12.181.

**Definitions:** See RCW 46.12.005.

**46.12.020 Prerequisite to issuance of vehicle license and plates.** No vehicle license number plates or certificate of license registration, whether original issues or duplicates, shall be issued or furnished by the department unless the applicant therefor shall at the same time make satisfactory application for a certificate of ownership or shall present satisfactory evidence that such a certificate of ownership covering such vehicle has been previously issued. [1975 c 25 § 7; 1967 c 32 § 7; 1961 c 12 § 46.12.020. Prior: 1947 c 164 § 1, part; 1937 c 188 § 3, part; Rem. Supp. 1947 § 6312–2, part.]

**46.12.030 Certificate of ownership—Application—Contents—Inspection of vehicle.** The application for certificate of ownership shall be upon a blank form to be furnished by the department and shall contain:

(1) A full description of the vehicle, which said description shall contain the proper vehicle identification number, the number of miles indicated on the odometer at the time of delivery of the vehicle, and any distinguishing marks of identification;

(2) The name and address of the person who is to be the registered owner of the vehicle and, if the vehicle is subject to a security interest, the name and address of the secured party;

(3) Such other information as the department may require: *Provided*, That the department may in any instance, in addition to the information required on said application, require additional information and a physical examination of the vehicle or of any class of vehicles, or either: *Provided further*, That a physical examination of the vehicle is mandatory if it previously was registered in any other state or country. The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the foreign title and registration certificate. If the vehicle is from a jurisdiction that does not issue titles, the inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the registration certificate. The inspection must also confirm that the license plates on the vehicle are those assigned to the vehicle by the jurisdiction in which the vehicle was previously licensed. The inspection must be made by a member of the Washington state patrol or other person authorized by the department to make such inspections.

Such application shall be subscribed by the registered owner and be sworn to by that person before a notary public or other officer authorized by law to take acknowledgments of deeds, or other person authorized by the director to certify to the signature of the applicant upon such application. [1975 c 25 § 8; 1974 ex.s. c 128 § 1; 1972 ex.s. c 99 § 2; 1967 c 32 § 8; 1961 c 12 § 46.12.030. Prior: 1947 c 164 § 1, part; 1937 c 188 § 3, part; Rem. Supp. 1947 § 6312–2, part.]

**Effective date—1974 ex.s. c 128:** "This 1974 amendatory act shall take effect July 1, 1974." [1974 ex.s. c 128 § 3.]

**46.12.040 Certificate of ownership—Application and inspection fees.** The application accompanied by a draft, money order, or certified bank check for one dollar, together with the last preceding certificates or other satisfactory evidence of ownership, shall be forwarded to the director.

The fee shall be in addition to any other fee for the license registration of the vehicle. The certificate of ownership shall not be required to be renewed annually, or at any other time, except as by law provided.

In addition to the application fee and any other fee for the license registration of a vehicle, there shall be collected from the applicant an inspection fee of ten dollars whenever physical examination of the vehicle is required as a part of the vehicle licensing or titling process.

These fees shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. [1975 1st ex.s. c 138 § 1; 1974 ex.s. c 128 § 2; 1961 c 12 § 46.12.040. Prior: 1951 c 269 § 1; 1947 c 164 § 1, part; 1937 c 188 § 3, part; Rem. Supp. 1947 § 6312-3, part.]

**Effective date—1974 ex.s. c 128:** See note following RCW 46.12.030.

**46.12.050 Issuance of certificates—Contents.** The department, if satisfied from the statements upon the application that the applicant is the legal owner of the vehicle or otherwise entitled to have the certificate of ownership thereof in the applicant's name, shall thereupon issue an appropriate certificate of ownership, over the director's signature, authenticated by seal, and a new certificate of license registration if certificate of license registration is required.

Both the certificate of ownership and the certificate of license registration shall contain upon the face thereof, the date of application, the registration number assigned to the registered owner and to the vehicle, the name and address of the registered owner and legal owner, the vehicle identification number, and such other description of the vehicle and facts as the department shall require, and in addition thereto, if the vehicle described in such certificates shall have ever been licensed and operated as an exempt vehicle or a taxicab, or if it is less than four years old and has been rebuilt after having been totaled out by an insurance carrier, such fact shall be clearly shown thereon.

A blank space shall be provided on the face of the certificate of license registration for the signature of the registered owner.

Upon issuance of the certificate of license registration and certificate of ownership and upon any reissue thereof, the department shall deliver the certificate of license registration to the registered owner and the certificate of ownership to the legal owner, or both to the person who is both the registered owner and legal owner. [1975 c 25 § 9; 1967 c 32 § 9; 1961 c 12 § 46.12.050. Prior: 1959 c 166 § 1; 1947 c 164 § 2; 1937 c 188 § 4; Rem. Supp. 1947 § 6312-4.]

**46.12.060 Procedure when identification number altered or obliterated.** Before the department shall issue a certificate of ownership, or reissue such a certificate, covering any vehicle, the identification number of which

has been altered, removed, obliterated, defaced, omitted, or is otherwise absent, the registered owner of the vehicle shall file an application with the department, accompanied by a fee of five dollars, upon a form provided, and containing such facts and information as shall be required by the department for the assignment of a special number for such vehicle. Upon receipt of such application, the department, if satisfied the applicant is entitled to the assignment of an identification number, shall designate a special identification number for such vehicle, which shall be noted upon the application therefor, and likewise upon a suitable record of the authorization of the use thereof, to be kept by the department. This assigned identification number shall be placed or stamped in a conspicuous position upon the vehicle in such manner and form as may be prescribed by the department. Upon receipt by the department of a certificate by an officer of the Washington state patrol, or other person authorized by the department, that the vehicle has been inspected and that the identification number or the special number plate, has been stamped or securely attached in a conspicuous position upon the vehicle, accompanied by an application for a certificate of ownership or application for reissue of such certificate and the required fee therefor, the department shall use such number as the numerical or alpha-numerical identification marks for the vehicle in any certificate of license registration or certificate of ownership that may thereafter be issued therefor. [1975 c 25 § 10; 1974 ex.s. c 36 § 1; 1961 c 12 § 46.12.060. Prior: 1959 c 166 § 3; prior: 1951 c 269 § 2; 1947 c 164 § 3(a); 1939 c 182 § 1(a); 1937 c 188 § 5(a); Rem. Supp. 1947 § 6312-5(a).]

**Effective date—1974 ex.s. c 36:** "This 1974 amendatory act shall take effect on July 1, 1974." [1974 ex.s. c 36 § 2.]

**46.12.070 Destruction of vehicle—Surrender of certificates, penalty—Notice of settlement by insurance company.** Upon the destruction of any vehicle covered by certificates of license registration and ownership, the registered owner and the legal owner shall forthwith and within five days thereafter forward and surrender such certificate, together with the vehicle license plates therefor if available, to the director, together with a statement of the reason for such surrender and the time and place of destruction. Failure to notify the director or the possession by any person of any such certificate for a vehicle so destroyed, after five days following its destruction, shall be prima facie evidence of violation of the provisions of this chapter and shall constitute a gross misdemeanor.

Any insurance company settling any insurance claim on any such vehicle as a total loss, less salvage, shall notify the director thereof within five days after the settlement of any such claim under any policy of insurance carried by it on a vehicle covered by certificates of license registration and ownership issued by this state. [1961 c 12 § 46.12.070. Prior: 1959 c 166 § 4; prior: 1947 c 164 § 3(b); 1939 c 182 § 1(b); 1937 c 188 § 5(b); Rem. Supp. 1947 § 6312-5(b).]

**46.12.080 Procedure on installation of different motor—Penalty.** Any person holding the certificate of

license registration for a vehicle in which there has been installed a new or different motor than that with which it was issued certificates of ownership and license registration shall forthwith and within five days after such installation forward and surrender such certificates to the director, together with an application for issue of corrected certificates of ownership and license registration and a fee of one dollar, and a statement of the disposition which was made of the former motor. The possession by any person of any such certificates for a vehicle in which a new or different motor has been installed, after five days following such installation, shall be prima facie evidence of a violation of the provisions of this chapter and shall constitute a misdemeanor. [1961 c 12 § 46.12.080. Prior: 1959 c 166 § 5; prior: 1951 c 269 § 3; 1947 c 164 § 3(c); 1939 c 182 § 1(c); 1937 c 188 § 5(c); Rem. Supp. 1947 § 6312-5(c).]

**46.12.090 Procedure when motor or motor block removed—Unlawful acts.** Whenever the motor or motor block carrying the identification number is removed from any motor vehicle and the vehicle has not been destroyed or dismantled in such a manner as to come under the provisions of RCW 46.12.070, and there has been issued and is outstanding a certificate of ownership for such vehicle, the registered owner or vehicle dealer having possession of the vehicle shall, within a period of five days after the removal thereof, notify the director in writing on forms to be prescribed by the director and furnished for that purpose, giving the description of the vehicle from which such motor or motor block has been removed, the date of the removal thereof, and the name and address of the purchaser or holder thereof, or in the event the motor or motor block is not in a condition to be used in a motor vehicle, the disposition made thereof. It shall be unlawful for any dealer or registered owner to fail, neglect, or refuse to comply with the provisions of this section. [1961 c 12 § 46.12.090. Prior: 1959 c 166 § 6; prior: 1947 c 164 § 3(d); 1939 c 182 § 1(d); 1937 c 188 § 5(d); Rem. Supp. 1947 § 6312-5(d).]

**46.12.095 Requirements for perfecting security interest.** A security interest in a vehicle other than one held as inventory by a manufacturer or a dealer and for which a certificate of ownership is required is perfected only by compliance with the requirements of this section:

(1) A security interest is perfected only by the department's receipt of: (a) The existing certificate, if any, and (b) an application for a certificate of ownership containing the name and address of the secured party and (c) tender of the required fee.

(2) It is perfected as of the time of its creation: (a) if the papers and fee referred to in the preceding subsection are received by this department within eight department business days exclusive of the day on which the security agreement was created; or (b) if the secured party's name and address appear on the outstanding certificate of ownership; otherwise, as of the date on which the department has received the papers and fee required in subsection (1).

(3) If a vehicle is subject to a security interest when brought into this state, perfection of the security interest is determined by the law of the jurisdiction where the vehicle was when the security interest was attached, subject to the following:

(a) If the security interest was perfected under the law of the jurisdiction where the vehicle was when the security interest was attached, the following rules apply:

(b) If the name of the secured party is shown on the existing certificate of ownership issued by that jurisdiction, the security interest continues perfected in this state. The name of the secured party shall be shown on the certificate of ownership issued for the vehicle by this state. The security interest continues perfected in this state upon the issuance of such ownership certificate.

(c) If the security interest was not perfected under the law of the jurisdiction where the vehicle was when the security interest was attached, it may be perfected in this state; in that case, perfection dates from the time of perfection in this state. [1969 ex.s. c 170 § 16; 1967 c 140 § 6.]

**Effective date—1967 c 140:** See note following RCW 46.12.010.

**Definitions:** See RCW 46.12.005.

**46.12.101 Transfer of ownership, how perfected.** A transfer of ownership in a motor vehicle is perfected by compliance with the requirements of this section.

(1) If an owner transfers his interest in a vehicle, other than by the creation of a security interest, he shall, at the time of the delivery of the vehicle, execute an assignment to the transferee and inscribe in ink the number of miles indicated on the odometer in the respective spaces provided therefor on the certificate or as the department prescribes, and cause the certificate and assignment to be transmitted to the transferee or to the department.

(2) Except as provided in RCW 46.12.120 the transferee shall within fifteen days after delivery to him of the vehicle, execute the application for a new certificate of ownership in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department.

(3) Upon request of the owner or transferee, a secured party in possession of the certificate of ownership shall, unless the transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured party receives the owner's assignment from the transferee, it shall transmit the transferee's application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party under his security agreement.

(4) If a security interest is reserved or created at the time of the transfer, the certificate of ownership shall be retained by or delivered to the person who becomes the secured party, and the parties shall comply with the provisions of RCW 46.12.170.

(5) If the purchaser or transferee fails or neglects to transfer such certificate of ownership and license registration within fifteen days after date of delivery of the

vehicle to him, he shall on making application for transfer be assessed a five-dollar penalty on the sixteenth day and one dollar additional for each day thereafter, but not to exceed fifteen dollars: *Provided*, That such failure or neglect to transfer within forty-five days after date of delivery of said vehicle shall be a misdemeanor.

(6) Upon receipt of an application for the reissue of a certificate of ownership and transfer of license registration, accompanied by the endorsed certificate of ownership and such other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all provisions relating to the certificate of ownership and license registration have been complied with, issue new certificates of title and license registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer, to be deposited in the motor vehicle fund. [1972 ex.s. c 99 § 1; 1969 ex.s. c 281 § 38; 1969 ex.s. c 42 § 1; 1967 c 140 § 7.]

**Effective date**—1967 c 140: See note following RCW 46.12.010.  
**Definitions**: See RCW 46.12.005.

**46.12.105 Transfer of ownership of mobile home, county assessor notified.** When the ownership of a mobile home is transferred and the new owner thereof applies for a new certificate of ownership for such mobile home, the director of motor vehicles or his agents, including county auditors, shall notify the county assessor of the county where such mobile home is located of the change in ownership including the name and address of the new owner and the name of the former owner. [1971 ex.s. c 231 § 13.]

**Effective date**—1971 ex.s. c 231: See note following RCW 46.01.130.

**46.12.120 Duty when purchaser or transferee is a dealer.** If the purchaser or transferee is a dealer he shall, on selling or otherwise disposing of the vehicle, promptly execute the assignment and warranty of title, in such form as the director shall prescribe, including recording on the application the odometer reading as recorded by the previous owner on the title at the time the dealer obtained the vehicle or, if the previous owner failed to record the mileage on the title, the dealer shall attach a signed statement attesting to the odometer reading as it appeared on the vehicle at the time the vehicle was obtained by the dealer. Such assignment and warranty shall show any secured party holding a security interest created or reserved at the time of resale, to which shall be attached the assigned certificates of ownership and license registration received by the dealer, and mail or deliver them to the department with the transferee's application for the issuance of new certificates of ownership and license registration: *Provided*, That the title certificate issued for a vehicle possessed by a dealer and subject to a security interest shall be delivered to the secured party who upon request of the dealer's transferee shall, unless the transfer was a breach of his security agreement, either deliver the certificate to the transferee for transmission to the department, or upon receipt from the transferee of the owner's bill of sale or sale document, the transferee's application for a new

certificate and the required fee, mail or deliver to the department: *And provided further*, That failure of a dealer to deliver the title certificate to the secured party does not affect perfection of the security interest. [1975 c 25 § 11; 1972 ex.s. c 99 § 3; 1967 c 140 § 2; 1961 c 12 § 46.12.120. Prior: 1959 c 166 § 10; prior: 1947 c 164 § 4(c); 1937 c 188 § 6(c); Rem. Supp. 1947 § 6312-6(c).]

**Effective date**—1967 c 140: See note following RCW 46.12.010.  
**Definitions**: See RCW 46.12.005.

**46.12.125 Procedure when transferor to a dealer is from out of state or car in inventory.** In any case in which the transferor to the dealer is from out of state and has not recorded the mileage at the time of transfer, or a car was in inventory prior to May 23, 1972, the dealer, when mailing or delivering the assigned certificates of ownership and license registration to the department, shall attach a certificate indicating to the best of his knowledge or belief the mileage on the vehicle at the time it was placed into inventory. [1972 ex.s. c 99 § 4.]

**46.12.130 Assigned certificate of ownership to be filed by department—Transfer of interest in vehicle.** Certificates of ownership when assigned and returned to the department, together with subsequently assigned reissues thereof, shall be retained by the department and appropriately filed and indexed so that at all times it will be possible to trace ownership to the vehicle designated therein:

(1) If the interest of an owner in a vehicle passes to another, other than by voluntary transfer, the transferee shall, except as provided in subsection (3) of this section, promptly mail or deliver to the department the last certificate of ownership if available, proof of transfer, and his application for a new certificate in the form the department prescribes.

(2) If the interest of the owner is terminated or the vehicle is sold under a security agreement by a secured party named in the certificate of ownership, the transferee shall promptly mail or deliver to the department the last certificate of ownership, his application for a new certificate in the form the department prescribes, and an affidavit made by or on the behalf of the secured party that the vehicle was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement.

(3) If the secured party succeeds to the interest of the owner and holds the vehicle for resale, he need not secure a new certificate of ownership but, upon transfer to another person, shall promptly mail or deliver to the transferee or to the department the certificate, affidavit and other documents (and articles) required to be sent to the department by the transferee. [1967 c 140 § 3; 1961 c 12 § 46.12.130. Prior: 1959 c 166 § 11; prior: 1947 c 164 § 4(d); 1937 c 188 § 6(d); Rem. Supp. 1947 § 6312-6(d).]

**Effective date**—1967 c 140: See note following RCW 46.12.010.  
**Definitions**: See RCW 46.12.005.

**46.12.140 Certificates of ownership for dealers' or manufacturers' used vehicles.** In the case of dealers in



vehicles, including manufacturers who sell to persons other than dealers, a separate certificate of ownership, either of the dealer's immediate vendor properly assigned or of the dealer himself, shall be required covering each used vehicle kept in his possession. [1961 c 12 § 46.12.140. Prior: 1959 c 166 § 12; prior: 1947 c 164 § 4(e); 1937 c 188 § 6(e); Rem. Supp. 1947 § 6312-6(e).]

**46.12.151 Procedure when department unsatisfied as to ownership and security interests.** If the department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the department may register the vehicle but shall either:

(1) Withhold issuance of a certificate of ownership until the applicant presents documents reasonably sufficient to satisfy the department as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it; or

(2) As a condition of issuing a certificate of ownership, require the applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, or in lieu thereof a deposit of cash in like amount. The bond shall be in an amount equal to one and one-half times the value of the vehicle as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of ownership of the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, or any cash deposit shall be returned at the end of three years or prior thereto if the vehicle is no longer registered in this state and the currently valid certificate of ownership is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond. [1967 c 140 § 9.]

**Effective date**—1967 c 140: See note following RCW 46.12.010.  
**Definitions:** See RCW 46.12.005.

**46.12.160 Director may refuse or cancel certificate—Penalty.** If the director determines at any time that an applicant for certificate of ownership or for a certificate of license registration for a vehicle is not entitled thereto, he may refuse to issue such certificate or to license the vehicle and he may, for like reason, after notice, and in the exercise of discretion, cancel license registration already acquired or any outstanding certificate of ownership. The notice shall be served personally or sent by certified mail return receipt requested. It shall then be unlawful for any person to remove, drive, or operate the vehicle until a proper certificate of ownership or license registration has been issued and any person removing, driving, or operating such vehicle after the refusal of the director to issue certificates or the revocation thereof shall be guilty of a gross misdemeanor.

[1975 c 25 § 12; 1961 c 12 § 46.12.160. Prior: 1959 c 166 § 14; prior: 1947 c 164 § 4(g); 1937 c 188 § 6(g); Rem. Supp. 1947 § 6312-6(g).]

**46.12.170 Procedure when security agreement is placed on vehicle.** If, after a certificate of ownership is issued, a security agreement is placed on the vehicle described therein, the registered owner or secured party shall, within ten days thereafter, present an application to the department, signed by the registered owner and the secured party, to which shall be attached the certificate of license registration and the certificate of ownership last issued covering the vehicle, which application shall be upon a form provided by the department and shall be accompanied by a fee of one dollar. The department, if satisfied that there should be a reissue of the certificates, shall note such change upon the vehicle records and issue to the registered owner a new certificate of license registration and to the secured party a new certificate of ownership.

Whenever there is no outstanding secured obligation and no commitment to make advances and incur obligations or otherwise give value, the secured party must assign the certificate of ownership to the debtor or the debtor's assignee and transmit the certificate to the department with an accompanying fee of one dollar. The department shall then issue a new certificate of ownership and transmit it to the owner. If the affected secured party fails to either assign or transmit the certificate of ownership to the debtor within ten days after proper demand, that secured party shall be liable to the debtor for one hundred dollars, and in addition for any loss caused to the debtor by such failure. [1975 c 25 § 13; 1967 c 140 § 4; 1961 c 12 § 46.12.170. Prior: 1951 c 269 § 4; 1947 c 164 § 5; 1939 c 182 § 2; 1937 c 188 § 7; Rem. Supp. 1947 § 6312-7.]

**Effective date**—1967 c 140: See note following RCW 46.12.010.  
**Definitions:** See RCW 46.12.005.

**46.12.181 Duplicate for lost, stolen, mutilated, etc., certificates.** If a certificate of ownership or a certificate of license registration is lost, stolen, mutilated or destroyed or becomes illegible, the first priority secured party or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the department, shall promptly make application for and may obtain a duplicate upon tender of one dollar and upon furnishing information satisfactory to the department. The duplicate certificate of ownership or license registration shall contain the legend, "This is a duplicate certificate." It shall be mailed to the first priority secured party named in it or, if none, to the owner.

The department shall not issue a new certificate of ownership to a transferee upon application made for a duplicate until fifteen department business days after receipt of the application.

A person recovering an original certificate of ownership or title registration for which a duplicate has been issued shall promptly surrender the original certificate to the department. [1969 ex.s. c 170 § 1; 1967 c 140 § 8.]

**Effective date**—1967 c 140: See note following RCW 46.12.010.  
**Definitions:** See RCW 46.12.005.

**46.12.190 Legal owner not liable for acts of registered owner.** The person, firm, copartnership, association or corporation to whom a certificate of ownership shall have been issued shall not thereby incur liability or be responsible for damage, or otherwise, resulting from any act or contract made by the registered owner or by any other person acting for, or by or under the authority of such registered owner. [1961 c 12 § 46.12.190. Prior: 1937 c 188 § 10, part; RRS § 6312-10, part.]

**46.12.200 State or director not liable for acts in administering chapter.** No suit or action shall ever be commenced or prosecuted against the director of motor vehicles or the state of Washington by reason of any act done or omitted to be done in the administration of the duties and responsibilities imposed upon the director under this chapter. [1967 c 32 § 11; 1961 c 12 § 46.12.200. Prior: 1937 c 188 § 10, part; RRS § 6312-10, part.]

**46.12.210 Penalty for false statements or illegal transfers.** Any person who shall knowingly make any false statement of a material fact, either in his application for the certificate of ownership or in any assignment thereof, or who with intent to procure or pass ownership to a vehicle which he knows or has reason to believe has been stolen, shall receive or transfer possession of the same from or to another or who shall have in his possession any vehicle which he knows or has reason to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his duty as such officer, shall be guilty of a felony and upon conviction shall be punished by a fine of not more than five thousand dollars or by imprisonment for not more than ten years, or both such fine and imprisonment. This provision shall not exclude any other offenses or penalties prescribed by any existing or future law for the larceny or unauthorized taking of a motor vehicle. [1961 c 12 § 46.12.210. Prior: 1937 c 188 § 12; RRS § 6312-12.]

**46.12.220 Alteration or forgery—Penalty.** Any person who shall alter or forge or cause to be altered or forged any certificate issued by the director pursuant to the provisions of this chapter, or any assignment thereof, or any release or notice of release of any encumbrance referred to therein, or who shall hold or use any such certificate or assignment, or release or notice of release, knowing the same to have been altered or forged, shall be guilty of a felony. [1967 c 32 § 12; 1961 c 12 § 46.12.220. Prior: 1937 c 188 § 13; RRS § 6312-13.]

**46.12.230 Permit to licensed wrecker to junk vehicle—Fee.** Any licensed wrecker in possession of a motor vehicle ten years old or older, and ownership of which or whose owner's residence is unknown, may apply to the department for a permit to junk or wreck such motor vehicle, or any part thereof. Upon such application, a permit may be issued by the department, upon receipt of a fee of one dollar, in a form to be prescribed by the department to authorize such wrecker to wreck or junk such vehicle, or any part thereof. [1975 c

25 § 14; 1967 c 32 § 13; 1961 c 12 § 46.12.230. Prior: 1957 c 273 § 12.]

**46.12.240 Appeals to superior court from suspension, revocation, cancellation or refusal of license or certificate under chapters 46.12 and 46.16 RCW.** The suspension, revocation, cancellation, or refusal by the director of any license or certificate provided for in chapters 46.12 and 46.16 RCW shall be conclusive unless the person whose license or certificate is suspended, revoked, canceled, or refused appeals to the superior court of Thurston county, or at his option to the superior court of the county of his residence, for the purpose of having the suspension, revocation, cancellation, or refusal of such license or certificate set aside. Notice of appeal must be filed within ten days after receipt of the notice of suspension, revocation, cancellation, or refusal. Upon the filing of the notice of appeal the court shall issue an order to the director to show cause why the license should not be granted or reinstated, which order shall be returnable not less than ten days after the date of service thereof upon the director. Service shall be in the manner prescribed for service of summons and complaint in other civil actions. Upon the hearing on the order to show cause, the court shall hear evidence concerning matters with reference to the suspension, revocation, cancellation, or refusal of the license or certificate and shall enter judgment either affirming or setting aside such suspension, revocation, cancellation, or refusal. [1965 ex.s. c 121 § 42; 1961 c 12 § 46.20.340. Prior: 1953 c 23 § 2; 1937 c 188 § 74; RRS § 6312-74. Formerly RCW 46.20.340.]

**46.12.250 Ownership of motor vehicle by person under eighteen prohibited—Exceptions.** It shall be unlawful for any person under the age of eighteen to be the registered or legal owner of any motor vehicle: *Provided*, That RCW 46.12.250 through 46.12.270 shall not apply to any person who is on active duty in the United States armed forces nor to any minor who is in effect emancipated: *Provided* further, That RCW 46.12.250 through 46.12.270 shall not apply to any person who is the registered owner of a motor vehicle prior to August 11, 1969 or who became the registered or legal owner of a motor vehicle while a nonresident of this state. [1969 ex.s. c 125 § 1.]

**46.12.260 Sale or transfer of motor vehicle ownership to person under eighteen prohibited.** It shall be unlawful for any person to convey, sell or transfer the ownership of any motor vehicle to any person under the age of eighteen: *Provided*, That this section shall not apply to a vendor if the minor provides the vendor with a certified copy of an original birth registration showing the minor to be over eighteen years of age. Such certified copy shall be transmitted to the department of motor vehicles by the vendor with the application for title to said motor vehicle. [1969 ex.s. c 125 § 2.]

**46.12.270 Penalty for violation of RCW 46.12.250 or 46.12.260.** Any person violating the provisions of RCW 46.12.250 or 46.12.260 shall be guilty of a misdemeanor

and shall be punished by a fine of not more than two hundred fifty dollars or by imprisonment in a county jail for not more than ninety days. [1969 ex.s. c 125 § 3.]

**46.12.280 Campers—Application to—Rules and regulations.** The provisions of chapter 46.12 RCW concerning the registration and titling of vehicles, and the perfection of security interests therein shall apply to campers, as defined in RCW 46.04.085. In addition, the director of motor vehicles shall have the power to adopt such rules and regulations he deems necessary to implement the registration and titling of campers and the perfection of security interests therein. [1971 ex.s. c 231 § 6.]

**Effective date—1971 ex.s. c 231:** See note following RCW 46.01.130.

**46.12.290 Mobile homes, application of chapter to—Rules and regulations.** The provisions of chapter 46.12 RCW insofar as they are not inconsistent with the provisions of \*this 1971 amendatory act shall apply to mobile homes regulated by \*this 1971 amendatory act: *Provided*, That RCW 46.12.080, 46.12.090, and 46.12.250 through 46.12.270 shall not apply to mobile homes. In addition, the director of motor vehicles shall have the power to adopt such rules and regulations as he deems necessary to implement the provisions of chapter 46.12 RCW as they relate to mobile homes. [1971 ex.s. c 231 § 14.]

**\*Reviser's note:** "this 1971 amendatory act", see note following RCW 46.01.130.

**Effective date—1971 ex.s. c 231:** See note following RCW 46.01.130.

**46.12.300 Serial or other identification numbers on vehicles, watercraft, campers or parts—Buying, selling, etc., with numbers removed, altered, etc.—Penalty.** Whoever knowingly buys, sells, receives, disposes of, conceals, or has knowingly in his possession any vehicle, watercraft, camper, or component part thereof, from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed for the purpose of concealment or misrepresenting the identity of the said vehicle, watercraft, camper, or component part thereof shall be guilty of a gross misdemeanor. [1975-'76 2nd ex.s. c 91 § 1.]

**Severability—1975-'76 2nd ex.s. c 91:** "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." [1975-'76 2nd ex.s. c 91 § 10.]

**Effective date—1975-'76 2nd ex.s. c 91:** "This act shall take effect on July 1, 1976." [1975-'76 2nd ex.s. c 91 § 11.]

**46.12.310 Serial or other identification numbers on vehicles, watercraft, campers or parts—Seizure and impoundment—Notice to interested persons—Release to owner, etc.** (1) Any vehicle, watercraft, camper, or any component part thereof, from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, obliterated, or destroyed, there being reasonable grounds to believe that such was done

for the purpose of concealing or misrepresenting identity, shall be impounded and held by the seizing law enforcement agency for the purpose of conducting an investigation to determine the identity of the article or articles, and to determine whether it had been reported stolen.

(2) Within five days of the impounding of any vehicle, watercraft, camper, or component part thereof, the law enforcement agency seizing the article or articles shall send written notice of such impoundment by certified mail to all persons known to the agency as claiming an interest in the article or articles. The seizing agency shall exercise reasonable diligence in ascertaining the names and addresses of those persons claiming an interest in the article or articles. Such notice shall advise the person of the fact of seizure, the possible disposition of the article or articles, the requirement of filing a written claim requesting notification of potential disposition, and the right of the person to request a hearing to establish a claim of ownership. Within five days of receiving notice of other persons claiming an interest in the article or articles, the seizing agency shall send a like notice to each such person.

(3) If reported as stolen, the seizing law enforcement agency shall promptly release such vehicle, watercraft, camper, or parts thereof as have been stolen, to the person who is the lawful owner or the lawful successor in interest, upon receiving proof that such person presently owns or has a lawful right to the possession of the article or articles. [1975-'76 2nd ex.s. c 91 § 2.]

**Severability—Effective date—1975-'76 2nd ex.s. c 91:** See notes following RCW 46.12.300.

**46.12.320 Serial or other identification numbers of vehicles, watercraft, campers or parts—Disposition of vehicles, etc., authorized, when.** Unless a claim of ownership to the article or articles is established pursuant to RCW 46.12.330, the law enforcement agency seizing the vehicle, watercraft, camper, or component part thereof may dispose of them by destruction, by selling at public auction to the highest bidder, or by holding the article or articles for the official use of the agency, when:

(1) The true identity of the article or articles cannot be established by restoring the original manufacturer's serial number or other distinguishing numbers or identification marks or by any other means;

(2) After the true identity of the article or articles has been established, the seizing law enforcement agency cannot locate the person who is the lawful owner or if such lawful owner or his successor in interest fails to claim the article or articles within forty-five days after receiving notice from the seizing law enforcement agency that the article or articles is in its possession.

No disposition of the article or articles pursuant to this section shall be undertaken until at least sixty days have elapsed from the date of seizure and written notice of the right to a hearing to establish a claim of ownership pursuant to RCW 46.12.330 and of the potential disposition of the article or articles shall have first been served upon the person who held possession or custody of the article when it was impounded and upon any other person who, prior to the final disposition of the article,

has notified the seizing law enforcement agency in writing of a claim to ownership or lawful right to possession thereof. [1975-'76 2nd ex.s. c 91 § 3.]

**Severability—Effective date—1975-'76 2nd ex.s. c 91:** See notes following RCW 46.12.300.

**46.12.330 Serial or other identification numbers of vehicles, watercraft, campers or parts—Hearing—Appeal—Removal to court—Release.** (1) Any person may submit a written request for a hearing to establish a claim of ownership or right to lawful possession of the vehicle, watercraft, camper, or component part thereof seized pursuant to this section.

(2) Upon receipt of a request for hearing, one shall be held before the chief law enforcement officer of the seizing agency or his designee.

(3) Such hearing shall be held within a reasonable time after receipt of a request therefor. Reasonable investigative activities, including efforts to establish the identity of the article or articles and the identity of the person entitled to the lawful possession or custody of the article or articles shall be considered in determining the reasonableness of the time within which a hearing must be held.

(4) The hearing and any appeal therefrom shall be conducted in accordance with chapter 34.04 RCW.

(5) The burden of producing evidence shall be upon the person claiming to be the lawful owner or to have the lawful right of possession to the article or articles.

(6) Any person claiming ownership or right to possession of an article or articles subject to disposition under RCW 46.12.310 through 46.12.340 may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is two hundred dollars or more. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to judgment for costs and reasonable attorney's fees. For purposes of this section the seizing law enforcement agency shall not be considered a claimant.

(7) The seizing law enforcement agency shall promptly release the article or articles to the claimant upon a determination by the hearing officer or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof. [1975-'76 2nd ex.s. c 91 § 4.]

**Severability—Effective date—1975-'76 2nd ex.s. c 91:** See notes following RCW 46.12.300.

**46.12.340 Serial or identification numbers of vehicles, watercraft, campers or parts—Release of vehicle, etc.** The seizing law enforcement agency may release the article or articles impounded pursuant to this section to the person claiming ownership without a hearing pursuant to RCW 46.12.330 when such law enforcement agency is satisfied after an appropriate investigation as to the claimant's right to lawful possession. If no hearing is contemplated as provided for in RCW 46.12.330 such release shall be within a reasonable time following seizure. Reasonable investigative activity, including efforts to establish the identity of the article or articles and the identity of the person entitled to lawful possession or

custody of the article or articles shall be considered in determining the reasonableness of the time in which release must be made. [1975-'76 2nd ex.s. c 91 § 5.]

**Severability—Effective date—1975-'76 2nd ex.s. c 91:** See notes following RCW 46.12.300.

**46.12.350 Serial or identification numbers of vehicles, watercraft, campers or parts—Assignment of new number.** An identification number shall be assigned to any article impounded pursuant to RCW 46.12.310 in accordance with the rules promulgated by the department of motor vehicles prior to:

(1) The release of the article from the custody of the seizing agency; or

(2) The use of the article by the seizing agency. [1975-'76 2nd ex.s. c 91 § 6.]

**Severability—Effective date—1975-'76 2nd ex.s. c 91:** See notes following RCW 46.12.300.

**46.12.360 Vehicle title guarantee account—Created—Purpose.** There is hereby created in the motor vehicle fund the vehicle title guarantee account which shall be used to reimburse a vehicle owner when: (1) His vehicle identification number was physically inspected and verified pursuant to RCW 46.12.030(3); and (2) The vehicle is determined subsequently to have been reported stolen at the time of the inspection. Such reimbursement shall be for the value of the vehicle as determined by criteria set forth in RCW 82.44.040: *Provided*, That no claim shall be allowed under this section following a satisfactory showing by the department that errors, omissions, or transpositions were made in entering the vehicle's identity in the stolen vehicle file. [1975-'76 2nd ex.s. c 91 § 7.]

**Severability—Effective date—1975-'76 2nd ex.s. c 91:** See notes following RCW 46.12.300.

## Chapter 46.16 VEHICLE LICENSES

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- 46.16.600 Personalized license plates—Rules and regulations.
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- Auto transportation companies: Chapter 81.68 RCW.*
- Special license plates—Fee—Hulk haulers or scrap processors: RCW 46.79.060.*

**46.16.006 "Registration year", defined—Registration months and quarters—"Last day of the month". (Effective January 1, 1977.)** (1) The term "registration year" for the purposes of chapters 46.16, 82.44, and 82.50 RCW shall mean the effective period of a vehicle license issued by the department. Such year shall commence at 12:01 a.m. on the date of the calendar year designated by the department and shall end at 12:01 a.m. on the same date of the next succeeding calendar year.

(2) Each registration year may be divided into twelve registration months. Each registration month shall commence on the day numerically corresponding to the day of the calendar month on which the registration year begins, and shall terminate on the numerically corresponding day of the next succeeding calendar month.

(3) Each registration year may be divided into four registration quarters, each consisting of three registration months. The first quarter shall commence with registration month one.

(4) Where the term "last day of the month" is utilized in chapters 46.16, 82.44, and 82.50 RCW in lieu of a specified day of any calendar month it shall mean the last day of such calendar month or months irrespective of the numerical designation of that day.

(5) In the event the final day of a registration year, quarter, or month falls on a Saturday, Sunday, or legal holiday, such period shall extend through the end of the next business day. [1975 1st ex.s. c 118 § 1.]

**Effective date—1975 1st ex.s. c 118:** "This 1975 amendatory act shall take effect on January 1, 1977: *Provided*, That the director of the department of motor vehicles may, prior to such effective date, undertake and perform duties and conduct activities necessary for the timely implementation of this 1975 amendatory act on such date." [1975 1st ex.s. c 118 § 19.]

**Severability—1975 1st ex.s. c 118:** "If any provision of this 1975 amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this 1975 amendatory act and the applicability thereof to persons and circumstances shall not be affected thereby." [1975 1st ex.s. c 118 § 18.]

The foregoing annotations apply to RCW 46.16.060, 46.16.065, 46.16.130–46.16.137, 46.16.210, 46.16.220, 46.16.320, 46.16.505, 82.44.040, 82.44.045, 82.44.060, 82.50.400, 82.50.410, and 82.50.460 and the enactment of RCW 46.16.006 and 46.16.225.

**46.16.010 Licenses and plates required—**—**Exceptions.** It shall be unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided: *Provided*, That these provisions shall not apply to farm vehicle as defined in RCW 46.04.181 if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law: *Provided further*, That these provisions shall not apply to spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing or loading of spray and fertilizer applicator rigs and not used, designed or modified primarily for the purpose of transportation: *Provided further*, That these provisions shall not apply to equipment defined as follows:

"Special highway construction equipment" is any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (1) are in excess of the legal width or (2) which, because of their length, height or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (3) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would

require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached. [1973 1st ex.s. c 17 § 2; 1972 ex.s. c 5 § 2; 1969 c 27 § 3; 1967 c 202 § 2; 1963 ex.s. c 3 § 51; 1961 ex.s. c 21 § 32; 1961 c 12 § 46.16.010. Prior: 1955 c 265 § 1; 1947 c 33 § 1; 1937 c 188 § 15; Rem. Supp. 1947 § 6312-15; 1929 c 99 § 5; RRS § 6324.]

**46.16.020 Exemptions—**—**State and publicly owned vehicles—**—**Registration.** Any vehicle owned, rented, or leased by the state of Washington, or by any county, city, town, school district, or other political subdivision of the state of Washington and used exclusively by them, and all vehicles owned or leased with an option to purchase by the United States government, or by the government of foreign countries, or by international bodies to which the United States government is a signatory by treaty, and used exclusively in its or their service shall be exempt from the payment of license fees for the licensing thereof as in this chapter provided: *Provided, however*, That such vehicles, except those owned and used exclusively by the United States government and which are identified by clearly exhibited registration numbers or license plates assigned by an instrumentality of that government, shall be registered as prescribed for the license registration of other vehicles and shall display the vehicle license number plates assigned to it. The department shall assign a plate or plates to each vehicle or may assign a block of plates to an agency or political subdivision for further assignment by the agency or political subdivision to individual vehicles registered to it pursuant to this section. The agency or political subdivision, except a foreign government or international body, shall pay a fee of two dollars for the plate or plates for each vehicle: *Provided, further*, That no vehicle license or license number plates shall be issued to any such vehicle under the provisions of this section for the transportation of school children unless and until such vehicle shall have been first personally inspected by the director or his duly authorized representative. [1975 1st ex.s. c 169 § 5; 1973 1st ex.s. c 132 § 22; 1967 c 32 § 14; 1965 ex.s. c 106 § 1; 1961 c 12 § 46.16.020. Prior: 1939 c 182 § 4; 1937 c 188 § 21; RRS § 6312-21; 1925 ex.s. c 47 § 1; 1921 c 96 § 17; 1919 c 46 § 2; 1917 c 155 § 12; 1915 c 142 § 17; RRS § 6329.]

**Severability—**—**1973 1st ex.s. c 132:** See RCW 46.16.900, 46.70.920.

**46.16.025 Identification device for exempt farm vehicles—**—**Application for—**—**Contents—**—**Fee.** Before any "farm vehicle", as defined in RCW 46.04.181, shall operate on or move along a public highway, there shall be displayed upon it in a conspicuous manner a decal or other device, as may be prescribed by the director of motor vehicles and issued by the department of motor vehicles, which shall describe in some manner the vehicle and identify it as a vehicle exempt from the licensing requirements of this chapter. Application for such identifying devices shall be made to the department on a

form furnished for that purpose by the director. Such application shall be made by the owner or lessee of the vehicle, or his duly authorized agent over the signature of such owner or agent, and he shall certify that the statements therein are true to the best of his knowledge. The application must show:

- (1) The name and address of the owner of the vehicle;
- (2) The trade name of the vehicle, model, year, type of body, the motor number or the identification number thereof if such vehicle be a motor vehicle, or the serial number thereof if such vehicle be a trailer;
- (3) The purpose for which said vehicle is to be principally used;
- (4) Such other information as shall be required upon such application by the director; and
- (5) Place where farm vehicle is principally used or garaged.

A fee of five dollars shall be charged for and submitted with such application for an identification decal as in this section provided as to each farm vehicle which fee shall be deposited in the motor vehicle fund and distributed proportionately as otherwise provided for vehicle license fees under RCW 46.68.030. Only one application need be made as to each such vehicle, and the status as an exempt vehicle shall continue until suspended or revoked for misuse, or when such vehicle no longer is used as a farm vehicle. [1967 c 202 § 3.]

**46.16.030 Nonresident exemption—Reciprocity.** Except as is herein provided for foreign corporations, the provisions relative to the licensing of vehicles and display of vehicle license number plates and license registration certificates shall not apply to any vehicles owned by nonresidents of this state if the owner thereof has complied with the law requiring the licensing of vehicles in the names of the owners thereof in force in the state, foreign country, territory or federal district of his residence; and the vehicle license number plate showing the initial or abbreviation of the name of such state, foreign country, territory or federal district, is displayed on such vehicle substantially as is provided therefor in this state: *Provided*, That the provisions of this section shall be operative as to a vehicle owned by a nonresident of this state only to the extent that under the laws of the state, foreign country, territory or federal district of his residence, like exemptions and privileges are granted to vehicles duly licensed under the laws of and owned by residents of this state. If under the laws of such state, foreign country, territory or federal district, vehicles owned by residents of this state, operating upon the highways of such state, foreign country, territory or federal district, are required to pay the license fee and carry the vehicle license number plates of such state, foreign country, territory or federal district, the vehicles owned by residents of such state, foreign country, territory or federal district, and operating upon the highways of this state, shall comply with the provisions of this state relating to the licensing of vehicles. Foreign corporations owning, maintaining, or operating places of business in this state and using vehicles in connection with such places of business, shall comply with the provisions relating to the licensing of vehicles insofar as vehicles

used in connection with such places of business are concerned: *Provided, further*, That the director is empowered to make and enforce rules and regulations for the licensing of nonresident vehicles upon a reciprocal basis and with respect to any character or class of operation. [1967 c 32 § 15; 1961 c 12 § 46.16.030. Prior: 1937 c 188 § 23; RRS § 6312-23; 1931 c 120 § 1; 1929 c 99 § 4; 1921 c 96 § 11; 1919 c 59 § 6; 1917 c 155 § 7; 1915 c 142 § 11; RRS § 6322.]

**46.16.040 Form of application—Contents.** Application for original vehicle license shall be made on form furnished for the purpose by the department. Such application shall be made by the owner of the vehicle or duly authorized agent over the signature of such owner or agent, and the applicant shall certify that the statements therein are true to the best of the applicant's knowledge. The application must show:

- (1) Name and address of the owner of the vehicle and, if the vehicle is subject to a security agreement, the name and address of the secured party;
- (2) Trade name of the vehicle, model, year, type of body, the identification number thereof;
- (3) The power to be used—whether electric, steam, gas or other power;
- (4) The purpose for which said vehicle is to be used and the nature of the license required;
- (5) The maximum gross license for such vehicle which in case of for hire vehicles and auto stages shall be the maximum adult seating capacity thereof, exclusive of the operator, and in cases of motor trucks, truck tractors, trailers and semitrailers shall be the maximum gross weight declared by the applicant pursuant to the provisions of RCW 46.16.111;
- (6) The weight of such vehicle, if it be a motor truck or trailer, which shall be the shipping weight thereof as given by the manufacturer thereof unless another weight is shown by weight slip verified by a certified weighmaster, which slip shall be attached to the original application;
- (7) Such other information as shall be required upon such application by the director. [1975 c 25 § 15; 1969 ex.s. c 170 § 2. Prior: 1967 ex.s. c 83 § 59; 1967 c 32 § 16; 1961 c 12 § 46.16.040; prior: 1947 c 164 § 8; 1937 c 188 § 29; Rem. Supp. 1947 § 6312-29; 1921 c 96 § 5; 1919 c 178 § 1; 1919 c 59 § 4; 1915 c 142 § 5; RRS § 6316.]

**Effective dates—1967 ex.s. c 83:** See RCW 47.26.910.

**Severability—1967 ex.s. c 83:** See RCW 47.26.900.

**46.16.045 Temporary permits—Authorized.** (1) The department in its discretion may grant a temporary permit to operate a vehicle for which application for registration has been made, where such application is accompanied by the proper fee pending action upon said application by the department.

(2) The department may authorize vehicle dealers properly licensed pursuant to chapter 46.70 RCW to issue temporary permits to operate vehicles under such rules and regulations as the department deems appropriate.

(3) The fee for each temporary permit application distributed to an authorized vehicle dealer shall be five dollars which shall be credited to the payment of registration fees at the time application for registration is made. [1973 1st ex.s. c 132 § 23; 1961 c 12 § 46.16.045. Prior: 1959 c 66 § 1.]

**Severability**—1973 1st ex.s. c 132: See RCW 46.16.900, 46.70.920.

**46.16.047 Temporary permits—Form and contents—Duration—Fees.** Forms for such temporary permits shall be prescribed and furnished by the department. Temporary permits shall bear consecutive numbers, shall show the name and address of the applicant, trade name of the vehicle, model, year, type of body, identification number and date of application, and shall be such as may be affixed to the vehicle at the time of issuance, and remain on such vehicle only during the period of such registration and until the receipt of permanent license plates. The application shall be registered in the office of the person issuing the permit and shall be forwarded by him to the department each day together with the fee accompanying it.

A fee of fifty cents shall be charged by the person authorized to issue such permit which shall be accounted for in the same manner as the other fees collected by such officers, provided that such fees collected by county auditors or their agents shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. [1961 c 12 § 46.16.047. Prior: 1959 c 66 § 2.]

**46.16.060 License fee, general—House moving dollies.** (Effective until January 1, 1977.) Except as otherwise specifically provided by law for the licensing of vehicles, there shall be paid and collected annually for each calendar year or fractional part thereof and upon each vehicle a license fee in the sum of nine dollars and forty cents: *Provided, however,* That the fee for licensing each house moving dolly which is used exclusively for moving buildings or homes on the highway under special permit as provided for in chapter 46.44 RCW, shall be twenty-five dollars and no other fee shall be charged for the load carried thereon. [1969 ex.s. c 170 § 3; 1969 c 99 § 5; 1965 c 25 § 1; 1961 ex.s. c 7 § 9; 1961 c 12 § 46.16.060. Prior: 1957 c 105 § 1; 1955 c 384 § 11; 1951 c 150 § 17; 1949 c 220 § 8; 1937 c 188 § 16; 1931 c 140 § 1; part; 1921 c 96 § 15, part; 1919 c 46 § 1, part; 1917 c 155 § 10, part; 1915 c 142 § 15, part; Rem. Supp. 1949 § 6312-16; RRS § 6326, part.]

**Effective date**—1965 c 25: "This act shall take effect January 1, 1966." [1965 c 25 § 6.] This applies to the 1965 amendments to RCW 46.16.060, 46.68.030, and 46.68.060, the repeal of 46.68.040, and to 46.68.041.

*Free motor vehicle license for certain disabled veterans: RCW 73.04.110.*

**46.16.060 License fee, general—House moving dollies.** (Effective January 1, 1977.) Except as otherwise specifically provided by law for the licensing of vehicles, there shall be paid and collected annually for each registration year or fractional part thereof and upon each

vehicle a license fee or, if the vehicle was previously licensed in this state and has not been registered in another jurisdiction in the intervening period, a renewal license fee. Such license fee shall be in the sum of thirteen dollars and forty cents, and such renewal fee shall be in the sum of nine dollars and forty cents: *Provided, however,* That the fee for licensing each house moving dolly which is used exclusively for moving buildings or homes on the highway under special permit as provided for in chapter 46.44 RCW, shall be twenty-five dollars and no other fee shall be charged for the load carried thereon. [1975 1st ex.s. c 118 § 3; 1969 ex.s. c 170 § 3; 1969 c 99 § 5; 1965 c 25 § 1; 1961 ex.s. c 7 § 9; 1961 c 12 § 46.16.060. Prior: 1957 c 105 § 1; 1955 c 384 § 11; 1951 c 150 § 17; 1949 c 220 § 8; 1937 c 188 § 16; 1931 c 140 § 1; part; 1921 c 96 § 15, part; 1919 c 46 § 1, part; 1917 c 155 § 10, part; 1915 c 142 § 15, part; Rem. Supp. 1949 § 6312-16; RRS § 6326, part.]

**Effective date**—Severability—1975 1st ex.s. c 118: See notes following RCW 46.16.006.

**Effective date**—1965 c 25: "This act shall take effect January 1, 1966." [1965 c 25 § 6.] This applies to the 1965 amendments to RCW 46.16.060, 46.68.030, and 46.68.060, the repeal of RCW 46.68.040, and to 46.68.041.

*Free motor vehicle license for certain disabled veterans: RCW 73.04.110.*

**46.16.061 Additional fees to help defray costs of studies.** In addition to all other fees prescribed by law, there shall be paid for each motor vehicle the following amounts at the time of the payment of the registration fee as provided by law:

For each truck under 12,000 lbs. . . . .	\$ .25
For each truck over 12,000 lbs. and under 20,000 lbs. . . . .	\$ .50
For each truck over 20,000 lbs. . . . .	\$ 1.00
For each trailer 4,000 lbs. to 12,000 lbs. . . . .	\$ .25
For each trailer 12,000 lbs. to 20,000 lbs. . . . .	\$ .50
For each trailer, semitrailer or pole trailer over 20,000 lbs. . . . .	\$ 1.00
For each diesel truck . . . . .	\$ 2.00
For each auto stage . . . . .	\$ 1.00
For each for hire vehicle over 4,000 lbs. . . . .	\$ .50
For each motor vehicle not otherwise taxed herein . . . . .	\$ .10

Such fees shall be deposited in the motor vehicle fund, and shall be used by the legislative transportation committee and the state highway commission to help defray the costs of special highway studies and other studies as provided for in \*this act and for other necessary expenses of such committee. [1963 ex.s. c 3 § 40.]

**\*Reviser's note:** The language "this act" refers to chapter 3, Laws of 1963 ex.s., several sections of which have not been codified as they are temporary or special in nature. For provisions relating to the legislative transportation committee, see chapter 44.40 RCW.

**46.16.065 Small trailer license fee—Conditions.** (Effective until January 1, 1977.) In lieu of the fee provided in RCW 46.16.060, private passenger car one or two-wheel trailers of two thousand pounds gross weight or less, may be licensed for the sum of three dollars and twenty-five cents, but only if such trailers are to be



operated upon the public highway by the owners thereof. It is the intention of the legislature that this reduced license shall be issued only as to trailers operated for personal use of the owners and not trailers held for rental to the public. [1961 ex.s. c 7 § 10; 1961 c 12 § 46.16.065. Prior: 1951 c 269 § 7.]

**46.16.065 Small trailer license fee—Conditions.** (Effective January 1, 1977.) In lieu of the fees provided in RCW 46.16.060, private passenger car one or two-wheel trailers of two thousand pounds gross weight or less, may be licensed upon the payment of a license fee in the sum of four dollars and fifty cents or, if the vehicle was previously licensed in this state and has not been registered in another jurisdiction in the intervening period, a renewal license fee in the sum of three dollars and twenty-five cents, but only if such trailers are to be operated upon the public highway by the owners thereof. It is the intention of the legislature that this reduced license shall be issued only as to trailers operated for personal use of the owners and not trailers held for rental to the public. [1975 1st ex.s. c 118 § 4; 1961 ex.s. c 7 § 10; 1961 c 12 § 46.16.065. Prior: 1951 c 269 § 7.]

**Effective date—Severability—1975 1st ex.s. c 118:** See notes following RCW 46.16.006.

**46.16.070 Gross weight fees on trucks, stages and for hire vehicles.** In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each motor truck, truck tractor, and auto stage or for hire vehicle with seating capacity of six or more, based upon the maximum gross weight thereof, the following

gross weight fees as indicated in column A: *Provided, however,* That in the case of each motor truck or truck tractor which is propelled by steam, electricity, natural gas, or diesel oil the fee shall be as provided in column B:

	A	B
Up to 4,000 lbs. . . . .	\$ 6.00	\$ 6.00
4,000 or more and less than 6,000 lbs. . . . .	\$ 11.00	\$ 12.25
6,000 or more and less than 8,000 lbs. . . . .	\$ 18.50	\$ 20.80
8,000 or more and less than 10,000 lbs. . . . .	\$ 23.50	\$ 26.40
10,000 or more and less than 12,000 lbs. . . . .	\$ 30.50	\$ 34.30
12,000 or more and less than 14,000 lbs. . . . .	\$ 37.50	\$ 42.20
14,000 or more and less than 16,000 lbs. . . . .	\$ 44.50	\$ 50.10
16,000 or more and less than 18,000 lbs. . . . .	\$ 74.00	\$ 83.25
18,000 or more and less than 20,000 lbs. . . . .	\$ 84.00	\$ 94.50
20,000 or more and less than 22,000 lbs. . . . .	\$ 92.00	\$103.50
22,000 or more and less than 24,000 lbs. . . . .	\$100.00	\$112.50
24,000 or more and less than 26,000 lbs. . . . .	\$107.00	\$120.40
26,000 or more and less than 28,000 lbs. . . . .	\$128.00	\$144.00
28,000 or more and less than 30,000 lbs. . . . .	\$147.00	\$165.40
30,000 or more and less than 32,000 lbs. . . . .	\$179.00	\$201.40
32,000 or more and less than 34,000 lbs. . . . .	\$191.00	\$214.90
34,000 or more and less than 36,000 lbs. . . . .	\$208.00	\$234.00
36,000 or more and less than 38,000 lbs. . . . .	\$229.00	\$257.60
38,000 or more and less than 40,000 lbs. . . . .	\$255.00	\$286.90
40,000 or more and less than 42,000 lbs. . . . .	\$265.00	\$298.10
42,000 or more and less than 44,000 lbs. . . . .	\$275.00	\$309.40
44,000 or more and less than 46,000 lbs. . . . .	\$295.00	\$331.90
46,000 or more and less than 48,000 lbs. . . . .	\$305.00	\$344.25
48,000 or more and less than 50,000 lbs. . . . .	\$328.00	\$369.00
50,000 or more and less than 52,000 lbs. . . . .	\$346.00	\$389.25
52,000 or more and less than 54,000 lbs. . . . .	\$371.00	\$417.40
54,000 or more and less than 56,000 lbs. . . . .	\$397.00	\$446.60
56,000 or more and less than 58,000 lbs. . . . .	\$417.00	\$469.10
58,000 or more and less than 60,000 lbs. . . . .	\$438.00	\$492.75
60,000 or more and less than 62,000 lbs. . . . .	\$467.00	\$525.40
62,000 or more and less than 64,000 lbs. . . . .	\$478.00	\$537.75

	A	B
64,000 or more and less than 66,000 lbs. . .	\$531.00	\$597.40
66,000 or more and less than 68,000 lbs. . .	\$554.00	\$623.25
68,000 or more and less than 70,000 lbs. . .	\$603.00	\$675.75
70,000 or more and less than 72,000 lbs. . .	\$645.50	\$722.45
72,000 or more and less than 74,000 lbs. . .	\$705.50	\$782.45
74,000 or more and less than 76,000 lbs. . .	\$773.00	\$849.95
76,000 or more and less than 78,000 lbs. . .	\$848.00	\$924.95
78,000 or more and less than 80,000 lbs. . .	\$923.00	\$999.95:

*Provided, however,* That every motor truck except trucks not exceeding 5,000 pounds empty scale weight shall be licensed for not less than one hundred fifty percent of its empty weight unless such an amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle. [1975-'76 2nd ex.s. c 64 § 1; 1969 ex.s. c 281 § 54; 1967 ex.s. c 118 § 1; 1967 ex.s. c 83 § 56; 1961 ex.s. c 7 § 11; 1961 c 12 § 46.16.070. Prior: 1957 c 273 § 1; 1955 c 363 § 2; prior: 1951 c 269 § 9; 1950 ex.s. c 15 § 1, part; 1939 c 182 § 3, part; 1937 c 188 § 17, part; 1931 c 140 § 1, part; 1921 c 96 § 15, part; 1919 c 46 § 1, part; 1917 c 155 § 10, part; 1915 c 142 § 15, part; Rem. Supp. 1949 § 6312-17, part; RRS § 6326, part.]

**Effective dates**—1975-'76 2nd ex.s. c 64: "Sections 1, 2, and 5 through 24 of this 1976 amendatory act shall take effect on July 1, 1976, and sections 3 and 4 of this 1976 amendatory act shall take effect on January 1, 1977. All current and outstanding valid licenses and permits held by licensees on July 1, 1976, shall remain valid until their expiration dates, but renewals and original applications made after July 1, 1976, shall be governed by the law in effect at the time such renewal or application is made." [1975-'76 2nd ex.s. c 64 § 25.]

**Severability**—1975-'76 2nd ex.s. c 64: "If any provision of this 1976 amendatory 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." [1975-'76 2nd ex.s. c 64 § 26.]

The foregoing annotations apply to the amendments to RCW 46.16.070, 46.16.115, 46.16.135, 46.16.137, 46.16.145, 46.16.160, 46.44.020, 46.44.036, 46.44.037, 46.44.042, 46.44.047, 46.44.050, 46.44.090, 46.44.091, 46.44.092, 46.44.094, 46.44.095, 46.44.096, 46.44.098, 46.44.130, and 46.44.160, and to RCW 46.44.041 and 46.44.105 and to the repeal of RCW 46.16.100, 46.44.040, 46.44.044, 46.44.045, 46.44.046, 46.44.097 and 46.44.099.

**46.16.079 Fixed load vehicle equipped for lifting or towing**—**Fee in lieu.** The licensee of any fixed load vehicle equipped for lifting or towing any disabled, impounded, or abandoned vehicle or part thereof, may pay a fee of twenty-five dollars in lieu of the additional fees provided in RCW 46.16.070. [1975 c 25 § 16; 1963 c 18 § 1.]

**46.16.080 Fixed load machines**—**Fee in lieu**—**Exception.** In lieu of the additional fee provided in RCW 46.16.070 there shall be collected a fee of five dollars on any motor truck, truck tractor, trailer or semitrailer used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, wrecker, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such motor truck, trailer, or semitrailer: *Provided,* That no additional fee shall be collected under this section or under RCW 46.16.070 on any travel trailer: *Provided further,* That for each vehicle used exclusively in the transportation of circus, carnival, and

show equipment and in the transportation of supplies used in conjunction therewith, there shall be charged in addition to other fees provided for the licensing of vehicles, an annual capacity fee in the amount of ten dollars. [1975 c 25 § 17; 1961 c 12 § 46.16.080. Prior: 1957 c 269 § 17; 1955 c 363 § 5; prior: 1955 c 139 § 22; 1950 ex.s. c 15 § 1, part; 1949 c 220 § 10, part; 1947 c 200 § 15, part; 1941 c 224 § 1, part; 1939 c 182 § 3, part; 1937 c 188 § 17, part; Rem. Supp. 1949 § 6312-17, part; 1931 c 140 § 1, part; 1921 c 96 § 15, part; 1919 c 46 § 1, part; 1917 c 155 § 10, part; 1915 c 142 § 15, part; RRS § 6326, part.]

**46.16.083 Converter gear**—**Optional methods of licensing.** A converter gear used to convert a semitrailer into a trailer or a two-axle tractor into a three-axle tractor or used in any other manner to increase the number of axles of a vehicle may, at the option of the owner, be licensed as a separate vehicle or the converter gear and the vehicle with which it is used may be licensed as a combination, in which event the combination of the two will be considered as a single vehicle for the purposes of this chapter.

Where converter gears are licensed separately the maximum gross weight including load must be included in the licensed gross weight of the power unit or in the licensed gross weight of the trailer where the converter gear is used to increase the number of axles of a trailer or semitrailer for which gross weight fees have been separately paid under the provisions of RCW 46.16.115. [1969 ex.s. c 170 § 4; 1961 c 12 § 46.16.083. Prior: 1959 c 319 § 22; 1955 c 384 § 9.]

**46.16.090 Gross weight fees on farm trucks**—**Penalty.** Motor trucks or trailers may be specially licensed based on the maximum gross weight thereof for fifty percent of the various amounts set forth in the schedule provided in RCW 46.16.070, when such trucks or trailers are owned and operated by farmers, but only if the following condition or conditions exist:

(1) When such trucks or trailers are to be used for the transportation of such farmer's own farm, orchard or dairy products from point of production to market or warehouse, and of supplies to be used on his farm: *Provided,* That fish and forestry products shall not be considered as farm products; and/or

(2) When such trucks or trailers are to be used for the infrequent or seasonal transportation by one such farmer for another farmer in his neighborhood of products of the farm, orchard or dairy owned by such other farmer from point of production to market or warehouse, or supplies to be used on such other farm, but only if such transportation for another farmer is for compensation other than money: *Provided, however,* That farmers shall be permitted an allowance of an additional eight thousand pounds, within the legal limits, on motor trucks or trailers, when used in the transportation of such farmer's own farm machinery between his own farm or farms and for a distance of not more than thirty-five miles from his farm or farms.

The department shall prepare a special form of application to be used by farmers applying for licenses under

this section, which form shall contain a statement to be signed by the farmer to the effect that the vehicle or trailer concerned will be used subject to the limitations of this section. The department shall prepare special insignia which shall be placed upon all such vehicles or trailers to indicate that the vehicle or trailer is specially licensed, or may, in its discretion, substitute a special license plate for such vehicles or trailers for such designation.

Any person who operates such a specially licensed vehicle or trailer in transportation upon public highways in violation of the limitations of this section shall be guilty of a misdemeanor. [1969 ex.s. c 169 § 1; 1961 c 12 § 46.16.090. Prior: 1957 c 273 § 13; 1955 c 363 § 6; prior: 1953 c 227 § 1; 1951 c 269 § 12; 1950 ex.s. c 15 § 1, part; 1949 c 220 § 10, part; 1947 c 200 § 15, part; 1941 c 224 § 1, part; 1939 c 182 § 3, part; 1937 c 188 § 17, part; Rem. Supp. 1949 § 6312-17, part; 1931 c 140 § 1, part; 1921 c 96 § 15, part; 1919 c 46 § 1, part; 1917 c 155 § 10, part; 1915 c 142 § 15, part; RRS § 6326, part.]

#### **46.16.100 Special permits for single movement—**

**Fee.** When any vehicle subject to license is to be moved upon the public highways of this state from one point to another, the department may issue a special permit therefor upon an application presented in such form as shall be approved by the department and upon payment therefor of a fee of ten dollars. Such permit shall be for one transit only between the points of origin and destination as set forth in the application: *Provided*, That a special permit or one-transit permit shall be issued for movement of a mobile home as defined in RCW 46.04-.085 pursuant to RCW 46.16.105. [1975 c 25 § 18; 1971 ex.s. c 231 § 10; 1969 ex.s. c 170 § 5; 1961 c 12 § 46.16.100. Prior: 1955 c 363 § 7; prior: 1955 c 139 § 23; 1950 ex.s. c 15 § 1, part; 1949 c 220 § 10, part; 1947 c 200 § 15, part; 1941 c 224 § 1, part; 1939 c 182 § 3, part; 1937 c 188 § 17, part; Rem. Supp. 1947 § 6312-17, part; 1931 c 140 § 1, part; 1921 c 96 § 15, part; 1919 c 146 § 1, part; 1917 c 155 § 10, part; 1915 c 142 § 15, part; RRS § 6326, part.]

**Effective date—1971 ex.s. c 231:** See note following RCW 46.01.130.

**46.16.104 Mobile home movement permit, vehicle license plates—Required—Copies to county assessors.** The director of highways shall require every person except a dealer using dealer license plates or a transporter using transporter license number plates moving a mobile home on the public roads and highways of this state to obtain a mobile home movement permit as provided in RCW 46.16.105 and pay the fee therefor. The director of highways shall issue a copy of such permit to the assessor of the county where such mobile home was located and to the assessor of the county where such mobile home will be located: *Provided*, That when a mobile home is to enter this state, a copy of such permit shall only be sent to the assessor of the county where such mobile home will be located and when a mobile home is to leave this state, a copy of such permit shall

only be sent to the assessor of the county where such mobile home was located.

Nothing herein should be construed as prohibiting the issuance of vehicle license plates for a mobile home but no such plates shall be issued unless the mobile home for which such plates are sought has been listed for property tax purposes in the county in which it is principally located and the appropriate fee for such license has been paid. [1973 c 103 § 6; 1971 ex.s. c 231 § 20.]

**Effective date—1971 ex.s. c 231:** See note following RCW 46.01.130.

**46.16.105 Mobile home movement permit, vehicle license plates—Special one-transit permit—Conditions—Fee, disposition.** When any mobile home, as defined in RCW 46.04.085, except those displaying dealer license plates or transporter license number plates is to be moved upon the public highways of this state from one point to another, the department of highways may issue a special mobile home movement permit therefor upon an application presented to it in such form as approved by the director of the department of highways and upon payment therefor of a fee of five dollars. Such permit shall be for one transit only between the points of origin and destination as set forth in the application: *Provided*, That no special mobile home movement permit shall be issued for movement of a mobile home unless the applicant therefor can prove to the satisfaction of the director of highways that all taxes and fees have been paid on such mobile home. All mobile home movement permit fees received by the director of highways under the provisions of this section shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report and be by him credited to the motor vehicle fund. [1971 ex.s. c 231 § 21.]

**Effective date—1971 ex.s. c 231:** See note following RCW 46.01.130.

**46.16.106 Mobile home movement without permit or vehicle license plate as misdemeanor—Exception.** Any person who shall move a mobile home on the public roads and highways of this state when such mobile home does not have a mobile home movement permit obtained as required by RCW 46.16.105 or vehicle license plate shall be guilty of a misdemeanor: *Provided*, That such person shall be relieved of such criminal liability if such mobile home displays dealer license plates or transporter license number plates and if within ten days of moving a mobile home, the person notifies the director of the department of highways of the origin and destination of the mobile home. [1973 c 103 § 7; 1971 ex.s. c 231 § 22.]

**Effective date—1971 ex.s. c 231:** See note following RCW 46.01.130.

**46.16.111 Gross weight, how computed.** Unless the owner thereof elects to pay tonnage fees separately on his trailer or semitrailer pursuant to RCW 46.16.115 the maximum gross weight in the case of any motor truck or truck tractor shall be the scale weight of the motor truck or truck tractor, plus the scale weight of any trailer, semitrailer or pole trailer to be towed thereby, to which

shall be added the maximum load to be carried thereon or towed thereby as set by the licensee in his application or otherwise: *Provided*, That if the sum of the scale weight and maximum load of such trailer is not greater than four thousand pounds, such sum shall not be computed as part of the maximum gross weight of any motor truck or truck tractor: *Provided, further*, That where the trailer is a utility trailer, travel trailer, horse trailer, or boat trailer for the personal use of the owner of the truck or truck tractor and not for sale or commercial purposes, the gross weight of such trailer and its load shall not be computed as part of the maximum gross weight of any motor truck or truck tractor: *Provided, further*, That the weight of any camper as defined in RCW 46.04.085 shall be exempt from the determination of gross weight in the computation of any tonnage fees required under RCW 46.16.070.

The maximum gross weight in the case of any auto stage and for hire vehicle, except taxicabs, with seating capacity over six, shall be the scale weight of each auto stage and for hire vehicle plus an average load factor of fifty percent of the seating capacity computed at one hundred and fifty pounds per seat. [1971 ex.s. c 231 § 1; 1969 ex.s. c 170 § 6; 1967 ex.s. c 83 § 57.]

**Effective date**—1971 c 231: See note following RCW 46.01.130.

**Effective date**—1967 ex.s. c 83: See RCW 47.26.910.

**Severability**—1967 ex.s. c 83: See RCW 47.26.900.

**46.16.115 Payment of tonnage fees separately on trailers or semitrailers**—Optional. The owner thereof may elect to pay tonnage fees separately on a trailer or semitrailer: *Provided, however*, In order to exercise this option the owner of such a vehicle with a gross weight of 12,000 pounds or more must pay for the maximum permissible gross weight for the vehicle under RCW 46.44.042 and 46.44.041.

The gross weight fee for such trailers and semitrailers shall be as follows:

<u>Gross Weight</u>	<u>Fee</u>
Up to 12,000 pounds . . . . .	As specified in column B of RCW 46.16.070
More than 12,000 pounds but not more than 18,000 pounds . . . . .	\$178.00
More than 18,000 pounds but not more than 32,000 pounds . . . . .	\$401.00
More than 32,000 pounds but not more than 36,000 pounds . . . . .	\$470.00
More than 36,000 pounds but not more than 40,000 pounds . . . . .	\$700.00

When vehicles licensed under this section are used with a truck tractor or motor truck the licensed gross weight of the combination shall be the sum of the licensed gross weights of the vehicles forming the combination, and such limits must comply with RCW 46.44.041 in order to purchase additional tonnage as provided in RCW 46.44.095. [1975-'76 2nd ex.s. c 64 § 2; 1973 1st ex.s. c 150 § 4; 1969 ex.s. c 170 § 15.]

**Effective dates**—**Severability**—1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

**46.16.121 Seating capacity fees on stages, for hire vehicles.** In addition to other fees for the licensing of vehicles, there shall be paid and collected annually, for each auto stage and for hire vehicle, except taxicabs, with a seating capacity of six or less the sum of fifteen dollars. [1967 ex.s. c 83 § 58.]

**Effective date**—1967 ex.s. c 83: See RCW 47.26.910.

**Severability**—1967 ex.s. c 83: See RCW 47.26.900.

**46.16.125 Mileage fees on stages**—**Penalty.** In addition to the fees required by RCW 46.16.070, operators of auto stages with seating capacity over six shall pay quarterly, at the time they file gross earning returns with the utilities and transportation commission, the sum of fifteen cents for each one hundred vehicle miles operated by each auto stage over the public highways of this state: *Provided*, That in the case of each auto stage propelled by steam, electricity, natural gas, diesel oil, butane or propane, the payment required hereunder shall be twenty cents per one hundred miles of such operation. The commission shall transmit all such sums so collected to the state treasurer, who shall deposit the same in the motor vehicle fund. Any person failing to make any payment required by this section shall be subject to a penalty of one hundred percent of the payment due hereunder, in addition to any penalty provided for failure to submit a quarterly report. Any penalties so collected shall be credited to the public service revolving fund. [1967 ex.s. c 83 § 60; 1961 c 12 § 46.16.125. Prior: 1951 c 269 § 14.]

**Effective date**—1967 ex.s. c 83: See RCW 47.26.910.

**Severability**—1967 ex.s. c 83: See RCW 47.26.900.

**46.16.130 Reduction of fees for fractional year.** (Effective until January 1, 1977.) Whenever an application is made for a license on a motor truck, trailer, tractor, semitrailer, for hire vehicle, bus or auto stage subsequent to March thirty-first of any calendar year, the license fees based on gross weight or seating capacity of such vehicles shall be computed as follows:

Upon motor vehicles above described licensed in this state after March thirty-first of any year, but before July first, the license fees imposed by this section for such year shall be reduced by one-fourth thereof; upon vehicles licensed in this state after June thirtieth of any year, but before October first, the license fees shall be reduced by one-half thereof; and upon vehicles licensed in this state after September thirtieth of any year the license fees shall be reduced by three-fourths thereof: *Provided*, That such reductions shall not apply to special permits. [1961 c 12 § 46.16.130. Prior: 1951 c 269 § 15; 1949 c 220 § 11; 1945 c 171 § 1; 1943 c 194 § 1; Rem. Supp. 1949 § 6312-18a.]

**46.16.130 Reduction of fees for fractional year.** (Effective January 1, 1977.) Whenever an application is made for a license on a motor truck, trailer, tractor, semitrailer, for hire vehicle, bus, or auto stage subsequent to the end of the first registration quarter of any registration year, the license fees based on gross weight or seating capacity of such vehicles shall be computed as follows:

Upon vehicles above described licensed in this state during the second registration quarter, the license fees imposed by this section for such year shall be reduced by one-fourth thereof; upon vehicles licensed in this state during the third registration quarter, the license fees shall be reduced by one-half thereof; and upon vehicles licensed in this state during the fourth registration quarter, the license fees shall be reduced by three-fourths thereof. [1975-'76 2nd ex.s. c 54 § 1; 1975 1st ex.s. c 118 § 5; 1961 c 12 § 46.16.130. Prior: 1951 c 269 § 15; 1949 c 220 § 11; 1945 c 171 § 1; 1943 c 194 § 1; Rem. Supp. 1949 § 6312-18a.]

**Effective date**—1975-'76 2nd ex.s. c 54: "This 1976 amendatory act shall take effect on January 1, 1977." [1975-'76 2nd ex.s. c 54 § 3.]

**Effective date**—**Severability**—1975 1st ex.s. c 118: See notes following RCW 46.16.006.

**46.16.135 Quarterly license—Penalty. (Effective until January 1, 1977.)** Tonnage for motor trucks, trailers, tractors, pole trailers, or semitrailers having a declared gross weight in excess of twenty thousand pounds may be purchased for quarterly periods ending on March 31st, June 30th, September 30th, and December 31st at one-fourth of the usual annual tonnage fee: *Provided*, That the fee for the quarter in which the vehicle is licensed shall be reduced by one-twelfth of the usual tonnage fee for each full calendar month of the quarter that shall have elapsed at the time the vehicle is licensed. An additional fee of one dollar shall be charged by the director each time tonnage is purchased. The director is authorized to establish rules and regulations relative to the issuance and display of certificates or insignia.

No vehicle licensed under the provisions of this section shall be operated over the public highways unless the owner or operator renews the quarterly tonnage within ten days after the expiration of the existing tonnage. Any person who operates any such vehicle upon the public highways after the expiration of said ten days, shall be guilty of a misdemeanor, and in addition shall be required to purchase tonnage for the vehicle involved at the fee covering an entire year's operation thereof, less the fees for any quarter or quarters of the year already paid. If, within five days thereafter, no license for a full year has been purchased as required aforesaid, the Washington state patrol, county sheriff or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met. [1969 ex.s. c 170 § 7; 1961 c 12 § 46.16.135. Prior: 1951 c 269 § 16.]

**46.16.135 Quarterly license—Penalty. (Effective January 1, 1977.)** Tonnage for motor trucks, trailers, tractors, pole trailers, or semitrailers having a declared gross weight in excess of twenty thousand pounds may be purchased for any registration quarter at one-fourth of the usual annual tonnage fee: *Provided*, That the fee for the registration quarter in which the vehicle is licensed shall be reduced by one-twelfth of the usual tonnage fee for each full registration month of the registration quarter that shall have elapsed at the time the

vehicle is licensed. An additional fee of one dollar shall be charged by the director each time tonnage is purchased. The director is authorized to establish rules and regulations relative to the issuance and display of certificates or insignia.

No vehicle licensed under the provisions of this section shall be operated over the public highways unless the owner or operator renews the quarterly tonnage license prior to the expiration of the existing tonnage license. Any person who operates any such vehicle upon the public highways after the expiration of the existing tonnage license, shall be guilty of a misdemeanor, and in addition shall be required to purchase a tonnage license for the vehicle involved at the fee covering an entire registration year's operation thereof, less the fees for any registration quarter or registration quarters of the registration year already paid. If, within five days thereafter, no tonnage license for a full registration year has been purchased as required aforesaid, the Washington state patrol, county sheriff, or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met. [1975-'76 2nd ex.s. c 64 § 3; 1975 1st ex.s. c 118 § 6; 1969 ex.s. c 170 § 7; 1961 c 12 § 46.16.135. Prior: 1951 c 269 § 16.]

**Effective dates**—**Severability**—1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

**Effective date**—**Severability**—1975 1st ex.s. c 118: See notes following RCW 46.16.006.

**46.16.137 Monthly license for transportation of logs—Penalty. (Effective until January 1, 1977.)** During the months of October, November, December, January, February and March the gross weight license for a three-axle truck, a three-axle truck tractor and a two-axle pole trailer used in combination, and a three-axle truck and two-axle trailer used in combination, when such vehicles or combinations of vehicles are licensed to the maximum gross weight provided by law and are used exclusively in the transportation of logs may be purchased for a monthly period. The fee for such a monthly license shall be one-twelfth the annual maximum gross weight fee provided for in RCW 46.16.070 and 46.16.111 or in RCW 46.16.070 and 46.16.115. For each fee so paid, other than at the time of the payment of the basic license fee, an additional fee of one dollar and fifty cents shall be charged by the director. The monthly license shall be effective from the first day of the month in which it is purchased, through the last day of that calendar month. The director or his authorized agent shall issue a permit stating the month for which the vehicle is licensed, which permit shall be carried in the vehicle throughout the month for which it is issued. The director is authorized to establish rules and regulations relative to the issuance of such permits. No vehicle licensed under the provisions of this section shall be operated over the public highways unless the owner or operator thereof within five days after the expiration of any such monthly period applies for, and pays the required fee for, a license for an additional monthly period, a three-month period, or for the remainder of the year. Any person who operates any such vehicle

upon the public highways after the expiration of said five days, shall be guilty of a misdemeanor, and in addition shall be required to purchase a gross weight license for the vehicle involved at the fee covering an entire year's license for operation thereof, less the fees for any period or periods of the year already paid. If, within five days thereafter, no license for a full year has been purchased as required aforesaid, the Washington state patrol, county sheriff, or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met. [1974 ex.s. c 172 § 1; 1967 c 32 § 17; 1961 c 12 § 46.16.137. Prior: 1959 c 319 § 23; 1957 c 273 § 4.]

**Effective date**—1974 ex.s. c 172: "This 1974 amendatory act shall take effect August 1, 1974." [1974 ex.s. c 172 § 2.]

**46.16.137 Monthly license for transportation of logs, dump trucks**—**Penalty.** (Effective January 1, 1977.) During the months of October, November, December, January, February, and March the gross weight license for a three-axle truck, a three-axle truck tractor and a two-axle pole trailer used in combination, and a three-axle truck and two-axle trailer used in combination, when such vehicles or combinations of vehicles are licensed to the maximum gross weight provided by law and are used exclusively in the transportation of logs, and a two or three axle dump truck, or two or three axle dump truck and dump trailer used in combination, and a tractor and dump semitrailer used in combination, when such vehicles are licensed to the maximum gross weight provided by law, may be purchased for a monthly period. The fee for such a monthly license shall be one-twelfth the annual maximum gross weight fee provided for in RCW 46.16.070 and 46.16.111 or in RCW 46.16.070 and 46.16.115. For each fee so paid, other than at the time of the payment of the basic license fee, an additional fee of one dollar and fifty cents shall be charged by the director. The monthly tonnage license shall be effective for one entire registration month. The director or his authorized agent shall issue a license indicating that monthly tonnage fees have been paid, which tonnage license shall be carried in the vehicle throughout the registration month for which it is issued. The director is authorized to establish rules and regulations relative to the issuance of such tonnage licenses. No vehicle licensed under the provisions of this section shall be operated over the public highways unless the owner or operator thereof prior to the expiration of any such monthly period applies for, and pays the required fee for a license for an additional monthly period, a three-month period, or for the remainder of the registration year. Any person who operates any such vehicle upon the public highways after the expiration of the existing tonnage license, shall be guilty of a misdemeanor, and in addition shall be required to purchase a tonnage license for the vehicle involved at the fee covering an entire registration year's tonnage license for operation thereof, less the fees for any period or periods of the registration year already paid. If, within five days thereafter, no tonnage license for a full registration year has been purchased as required aforesaid, the

Washington state patrol, county sheriff, or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met. [1975-'76 2nd ex.s. c 64 § 4; 1975 1st ex.s. c 118 § 7; 1974 ex.s. c 172 § 1; 1967 c 32 § 17; 1961 c 12 § 46.16.137. Prior: 1959 c 319 § 23; 1957 c 273 § 4.]

**Effective dates**—**Severability**—1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

**Effective date**—**Severability**—1975 1st ex.s. c 118: See notes following RCW 46.16.006.

**Effective date**—1974 ex.s. c 172: "This 1974 amendatory act shall take effect August 1, 1974." [1974 ex.s. c 172 § 2.]

**46.16.138 Monthly license for transportation of logs**—**Penalty for operating vehicle for other purpose.** Any person who operates a vehicle, licensed under the provisions of RCW 46.16.137 for the transportation of logs exclusively, for the transportation of any cargo other than logs, shall be guilty of a misdemeanor, and in addition shall be ineligible for a period of two years from date of conviction for the purchase of a license under the provisions of RCW 46.16.137. [1961 c 12 § 46.16.138. Prior: 1959 c 319 § 24.]

**46.16.140 Overloading licensed capacity**—**Additional license**—**Penalties.** Any person who operates, or causes, permits, or suffers to be operated upon a public highway of this state any auto stage, motor truck, trailer, pole trailer, or semitrailer, with passengers, or with a maximum gross weight, in excess of that for which the vehicle is licensed shall be guilty of a misdemeanor.

Any person who operates or causes to be operated upon a public highway of this state any motor truck, trailer, pole trailer, or semitrailer with a maximum gross weight in excess of the maximum gross weight for which the vehicle is licensed shall be deemed to have set a new maximum gross weight and shall, in addition to any penalties otherwise provided, be required to purchase a new license covering the new maximum gross weight and any such person who fails to secure such new license shall be guilty of a misdemeanor: *Provided*, That this section shall not apply to for hire vehicles or auto stages operating principally within cities and towns: *Provided further*, That upon surrender of the license originally purchased the director shall allow proper credit for the gross weight fee originally paid: *Provided further*, That no such person may be permitted or required to purchase the new license upon a gross weight which would exceed the maximum gross weight allowed by law. [1961 c 12 § 46.16.140. Prior: 1955 c 384 § 16; 1951 c 269 § 18; 1937 c 188 § 25, part; RRS § 6312-25, part.]

**46.16.145 Overloading licensed capacity**—**Penalties.** Any person violating any of the provisions of RCW 46.16.140 shall, upon a first conviction, pay a fine of not less than twenty-five dollars nor more than fifty dollars; upon a second conviction pay a fine of not less than fifty dollars nor more than one hundred dollars, and in addition the court may suspend the certificate of license registration of the vehicle for not more than thirty days; upon a third and subsequent conviction pay a fine of not

less than one hundred dollars nor more than two hundred dollars, and in addition the court shall suspend the certificate of license registration of the vehicle for not less than thirty days nor more than ninety days.

Upon ordering the suspension of any certificate of license registration, the court or judge shall forthwith secure such certificate and mail it to the director. [1975-'76 2nd ex.s. c 64 § 5; 1961 c 12 § 46.16.145. Prior: 1951 c 269 § 19; 1937 c 188 § 25, part; RRS § 6312-25, part.]

**Effective dates—Severability—1975-'76 2nd ex.s. c 64:** See notes following RCW 46.16.070.

**46.16.150 School buses exempt from load and seat capacity fees.** No provision of the law of this state shall be construed to require for hire vehicle license or adult seating capacity fees, either directly or indirectly for the transportation of school children or teachers, or both, to and from school and other school activities, or either, whether the same be done in motor vehicles owned, leased, rented or used by the school authority or upon contract to furnish such transportation: *Provided*, That this section shall apply to vehicles used exclusively for the purpose set forth and in the event that any vehicle so used is also used for any other purpose, such vehicle shall be appropriately licensed for such other purpose, as required by this chapter. [1961 c 12 § 46.16.150. Prior: 1937 c 188 § 22; RRS § 6312-22.]

**46.16.160 Permits for out-of-state commercial vehicles—Special one transit permits—Fees.** Any commercial vehicle bearing valid license plates and a registration certificate of another state or territory and not registered in this state and which under reciprocal relations with that state would be required to obtain a full or proportional motor vehicle license in this state may, in lieu of a certificate of ownership and license registration, be issued a permit. Such permit shall be valid for the conduct of interstate operations only and shall be issued in such form and under such conditions as the director shall prescribe. Application for the permit shall be made to the director or his designated agent on forms provided by the director. On receiving such application, together with fees as provided herein, a permit may be issued for a period of not to exceed two hundred forty consecutive hours: *Provided, however*, That no permit shall be issued for any period less than twenty-four consecutive hours.

The director, or his designated agent, shall be authorized to issue a further permit on the same vehicle or combination of vehicles upon the expiration of any permit issued for a period less than two hundred forty consecutive hours: *Provided*, Such further permit does not extend the duration thereof to exceed two hundred forty consecutive hours on any series of consecutive permits issued for such vehicle or combination of vehicles: *Provided, further*, That no permit, or series of permits, shall be issued for any period exceeding two hundred forty consecutive hours within any period of thirty days.

When any vehicle subject to license is to be moved upon the public highways of this state from one point to another, the department may issue a special permit

therefor upon an application presented in such form as shall be approved by the department. Such permit shall be for one transit only as set forth in the application: *Provided*, That a special permit or one transit permit shall be issued for movement of a mobile home as defined in RCW 46.04.302 pursuant to RCW 46.16.105.

For each permit issued to a vehicle or a combination of vehicles the director, or his designated agent, shall assess an administrative charge of five dollars per permit plus the following fees for each period of twenty-four consecutive hours covered by such permit:

Vehicles or combinations of vehicles with gross weights as declared by applicant of:

0	.....	9,999 lbs.	.....	\$0.50
10,000	.....	19,999 lbs.	.....	\$1.00
20,000	.....	29,999 lbs.	.....	\$1.50
30,000	.....	35,999 lbs.	.....	\$2.00
36,000	.....	45,999 lbs.	.....	\$2.50
46,000	.....	59,999 lbs.	.....	\$3.00
60,000	.....	71,999 lbs.	.....	\$4.00
72,000	.....	75,999 lbs.	.....	\$6.00
76,000	.....	80,000 lbs.	.....	\$8.00

These fees shall not be subject to quarterly reduction as provided in RCW 46.16.130. Such vehicles will be subject to all of the laws, rules, and regulations affecting the operation of like motor vehicles in this state. The permit shall be displayed at all times in a prominent place on the vehicle, or if the vehicle is a trailer, then the permit shall be at all times in vehicle operator's possession.

The director shall have the authority to adopt rules and regulations whereby such permits can be issued to qualifying operators in advance of use and paid for as used.

All fees collected under the provisions of this chapter shall be forwarded by the director with a proper identifying detailed report to the state treasurer who shall deposit such fees to the credit of the motor vehicle fund. [1975-'76 2nd ex.s. c 64 § 6; 1969 ex.s. c 170 § 8; 1961 c 306 § 1; 1961 c 12 § 46.16.160. Prior: 1957 c 273 § 3; 1955 c 384 § 17; 1949 c 174 § 1; 1947 c 176 § 1; 1937 c 188 § 24; Rem. Supp. 1949 § 6312-24.]

**Effective dates—Severability—1975-'76 2nd ex.s. c 64:** See notes following RCW 46.16.070.

**46.16.170 Gross weight to be marked on vehicle.** Every motor truck, trailer and semitrailer shall have painted or stenciled upon the outside thereof, in a conspicuous place, in letters not less than two inches high, the maximum gross weight for which the same is licensed, as provided in this chapter, and it shall be unlawful for the owner and operator of any such vehicle to display a maximum gross weight for which such vehicle is licensed other than that shown on the certificate of license registration of such vehicle. [1961 c 12 § 46.16.170. Prior: 1937 c 188 § 19; RRS § 6312-19.]

**46.16.180 Unlawful to carry passengers for hire without license.** It shall be unlawful for the owner or operator of any vehicle not licensed annually for hire or

as an auto stage and for which additional seating capacity fee as required by this chapter has not been paid, to carry passengers therein for hire. [1961 c 12 § 46.16-180. Prior: 1937 c 188 § 20; RRS § 6312-20.]

**46.16.200 Applications to agents—Transmittal to director.** Upon receipt by agents of the director, including county auditors, of original applications for vehicle license accompanied by the proper fees, such agents shall, if the applications are in proper form and accompanied by such information as may be required by the director, immediately forward them, together with the fees to the director. [1961 c 12 § 46.16.200. Prior: 1955 c 259 § 1; 1955 c 89 § 4; 1947 c 164 § 10; 1937 c 188 § 33; Rem. Supp. 1947 § 6312-33; 1921 c 96 § 6, part; 1917 c 155 § 4, part; 1915 c 142 § 6, part; RRS § 6317, part.]

**46.16.210 Original applications—Renewals—Fees—Preissuance, when (as amended by 1975 1st ex.s. c 118).** (Effective January 1, 1977.) (1) Upon receipt of the application and proper fee for original vehicle license, the director shall make a recheck of the application, and in the event that there is any error in the application it may be returned to the county auditor or other agent to effectively secure the correction of such error, who shall return the same corrected to the director.

(2) Application for the renewal of a vehicle license shall be made to the director or his agents, including county auditors, by the registered owner on a form prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vehicle was registered in Washington unless the applicant submits a preprinted application mailed from Olympia, and the payment of such license fees and excise tax as may be required by law. Such application shall be handled in the same manner and the fees transmitted to the state treasurer in the same manner as in the case of an original application. Any such application which upon validation becomes a renewal certificate need not have entered upon it the name of the lien holder, if any, of the vehicle concerned.

(3) Persons expecting to be out of the state during the normal forty-five day renewal period of a vehicle license may secure renewal of such vehicle license for a period of thirty days prior thereto and have license plates or tabs preissued by making application to the director or his agents upon forms prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vehicle was registered in Washington and be accompanied by such license fees, including a special handling fee of two dollars; one dollar to be retained by the issuing agency, and one dollar to be deposited in the highway safety fund, and excise tax as may be required by law. [1975 1st ex.s. c 118 § 8; 1969 ex.s. c 75 § 1; 1961 c 12 § 46.16.210. Prior: 1957 c 273 § 5; 1955 c 89 § 2; 1953 c 252 § 3; 1947 c 164 § 11; 1937 c 188 § 34; Rem. Supp. 1947 § 6312-34.]

**Effective date—Severability—1975 1st ex.s. c 118:** See notes following RCW 46.16.006.

**46.16.210 Original applications—Renewals—Fees—Preissuance, when (as amended by 1975 1st ex.s. c 169).** (1) Upon receipt of the application and proper fee for original vehicle license, the director shall make a recheck of the application and in the event that there is any error in the application it may be returned to the county auditor or other agent to effectively secure the correction of such error, who shall return the same corrected to the director.

(2) Application for the renewal of a vehicle license shall be made to the director or his agents, including county auditors, by the registered owner on a form prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vehicle was registered in Washington unless the applicant submits a preprinted application mailed from Olympia, and the payment of such license fees and excise tax as may be required by law. Such application shall be handled in the same manner and the fees transmitted to the state treasurer in the same manner as in the

case of an original application. Any such application which upon validation becomes a renewal certificate need not have entered upon it the name of the lien holder, if any, of the vehicle concerned.

(3) Persons expecting to be out of the state during the period from January 1st through February 1st may, not earlier than December 1st, but prior to January 1st, secure renewal of a vehicle license and have license plates or tabs preissued by making application to the director or his agents upon forms prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vehicle was registered in Washington and be accompanied by such license fees, including a special handling fee of one dollar; fifty cents to be retained by the issuing agency, and fifty cents to be deposited in the highway safety fund, and excise tax as may be required by law.

(4) Application for the annual renewal of a vehicle license number plate to the director or his agents shall not be required for those vehicles owned, rented, or leased by the state of Washington, or by any county, city, town, school district, or other political subdivision of the state of Washington. [1975 1st ex.s. c 169 § 6; 1969 ex.s. c 75 § 1; 1961 c 12 § 46.16.210. Prior: 1957 c 273 § 5; 1955 c 89 § 2; 1953 c 252 § 3; 1947 c 164 § 11; 1937 c 188 § 34; Rem. Supp. 1947 § 6312-34.]

**Reviser's note:** RCW 46.16.210 was amended twice during the 1975 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same session, see RCW 1.12.025.

**46.16.220 Time of issuance of licenses—Duration.** (Effective until January 1, 1977.) Vehicle licenses and vehicle license number plates may be issued for the current registration licensing period on and after the first day thereof and must be used and displayed from the date of issue or from the thirty-fifth day after the expiration of the preceding licensing period whichever date is later. [1969 ex.s. c 170 § 9; 1961 c 12 § 46.16.220. Prior: 1957 c 261 § 8; 1955 c 89 § 1; 1953 c 252 § 4; 1947 c 164 § 12; 1937 c 188 § 35; Rem. Supp. 1947 § 6312-35; 1921 c 96 § 7, part; RRS § 6318, part; 1921 c 6 § 1, part; 1916 c 142 § 7, part.]

**46.16.220 Time of renewal of licenses—Duration.** (Effective January 1, 1977.) Vehicle licenses and vehicle license number plates may be renewed for the subsequent registration year on and after the forty-fifth day prior to the end of the current registration year and must be used and displayed from the date of issue or from the day of the expiration of the preceding registration year, whichever date is later: *Provided*, That in no case shall a citation be issued for nonregistration prior to the first day of the month following the calendar month in which vehicle licenses and vehicle license number plates are to be renewed. [1975 1st ex.s. c 118 § 9; 1969 ex.s. c 170 § 9; 1961 c 12 § 46.16.220. Prior: 1957 c 261 § 8; 1955 c 89 § 1; 1953 c 252 § 4; 1947 c 164 § 12; 1937 c 188 § 35; Rem. Supp. 1947 § 6312-35; 1921 c 96 § 7, part; RRS § 6318, part; 1921 c 6 § 1, part; 1916 c 142 § 7, part.]

**Effective date—Severability—1975 1st ex.s. c 118:** See notes following RCW 46.16.006.

**46.16.225 Vehicle registration periods may be adjusted to stagger renewal periods.** (Effective January 1, 1977.) Notwithstanding any provision of law to the contrary, the director of the department of motor vehicles may extend or diminish vehicle license registration periods for the purpose of staggering renewal periods.



Such extension or diminishment of a vehicle license registration period shall be by rule and regulation of the department of motor vehicles adopted in accordance with the provisions of chapter 34.04 RCW. Such rules may provide for the omission of any classes or classifications of vehicle from the staggered renewal system and may provide for the gradual introduction of classes or classifications of vehicles into such a system. Such rules and regulations shall provide for the collection of proportionately increased or decreased vehicle license registration fees, including tonnage fees, if applicable, and of excise or property taxes required to be paid at the time of registration.

It is the intent of the legislature that there shall be neither a significant net gain nor loss of revenue to the state general fund or the motor vehicle fund as the result of implementing a staggered vehicle registration system when compared with the revenue generated by the current registration system. [1975 1st ex.s. c 118 § 2.]

**Effective date—Severability—1975 1st ex.s. c 118:** See notes following RCW 46.16.006.

**46.16.230 License plates to be furnished.** The director shall furnish to all persons making satisfactory application for vehicle license as provided by law, two identical vehicle license number plates each containing the vehicle license number to be displayed on such vehicle as by law required: *Provided*, That if the vehicle to be licensed is a trailer, semitrailer or motorcycle only one vehicle license number plate shall be issued for each thereof. The number and plate shall be of such size and color and shall contain such symbols indicative of the registration period for which the same is issued and of the state of Washington, as shall be determined and prescribed by the director. Any vehicle license number plate or plates issued to a dealer shall contain thereon a sufficient and satisfactory indication that such plates have been issued to a dealer in vehicles. All vehicle license number plates may be obtained by the director from the metal working plant of the state penitentiary at Walla Walla or from any source in accordance with existing state of Washington purchasing procedures.

Notwithstanding the foregoing provisions of this section, the director may, in his discretion and under such rules and regulations as he may prescribe, adopt a type of vehicle license number plates whereby the same shall be used as long as legible on the vehicle for which issued, with provision for tabs or emblems to be attached thereto or elsewhere on the vehicle to signify renewals, in which event the term "vehicle license number plate" as used in any enactment shall be deemed to include in addition to such plate the tab or emblem signifying renewal except when such plate contains the designation of the current year without reference to any tab or emblem. Renewals shall be effected by the issuance and display of such tab or emblem. [1975 c 25 § 19; 1961 c 12 § 46.16.230. Prior: 1957 c 261 § 9; 1949 c 90 § 1; 1939 c 182 § 5; 1937 c 188 § 28; Rem. Supp. 1949 § 6312-28; 1921 c 96 § 12; 1921 c 6 § 2; 1919 c 59 § 7; 1917 c 155 § 8; 1915 c 142 § 12; RRS § 6323.]

**46.16.235 License plates to designate name of state of Washington without abbreviation.** Vehicle license number plates issued by the state of Washington commencing with the next general issuance of such plates shall be so designed as to designate the name of the state of Washington in full without abbreviation. [1965 ex.s. c 78 § 2.]

**46.16.237 License plates to be treated with reflectorized materials—Fee.** All vehicle license number plates issued after January 1, 1968, or such earlier date as the director may prescribe with respect to plates issued in any county, shall be treated with reflectorized materials designed to increase the visibility and legibility of such plates at night. In addition to all other fees prescribed by law, there shall be paid and collected for each vehicle license number plate treated with such materials, the sum of fifty cents and for each set of two plates, the sum of one dollar: *Provided, however*, One plate is available only to those vehicles that by law require only one plate. Such fees shall be deposited in the motor vehicle fund. [1967 ex.s. c 145 § 60.]

**Severability—1967 ex.s. c 145:** See RCW 47.98.043.

**46.16.240 Attachment of plates to vehicles—Violations enumerated.** The vehicle license number plates shall be attached conspicuously at the front and rear of each vehicle for which the same are issued and in such a manner that they can be plainly seen and read at all times: *Provided*, That if only one license number plate is legally issued for any vehicle such plate shall be conspicuously attached to the rear of such vehicle. Each vehicle license number plate shall be placed or hung in a horizontal position at a distance of not less than one foot nor more than four feet from the ground and shall be kept clean so as to be plainly seen and read at all times: *Provided, however*, That in cases where the body construction of the vehicle is such that compliance with this section is impossible, permission to deviate therefrom may be granted by the state commission on equipment. It shall be unlawful to display upon the front or rear of any vehicle, vehicle license number plate or plates other than those furnished by the director for such vehicle or to display upon any vehicle any vehicle license number plate or plates which have been in any manner changed, altered, disfigured or have become illegible. It shall be unlawful for any person to operate any vehicle unless there shall be displayed thereon valid vehicle license number plates attached as herein provided. [1969 ex.s. c 170 § 10; 1967 c 32 § 18; 1961 c 12 § 46.16.240. Prior: 1947 c 89 § 1; 1937 c 188 § 36; Rem. Supp. 1947 § 6312-36.]

**46.16.260 License registration certificate—Endorsement—Maximum gross weight license—Attachment to vehicle.** A certificate of license registration to be valid must have endorsed thereon the signature of the registered owner (if a firm or corporation, the signature of one of its officers or other duly authorized agent) and must be carried in the vehicle for which it is issued, at all times in the manner prescribed by the director. It shall be unlawful for any person to operate

or have in his possession a vehicle without carrying thereon such certificate of license registration and/or maximum gross weight license as herein provided. Any person in charge of such vehicle shall, upon demand of any of the local authorities or of any police officer or of any representative of the department, permit an inspection of such certificate of license registration and/or maximum gross weight license. [1969 ex.s. c 170 § 11; 1967 c 32 § 19; 1961 c 12 § 46.16.260. Prior: 1955 c 384 § 18; 1937 c 188 § 8; RRS § 6312-8.]

**46.16.270 Loss, defacement, or destruction of plates—Replacement fee.** Upon the loss, defacement, or destruction of one or both of the vehicle license number plates issued for any vehicle where more than one plate was originally issued or where one or both have become so illegible or in such a condition as to be difficult to distinguish, the owner of the vehicle shall make application for new vehicle license number plates upon a form furnished by the director, upon which form it shall be required that the owner, in addition to other requirements, make a complete statement as to the cause of the loss, defacement, or destruction of the original plate or plates, which statement shall be subscribed and sworn to before a notary public or other person authorized to certify to statements upon vehicle license applications. Such application shall be filed with the director or his authorized agent, accompanied by the certificate of license registration of the vehicle and a fee in the amount of four dollars, whereupon the director, or his authorized agent, shall issue new vehicle license number plates to the applicant. It shall be accompanied by a fee of two dollars for a new vehicle license number plate where only one was originally issued and one dollar for a new motorcycle license number plate. In the event the director has issued license period tabs or a windshield emblem instead of vehicle license number plates, and upon the loss, defacement or destruction of said tabs or windshield emblem, application shall be made on a form provided by the director and in the same manner as above described, and shall be accompanied by a fee of one dollar for each pair of tabs or for each windshield emblem, whereupon the director shall issue to the applicant a duplicate pair of tabs or a windshield emblem to replace those lost, defaced or destroyed: *Provided*, That for those vehicles owned, rented, or leased by the state of Washington or by any county, city, town, school district, or other political subdivision of the state of Washington or United States government, a fee shall be charged for replacement of a vehicle license number plate only to the extent required by the provisions of RCW 46.16.020, 46.16.061, 46.16.237, and 46.01.140: *Provided further*, That for those vehicles owned, rented, or leased by foreign countries or international bodies to which the United States government is a signatory by treaty, the payment of any fee for the replacement of a vehicle license number plate shall not be required. [1975 1st ex.s. c 169 § 7; 1965 ex.s. c 78 § 1; 1961 c 12 § 46.16.270. Prior: 1951 c 269 § 6; 1947 c 164 § 13; 1937 c 188 § 37; Rem. Supp. 1947 § 6312-37; 1929 c 99 § 6; 1921 c 96 § 14; 1919 c 59 § 8; 1915 c 142 § 14; RRS § 6325.]

**46.16.280 Sale, loss, or destruction of commercial vehicle—Procedure on change in license classification.** In case of loss or destruction, sale or transfer of any for hire vehicle, auto stage, motor truck, trailer, or semi-trailer, the registered owner thereof may retain the right to the load license or seat license to apply in licensing such vehicle as may be procured in replacement thereof and in any case of sale or transfer where load or seat license has not been assigned on the certificate of license registration it will be presumed that the same was intended to be retained by the previous registered owner thereof. Whenever during the calendar year any vehicle has been so altered as to change its license classification, in such a manner that the vehicle license number plates are rendered improper therefor, the current vehicle license number plates shall be surrendered to the director and new and proper vehicle license number plates issued on application therefor accompanied by a fee therefor in the amount of one dollar in addition to any other or different charge by reason of licensing under a new classification. Such application shall be on forms prescribed by the director and forwarded with proper fee to his office or the office of his duly authorized agent. [1967 c 32 § 20; 1961 c 12 § 46.16.280. Prior: 1947 c 164 § 14; 1937 c 188 § 38; Rem. Supp. 1947 § 6312-38.]

**46.16.290 License certificate and plates follow vehicle on transfer—Exception.** In any case of valid sale or transfer of the ownership of any vehicle, the right to the certificates properly transferable therewith and to the vehicle license number plates shall pass to the purchaser or transferee and it shall be unlawful for the holder of such certificates or vehicle license number plates to fail, neglect or refuse to endorse such certificates and deliver such vehicle license number plates to such purchaser or transferee: *Provided*, That if such sale or transfer be of a vehicle licensed by the state or any county, city, town, school district or other political subdivision entitled to exemption as provided by law, the vehicle license number plates therefor shall be retained and may be displayed upon such vehicle as may be procured in replacement of the vehicle so sold or transferred. [1961 c 12 § 46.16.290. Prior: 1937 c 188 § 39; RRS § 6312-39; 1931 c 138 § 2; 1929 c 99 § 3; 1921 c 96 § 8; 1919 c 59 § 5; 1917 c 155 § 5; 1915 c 142 § 8; RRS § 6319.]

**46.16.310 Antique vehicles—"Horseless carriage" licenses.** Notwithstanding any other provisions of this chapter, any motor vehicle, manufactured during or prior to the year 1931, and owned and operated primarily as a collector's item shall, upon application and acceptance in the manner and at the time prescribed by the department, be issued a special commemorative license plate in lieu of the regular license plates. Any vehicles to be so licensed must be in good running order. In addition to paying all other initial fees required by law, each applicant shall pay a fee of twenty-five dollars, which fee shall entitle him to one permanent license plate valid for the life of the vehicle.

The registration numbers and special license plates assigned to such motor vehicles shall run in a separate

numerical series, commencing with "Horseless Carriage No. 1." The plates shall be of a distinguishing color.

In the event of defacement, loss or destruction of such special plate, the owner shall apply for a replacement plate in the same manner as prescribed by law for the replacement of regular plates.

All fees collected under this section shall be deposited in the state treasury and credited to the motor vehicle fund. [1971 ex.s. c 114 § 1; 1961 c 12 § 46.16.310. Prior: 1955 c 100 § 1.]

**Severability**—1971 ex.s. c 114: "If any provision of this 1971 amendatory 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." [1971 ex.s. c 114 § 6.] This applies to RCW 46.16.310, 46.16.311, 46.16.315 and 46.16.355.

**46.16.311 Antique vehicles**—Application to vehicles manufactured after 1931 and presently licensed. The provisions of RCW 46.16.310 shall not, invalidate or make unlawful the use of "Horseless Carriage" license plates presently used on motor vehicles manufactured and built after 1931, except that in the event of the defacement, loss, or destruction of any commemorative plate issued to a vehicle manufactured after 1931, no replacement commemorative plate shall be issued to such vehicle. [1971 ex.s. c 114 § 2.]

**Severability**—1971 ex.s. c 114: See note following RCW 46.16.310.

**46.16.315 Vehicles more than thirty years old and operated as collector's item, license, plates for**—Fees, disposition. Notwithstanding any other provisions of law, any motor vehicle, more than thirty years old, and owned and operated primarily as a collector's item, shall, upon application and acceptance in the manner and at the time prescribed by the department, be authorized in lieu of the regular license plates to carry as the correct license for that vehicle a Washington state license plate or pair of duplicate plates designated for use in the year of the manufacturing of said vehicle, and bearing the date thereof. Any vehicles to be so licensed must be in good running order. In addition to paying all other fees required by law, each applicant shall pay a fee of twenty-five dollars, which fee shall entitle him to have said plate or plates certified as the permanent plate or plates of that vehicle, valid for the life of that vehicle.

All fees collected under this section shall be deposited in the state treasury, and credited to the motor vehicle fund. [1971 ex.s. c 114 § 3.]

**Severability**—1971 ex.s. c 114: See note following RCW 46.16.310.

**46.16.320 License plates for amateur radio operators**—Fees—Deposit. (Effective until January 1, 1977.) Every person having a valid official amateur radio operator's license issued for a term of five years by the federal communications commission, is entitled to apply to the director for, and upon satisfactory showing, to receive, in lieu of the regular motor vehicle license plates similar plates bearing the official amateur radio call letters of the applicant assigned by the federal communications commission instead of numbers.

In addition to the annual license fee collected under chapter 46.16 RCW and chapter 82.44 RCW, there shall be collected from each applicant for such special license plates an additional license fee of five dollars upon the issue of a state plate but shall not apply on those years that a yearly tab is issued. Such special fee shall be deposited in the motor vehicle fund. Application for renewal of the amateur radio operator's call license plate must be made by January 10th of each renewal year and all such applications shall be accompanied by a notarized statement of facts included on the amateur's valid FCC license. [1969 ex.s. c 206 § 1; 1967 ex.s. c 145 § 80; 1967 c 32 § 21; 1961 c 12 § 46.16.320. Prior: 1957 c 145 § 1.]

**Severability**—1967 ex.s. c 145: See RCW 47.98.043.

**46.16.320 License plates for amateur radio operators**—Fees—Deposit. (Effective January 1, 1977.) Every person having a valid official amateur radio operator's license issued for a term of five years by the federal communications commission, is entitled to apply to the director for, and upon satisfactory showing, to receive, in lieu of the regular motor vehicle license plates similar plates bearing the official amateur radio call letters of the applicant assigned by the federal communications commission instead of numbers.

In addition to the annual license fee collected under chapter 46.16 RCW and chapter 82.44 RCW, there shall be collected from each applicant for such special license plates an additional license fee of five dollars upon the issue of a state plate but shall not apply on those years that a yearly tab is issued. Such special fee shall be deposited in the motor vehicle fund. Application for renewal of the amateur radio operator's call license plate must be made no later than twenty days prior to the end of each registration year, and all such applications shall be accompanied by a notarized statement of facts included on the amateur's valid FCC license. [1975 1st ex.s. c 118 § 10; 1969 ex.s. c 206 § 1; 1967 ex.s. c 145 § 80; 1967 c 32 § 21; 1961 c 12 § 46.16.320. Prior: 1957 c 145 § 1.]

**Effective date**—Severability—1975 1st ex.s. c 118: See notes following RCW 46.16.006.

**Severability**—1967 ex.s. c 145: See RCW 47.98.043.

**46.16.330 License plates for amateur radio operators**—Disposition of plates upon transfer of interest in vehicle. Whenever the owner of a registered vehicle transfers or assigns his title or interest thereto, the license plates issued under RCW 46.16.320 through 46.16.350 shall be removed from the motor vehicle and, if another vehicle is acquired, attached thereto and the director shall be immediately notified of such transfer of plates; otherwise the removed plates shall be immediately forwarded to the director to be reissued later upon payment of the regular license fee. [1967 c 32 § 22; 1961 c 12 § 46.16.330. Prior: 1957 c 145 § 2.]

**46.16.340 License plates for amateur radio operators**—Emergency services, state patrol, county sheriffs to be furnished information. The director, from time to time, shall furnish the state department of emergency

services, the Washington state patrol and all county sheriffs a list of the names, addresses and license plate or radio station call letters of each person possessing the special amateur radio station license plates so that the facilities of such radio stations may be utilized to the fullest extent in the work of these governmental agencies. [1974 ex.s. c 171 § 43; 1967 c 32 § 23; 1961 c 12 § 46.16.340. Prior: 1957 c 145 § 3.]

**46.16.350 License plates for amateur radio operators—Duties of holder when radio license expires or is revoked—Penalty.** Any radio amateur operator who holds a special call letter license plate as issued under the provisions of RCW 46.16.320 through 46.16.350, and who has allowed his federal communications commission license to expire, or has had it revoked, must notify the director in writing within thirty days and surrender his call letter license plate. Failure to do so will constitute a gross misdemeanor. [1967 c 32 § 24; 1961 c 12 § 46.16.350. Prior: 1957 c 145 § 4.]

**46.16.370 Special plates for official representatives of foreign governments—United States citizenship required.** (1) Every consul or other official representative of any foreign government who is a citizen of the United States of America, duly licensed and holding an exequatur issued by the department of state of the United States of America is entitled to apply to the director for, and upon satisfactory showing, to receive, in lieu of the regular motor vehicle license plates, such special plates of a distinguishing color and running in a separate numerical series, as the director shall prescribe. In addition to paying all other initial fees required by law there shall be collected from each applicant for such special license plates an additional license fee of twenty-five dollars upon the issue of such plates which fee shall not apply for those years in which tabs are issued. Application for renewal of such license plates must be made by January 10th of each renewal year and all such applications shall be accompanied by a notarized statement of such facts as the director shall deem necessary for issuance thereof.

(2) Whenever such owner or lessee as provided in subsection (1) hereof transfers or assigns his interest or title in the motor vehicle to which the special plates were attached, such plates shall be removed from the motor vehicle and if another vehicle is acquired, attached thereto, and the director shall be immediately notified of such transfer of plates; otherwise the removed plates shall be immediately forwarded to the director to be reissued upon payment of the regular license fee. Whenever such owner or lessee as provided in subsection (1) hereof shall for any reason be relieved of his duties as such consul or official representative of a foreign government he shall immediately forward the special plates to the director who shall upon receipt thereof provide such plates as are otherwise provided by law. [1967 c 32 § 25; 1961 c 201 § 1.]

**46.16.380 Cards and decals for certain disabled persons—Qualifications—Transfer of vehicle—**

**Rules—Penalty.** Any person who shall submit satisfactory proof to the director that he or she has lost both of his or her lower extremities, or who has lost the normal or full use thereof, or who is so severely disabled as to be unable to move without the aid of crutches or a wheelchair or who has lost both hands, shall be entitled to receive a special card to be left in a vehicle in a conspicuous place, bearing distinguishing marks, letters or numerals indicating that the vehicle is being used to transport such a privileged person. Such a privileged person shall also be entitled to receive for one motor vehicle only, a special decal to be affixed to the vehicle in a conspicuous place designated by the director, bearing distinguishing marks, letters or numerals indicating that the vehicle is owned by or primarily used for such a privileged person. Whenever such owner transfers or assigns his interest in such vehicle, the special decal shall be removed. Such person shall immediately surrender the decal to the director together with a notice of the transfer of interest in such vehicle. If another vehicle is acquired by, or for the primary use of, such person, a new decal shall be issued by the director. Application for renewal, except for the permanently disabled who shall be issued a permanent card, must be made by January 10th of each renewal year together with satisfactory proof of the right to continued use of such special card and decal. No additional fees shall be charged for the issuance of such special card and decal. The director shall promulgate such rules and regulations as he deems necessary to carry into effect this section.

Any unauthorized use of such distinguishing card and decal shall constitute a gross misdemeanor. [1975-'76 2nd ex.s. c 102 § 1; 1975 1st ex.s. c 297 § 1; 1967 c 32 § 26; 1961 c 128 § 1.]

**46.16.450 Appeals to superior court from suspension, revocation, cancellation, or refusal of license or certificate under chapter 46.16 RCW.** See RCW 46.12.240.

**46.16.460 Nonresident members of armed forces—Temporary motor vehicle license—Issuance authorized.** Upon the payment of a fee of ten dollars therefor, the department of motor vehicles shall issue a temporary motor vehicle license for a motor vehicle in this state for a period of forty-five days when such motor vehicle has been or is being purchased by a nonresident member of the armed forces of the United States and an application, accompanied with prepayment of required fees, for out of state registration has been made by the purchaser. [1967 c 202 § 4.]

**46.16.470 Nonresident members of armed forces—Display.** The temporary license provided for in RCW 46.16.460 shall be carried on the interior of the motor vehicle in such a way as to be clearly visible from outside the vehicle. [1967 c 202 § 5.]

**46.16.480 Nonresident members of armed forces—Not liable for sales, use or motor vehicle excise taxes—Extent of exemption.** The original purchaser of a motor vehicle, for which a temporary license as provided in RCW 46.16.460 has been issued, shall not be

subject to the sales tax, use tax, or motor vehicle excise tax during the effective period of such license or thereafter unless the motor vehicle, after the effective period of such license, is still in this state or within a period of one year after the effective period of such license is returned to this state. [1967 c 202 § 6.]

*Motor vehicle excise tax: Chapter 82.44 RCW.*

*Sales tax exemptions: RCW 82.08.030.*

*Use tax exemptions: RCW 82.12.030.*

**46.16.490 Nonresident members of armed forces—Rules and regulations—Proof.** The department of motor vehicles shall prescribe rules and regulations governing the administration of RCW 46.16.460 through 46.16.490. The department may require that adequate proof of the facts asserted in the application for a temporary license shall be made before the temporary license shall be granted. [1967 c 202 § 7.]

**46.16.500 Liability of operator and/or owner for violations.** Whenever an act or omission is declared to be unlawful in chapter 46.16 RCW, if the operator of the vehicle is not the owner of such vehicle, but is so operating or moving the same with the express or implied permission of the owner, then the operator and/or owner shall both be subject to the provisions of this chapter with the primary responsibility to be that of the owner. [1969 ex.s. c 69 § 2.]

**46.16.505 Campers—License and plates—Application—Fee. (Effective until January 1, 1977.)** It shall be unlawful for a person to operate any vehicle equipped with a camper over and along a public highway of this state without first having obtained and having in full force and effect a current and proper camper license and displaying a camper license number plate therefor as required by law: *Provided, however,* That if a camper is part of the inventory of a manufacturer or dealer and is unoccupied at all times, and a dated demonstration permit, valid for no more than seventy-two hours is carried in the motor vehicle at all times it is operated by any such individual, such camper may be demonstrated if carried upon an appropriately licensed vehicle.

Application for an original camper license shall be made on a form furnished for the purpose by the director. Such application shall be made by the owner of the camper or his duly authorized agent over the signature of such owner or agent, and he shall certify that the statements therein are true and to the best of his knowledge. The application must show:

- (1) Name and address of the owner of the camper;
- (2) Trade name of the camper, model, year, and the serial number thereof;
- (3) Such other information as the director requires.

There shall be paid and collected annually for each calendar year or fractional part thereof and upon each camper a license fee in the sum of three dollars and fifty cents.

Except as otherwise provided for in this section, the provisions of chapter 46.16 RCW shall apply to campers in the same manner as they apply to vehicles. [1975 c 41 § 1; 1971 ex.s. c 231 § 7.]

**46.16.505 Campers—License and plates—Application—Fee. (Effective January 1, 1977.)** It shall be unlawful for a person to operate any vehicle equipped with a camper over and along a public highway of this state without first having obtained and having in full force and effect a current and proper camper license and displaying a camper license number plate therefor as required by law: *Provided, however,* That if a camper is part of the inventory of a manufacturer or dealer and is unoccupied at all times, and a dated demonstration permit, valid for no more than seventy-two hours is carried in the motor vehicle at all times it is operated by any such individual, such camper may be demonstrated if carried upon an appropriately licensed vehicle.

Application for an original camper license shall be made on a form furnished for the purpose by the director. Such application shall be made by the owner of the camper or his duly authorized agent over the signature of such owner or agent, and he shall certify that the statements therein are true and to the best of his knowledge. The application must show:

- (1) Name and address of the owner of the camper;
- (2) Trade name of the camper, model, year, and the serial number thereof;
- (3) Such other information as the director requires.

There shall be paid and collected annually for each registration year or fractional part thereof and upon each camper a license fee or, if the camper was previously licensed in this state and has not been registered in another jurisdiction in the intervening period, a renewal license fee. Such license fee shall be in the sum of four dollars and ninety cents, and such renewal license fee shall be in the sum of three dollars and fifty cents.

Except as otherwise provided for in this section, the provisions of chapter 46.16 RCW shall apply to campers in the same manner as they apply to vehicles. [1975 1st ex.s. c 118 § 11; 1975 c 41 § 1; 1971 ex.s. c 231 § 7.]

**Effective date—Severability—1975 1st ex.s. c 118:** See notes following RCW 46.16.006.

**Effective date—1971 ex.s. c 231:** See note following RCW 46.01.130.

**46.16.555 Personalized license plates—Use of fees for support and aid of wildlife resources—Purpose of act.** See RCW 77.12.175.

**46.16.560 Personalized license plates—Defined.** Personalized license plates, as used in this chapter, means license plates that have displayed upon them the registration number assigned to the vehicle or camper for which such registration number was issued in a combination of letters or numbers, or both, requested by the owner of the vehicle or camper in accordance with this chapter. [1975 c 59 § 1; 1973 1st ex.s. c 200 § 2.]

**46.16.565 Personalized license plates—Application.** Any person who is the registered owner of a passenger motor vehicle not for hire, a truck not powered by diesel fuel, a trailer, a camper, a private bus, or a motorcycle registered with the department or who makes application for an original registration or renewal registration of such vehicle or camper may, upon payment of

the fee prescribed in RCW 46.16.585, apply to the department for personalized license plates, in the manner described in RCW 46.16.580, which plates shall be affixed to the vehicle or camper for which registration is sought in lieu of the regular license plates. [1975 c 59 § 2; 1973 1st ex.s. c 200 § 3.]

**46.16.570 Personalized license plates—Design.** The personalized license plates shall be the same design as regular license plates, and shall consist of numbers or letters, or any combination thereof not exceeding six positions and not less than two positions: *Provided*, That there are no conflicts with existing passenger, commercial, trailer, motorcycle, or special license plates series or with the provisions of RCW 46.16.230 or 46.16.235: *Provided further*, That the maximum number of positions on personalized license plates for motorcycles shall be designated by the department. [1975 c 59 § 3; 1973 1st ex.s. c 200 § 4.]

**46.16.575 Personalized license plates—Issuance to registered owner only.** Personalized license plates shall be issued only to the registered owner of a vehicle on which they are to be displayed. [1973 1st ex.s. c 200 § 5.]

**46.16.580 Personalized license plates—Application requirements.** An applicant for issuance of personalized license plates or renewal of such plates in the subsequent year pursuant to this chapter shall file an application therefor in such form and by such date as the department may require, indicating thereon the combination of letters or numbers, or both, requested as a vehicle license plate number. There shall be no duplication or conflict with existing or projected vehicle license plate series or other numbering systems for records kept by the department, and the department may refuse to issue any combination of letters or numbers, or both, that may carry connotations offensive to good taste and decency or which would be misleading or a duplication of license plates provided for in chapter 46.16 RCW. [1973 1st ex.s. c 200 § 6.]

**46.16.585 Personalized license plates—Fees—Renewal—Penalty.** In addition to the regular registration fee, and any other fees and taxes required to be paid upon registration, the applicant shall be charged a fee of thirty dollars. In addition to the regular renewal fee, and in addition to any other fees and taxes required to be paid, the applicant for a renewal of such plates shall be charged an additional fee of twenty dollars: *Provided*, That any person who purchased personalized license plates containing three letters and three digits on or between the dates of August 9, 1971, and November 6, 1973, shall not be required to pay the additional annual renewal fee of twenty dollars commencing with the year 1976. All personalized license plates must be renewed on an annual basis, regardless of whether a vehicle on which they are displayed will not be driven on public highways or may also be eligible to display permanent license plates valid for the life of such vehicle without annual renewal. Personalized license plates that are not

renewed must be surrendered to the department, and failure to do so shall be a misdemeanor. [1975 c 59 § 4; 1973 1st ex.s. c 200 § 7.]

**46.16.590 Personalized license plates—Transfer fees.** Whenever any person who has been issued personalized license plates applies to the department for transfer of such plates to a subsequently acquired vehicle or camper eligible for personalized license plates, a transfer fee of five dollars shall be charged in addition to all other appropriate fees. Such transfer fees shall be deposited in the motor vehicle fund. [1975 c 59 § 5; 1973 1st ex.s. c 200 § 8.]

**46.16.595 Personalized license plates—Transfer or surrender of plates upon sale or release of vehicle ownership—Penalty.** When any person who has been issued personalized license plates sells, trades, or otherwise releases ownership of the vehicle upon which the personalized license plates have been displayed, he shall immediately report the transfer of such plates to an acquired vehicle or camper eligible for personalized license plates, pursuant to RCW 46.16.590, or he shall surrender such plates to the department forthwith and release his priority to the letters or numbers, or combination thereof, displayed on the personalized license plates. Failure to surrender such plates shall constitute a misdemeanor. [1975 c 59 § 6; 1973 1st ex.s. c 200 § 9.]

**46.16.600 Personalized license plates—Rules and regulations.** The director of motor vehicles may establish such rules and regulations as may be necessary to carry out the purposes of RCW 46.16.560 through 46.16.595. [1973 1st ex.s. c 200 § 10.]

**46.16.605 Personalized license plates—Disposition of fees—Costs.** All revenue derived from the fees provided for in RCW 46.16.585 shall be forwarded to the state treasurer accompanied by a proper identifying detailed report and by him deposited to the credit of the state game fund.

Administrative costs incurred by the department of motor vehicles as a direct result of \*this 1973 amendatory act shall be appropriated by the legislature from the state game fund from those funds deposited therein resulting from the sale of personalized license plates. If the actual costs incurred by the department of motor vehicles are less than that which has been appropriated by the legislature the remainder shall revert to the state game fund. [1973 1st ex.s. c 200 § 11.]

*\*Reviser's note:* "this 1973 amendatory act" consists of an amendment to RCW 77.12.170, to the repeal of RCW 46.16.355, and to the enactment of RCW 46.16.560-46.16.605, and 77.12.175, all by 1973 1st ex.s. c 200.

*State game fund: RCW 77.12.170.*

**46.16.610 Referral to electorate.** This 1973 amendatory act shall be submitted to the people for their adoption and ratification, or rejection, at the next general election to be held in this state in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws

adopted to facilitate the operation thereof. [1973 1st ex.s. c 200 § 14.]

**Reviser's note:** This section applies to the amendment of RCW 77.12.170, to the repeal of RCW 46.16.355, and to the enactment of RCW 46.16.560–46.16.605 and 77.12.175, all by 1973 1st ex.s. c 200. The act was adopted and ratified by the people at the November 6, 1973 general election.

**46.16.900 Severability—1973 1st ex.s. c 132.** If any provision of this 1973 amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the amendatory act and the applicability thereof to persons and circumstances shall not be affected thereby. [1973 1st ex.s. c 132 § 24.]

### Chapter 46.20 DRIVERS' LICENSES—IDENTICARDS

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**46.20.011 Definitions.** For the purpose of chapter 46.20 RCW the term "adult driver's license" shall mean the driver's license which shall be issued only to persons eighteen years of age or older; and "minor driver's license" shall mean the driver's license which shall be issued only to persons sixteen years of age or older and under eighteen years of age but shall not mean a juvenile agricultural driving permit as provided for in RCW 46.20.070. "Driver's license" shall include an "adult driver's license" and a "minor's driver's license". [1971 ex.s. c 292 § 42; 1967 c 167 § 8.]

**Severability—1971 ex.s. c 292:** See note following RCW 26.28.010.

**46.20.021 Driver's license required—Surrender of license held from another jurisdiction—Other license not required.** (1) No person, except those hereinafter expressly exempted shall drive any motor vehicle upon a highway in this state unless such person has a valid driver's license issued under the provisions of this chapter. No person shall receive a driver's license unless and until he surrenders to the department all valid driver's licenses in his possession issued to him by any other jurisdiction. All surrendered licenses shall be returned by the department to the issuing department together with information that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid driver's license at any time.

(2) Any person licensed as a driver hereunder may exercise the privilege thereby granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations. [1965 ex.s. c 121 § 2.]

**Reviser's note:** Throughout chapter 46.20 RCW the phrases "this 1965 amendatory act" and "this act" have been changed to "this chapter". The 1965 amendatory act [1965 ex.s. c 121] consists of RCW 46.20.021–46.20.055, 46.20.091, 46.20.161–46.20.181, 46.20.205, 46.20.207, 46.20.215, 46.20.285, 46.20.291, 46.20.305–46.20.315, 46.20.322–46.20.336, 46.20.342–46.20.344, 46.20.900, 46.20.910, 46.64.025, the 1965 amendments to 46.20.102–46.20.106, 46.20.120–46.20.140, 46.20.190, 46.20.200, 46.20.270, 46.20.340, and 1965 ex.s. c 121 § 1 footnoted after 46.20.021.

**Purpose of 1965 ex.s. c 121—Construction:** "With the advent of greatly increased interstate vehicular travel and the migration of motorists between the states, the legislature recognizes the necessity of enacting driver licensing laws which are reasonably uniform with the

laws of other states and are at the same time based upon sound, realistic principles, stated in clear explicit language. To achieve these ends the legislature does hereby adopt this 1965 amendatory act relating to driver licensing modeled after the Uniform Vehicle Code subject to such variances as are deemed better suited to the people of this state. It is intended that this 1965 amendatory act be liberally construed to effectuate the purpose of improving the safety of our highways through driver licensing procedures within the framework of the traditional freedoms to which every motorist is entitled." [1965 ex.s. c 121 § 1.] For application of this section see reviser's note above.

**46.20.022 Unlicensed drivers—Subject to all provisions of Title 46 RCW.** Any person who operates a motor vehicle on the public highways of this state without a driver's license or nonresident privilege to drive shall be subject to all of the provisions of Title 46 RCW to the same extent as a person who is licensed. [1975-'76 2nd ex.s. c 29 § 1.]

**46.20.025 Persons exempt from licensing requirement.** The following persons are exempt from license hereunder:

(1) Any person in the service of the army, navy, air force, marine corps or coast guard of the United States, or in the service of the national guard of this state or any other state, when furnished with a driver's license by such service when operating an official motor vehicle in such service;

(2) A nonresident who is at least sixteen years of age and who has in his immediate possession a valid driver's license issued to him in his home state;

(3) A nonresident who is at least sixteen years of age and who has in his immediate possession a valid driver's license issued to him in his home country may operate a motor vehicle in this state for a period not to exceed one year;

(4) Any person operating special highway construction equipment as defined in RCW 46.16.010;

(5) Any person while driving or operating any farm tractor or implement of husbandry which is only incidentally operated or moved over a highway. [1965 ex.s. c 121 § 3.]

**46.20.027 Licenses of persons serving in armed forces to remain in force—Duration.** A Washington state motor vehicle driver's license issued to any person serving in the armed forces of the United States, if valid and in force and effect while such person is serving in the armed forces, shall remain in full force and effect so long as such service continues unless the same is sooner suspended, canceled, or revoked for cause as provided by law and for not to exceed ninety days following the date on which the holder of such driver's license is honorably separated from service in the armed forces of the United States. [1967 c 129 § 1.]

**46.20.031 Persons ineligible to be licensed.** The department shall not issue a driver's license hereunder:

(1) To any person who is under the age of sixteen years;

(2) To any person whose license has been suspended during such suspension, nor to any person whose license has been revoked, except as provided in RCW 46.20.311;



(3) To any person when the department has been notified by a court that such person has violated his written promise to appear in court, unless the department has received a certificate from the court in which such person promised to appear, showing that the case has been adjudicated. The deposit of bail by a person charged with a violation of any law regulating the operation of motor vehicles on highways shall be deemed an appearance in court for the purpose of this section;

(4) To any person who is an habitual drunkard, or is an habitual user of narcotic drugs, or is an habitual user of any other drug to a degree which renders him incapable of safely driving a motor vehicle;

(5) To any person who has previously been adjudged to be mentally ill or insane, or to be incompetent due to any mental disability or disease, and who has not at the time of application been restored to competency by the methods provided by law: *Provided, however,* That no person so adjudged shall be denied a license for such cause if the superior court should find him able to operate a motor vehicle with safety upon the highways during such incompetency;

(6) To any person who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;

(7) To any person who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;

(8) To any person when the department has good and substantial evidence to reasonably conclude that such person by reason of physical or mental disability would not be able to operate a motor vehicle with safety upon the highways; subject to review by a court of competent jurisdiction. [1965 ex.s. c 121 § 4.]

**46.20.041 Physically or mentally disabled persons—Procedure—Restrictions—Violations—Penalty.** (1) The department shall permit any person suffering from any physical or mental disability or disease which may affect his ability to drive a motor vehicle, to demonstrate personally that notwithstanding such disability or disease he is a proper person to drive a motor vehicle. The department may in addition require such person to obtain a certificate showing his condition signed by a licensed physician or other proper authority designated by the department.

(2) The department may issue a driver's license to such a person imposing restrictions suitable to the licensee's driving ability with respect to the special mechanical control devices required on a motor vehicle or the type of motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(3) The department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

(4) The department may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a driver improvement interview and a

hearing as upon a suspension or revocation under this chapter.

(5) It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him. [1965 ex.s. c 121 § 5.]

**46.20.045 Age limit for school bus drivers and drivers of for-hire vehicles.** No person who is under the age of eighteen years shall drive any school bus transporting school children or shall drive any motor vehicle when in use for the transportation of persons for compensation. [1971 ex.s. c 292 § 43; 1965 ex.s. c 121 § 6.]

**Severability—1971 ex.s. c 292:** See note following RCW 26.28.010.

**46.20.055 Instruction permits and temporary licenses.**

(1) Any person who is at least fifteen and a half years of age may apply to the department for an instruction permit for the operation of any motor vehicle except a motorcycle. Any person who is at least sixteen years of age may apply for an instruction permit for the operation of a motorcycle. The department may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant while having such permit in his immediate possession to drive a motor vehicle upon the public highways for a period of six months when accompanied by a licensed driver who has had at least five years of driving experience and is licensed in the state of Washington and who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle. Only one additional instruction permit may be issued within a period of twenty-four months after the issuance of the first such permit. The department after investigation may in its discretion issue a third instruction permit within a twenty-four month period where it finds that the permittee is diligently seeking to improve his driving proficiency.

(2) The department upon receiving proper application may in its discretion issue an instruction permit effective for a school semester or other restricted period to an applicant who is at least fifteen years of age and is enrolled in a traffic safety education program which includes practice driving and which is approved and accredited by the superintendent of public instruction. Such instruction permit shall entitle the permittee when he has such permit in his immediate possession to drive a motor vehicle only when an approved instructor or other driver licensed in Washington with at least five years of driving experience, is occupying a seat beside the permittee.

(3) The department may in its discretion issue a temporary driver's permit to an applicant for a driver's license permitting him to drive a motor vehicle for a period not to exceed sixty days while the department is completing its investigation and determination of all facts relative to such applicant's right to receive a driver's license. Such permit must be in his immediate possession while driving a motor vehicle, and it shall be invalid when the applicant's license has been issued or

for good cause has been refused. [1969 ex.s. c 218 § 8; 1965 ex.s. c 121 § 7.]

**46.20.070 Juvenile agricultural driving permits.** Upon receiving a written application on a form provided by the director for permission for a person under the age of eighteen years to operate a motor vehicle under twenty thousand pounds gross weight over and upon the public highways of this state in connection with farm work, the director is hereby authorized to issue a limited driving permit to be known as a juvenile agricultural driving permit, such issuance to be governed by the following procedure:

(1) The application must be signed by the applicant and by the applicant's father, mother or legal guardian.

(2) Upon receipt of the application, the director shall cause an examination of the applicant to be made as by law provided for the issuance of a motor vehicle driver's license.

(3) The director shall cause an investigation to be made of the need for the issuance of such operation by the applicant.

Such permit shall authorize the holder to operate a motor vehicle over and upon the public highways of this state within a restricted farming locality which shall be described upon the face thereof.

A permit issued under this section shall expire one year from date of issue, except that upon reaching the age of eighteen years such person holding a juvenile agricultural driving permit shall be required to make application for a motor vehicle driver's license.

The director shall charge a fee of one dollar for each such permit and renewal thereof to be paid as by law provided for the payment of motor vehicle driver's licenses and deposited to the credit of the traffic safety education account in the general fund.

The director shall have authority to transfer this permit from one farming locality to another but this does not constitute a renewal of the permit.

The director shall have authority to deny the issuance of a juvenile agricultural driving permit to any person whom he shall determine incapable of operating a motor vehicle with safety to himself and to persons and property.

The director shall have authority to suspend, revoke or cancel the juvenile agricultural driving permit of any person when in his sound discretion he has cause to believe such person has committed any offense for which mandatory suspension or revocation of a motor vehicle driver's license is provided by law.

The director shall have authority to suspend, cancel or revoke a juvenile agricultural driving permit when in his sound discretion he is satisfied the restricted character of the permit has been violated. [1969 ex.s. c 218 § 9; 1969 ex.s. c 170 § 12; 1967 c 32 § 27; 1963 c 39 § 9; 1961 c 12 § 46.20.070. Prior: 1947 c 158 § 1, part; 1937 c 188 § 45, part; Rem. Supp. 1947 § 6312-45, part.]

*Traffic safety education account created: RCW 46.81.060.*

**46.20.091 Application for license or instruction permit—Fees—Driving records from other jurisdictions.** (1) Every application for an instruction permit or

for an original driver's license shall be made upon a form prescribed and furnished by the department which shall be sworn to and signed by the applicant before a person authorized to administer oaths. Every application for an instruction permit shall be accompanied by a fee of one dollar and fifty cents. The department shall forthwith transmit the fees collected for instruction permits and temporary drivers' permits to the state treasurer.

(2) Every said application shall state the full name, date of birth, sex and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as a driver or chauffeur, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal, and shall state such additional information as the department shall require.

(3) Whenever application is received from a person previously licensed in another jurisdiction, the department shall request a copy of such driver's record from such other jurisdiction. When received, the driving record shall become a part of the driver's record in this state.

(4) Whenever the department receives request for a driving record from another licensing jurisdiction, the record shall be forwarded without charge: *Provided, however,* That the other licensing jurisdiction extends the same privilege to the state of Washington[,] otherwise there shall be a reasonable charge for transmittal of record, the amount whereof to be fixed by the director of the department. [1965 ex.s. c 121 § 8.]

**46.20.092 Director to furnish applicant with summary of implied consent law.** The director of the department of motor vehicles shall furnish every applicant for a driver's license or a driver's license renewal with a written summary of the provisions of RCW 46.20.092, 46.20.308, 46.20.311, 46.20.911, and 46.61.506. [1969 c 1 § 4 (Initiative Measure No. 242 § 4).]

**Effective date**—1969 c 1: See note following RCW 46.20.308.

**Severability**—1969 c 1: See RCW 46.20.911.

**46.20.100 Application of minor under eighteen years of age—Cosignature required—Traffic safety education course required—Exception.** The department of motor vehicles shall not consider the application of any minor under the age of eighteen years for a driver's license unless:

(1) The application is also signed by the father or mother of the applicant, otherwise by the parent or guardian having the custody of such minor, or in the event a minor under the age of eighteen has no father, mother, or guardian, then a driver's license shall not be issued to the minor unless his application is also signed by his employer; and

(2) The minor has satisfactorily completed a traffic safety education course as defined in RCW 46.81.010, conducted by a recognized secondary school, that meets the standards established by the office of the state superintendent of public instruction or the minor has

satisfactorily completed a traffic safety education course, conducted by a commercial driving instruction enterprise, that meets the standards established by the office of the superintendent of public instruction and is officially approved by that office on an annual basis: *Provided, however*, That the director may upon a showing that an individual was unable to take or complete a driver education course waive said requirement if the minor shows to the satisfaction of the department that a need exists for him to operate a motor vehicle and he has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property, under rules to be promulgated by the department in concert with the supervisor of the traffic safety education section, office of the superintendent of public instruction. [1973 1st ex.s. c 154 § 87; 1972 ex.s. c 71 § 1; 1969 ex.s. c 218 § 10; 1967 c 167 § 1; 1965 ex.s. c 170 § 43; 1961 c 12 § 46.20.100. Prior: 1937 c 188 § 51; RRS § 6312-51; 1921 c 108 § 6, part; RRS § 6368, part.]

**Severability**—1973 1st ex.s. c 154: See note following RCW 2.12.030.

**46.20.102 Juvenile, minor and adult licenses to be distinguished in color or design.** The juvenile driver's license, minor driver's license, and adult driver's license as provided for in this chapter shall each be distinguishable in color or design. [1967 c 167 § 2; 1965 ex.s. c 121 § 12; 1961 c 12 § 46.20.102. Prior: 1957 c 242 § 2.]

**46.20.104 Issuance of "adult driver's license" upon attaining age of eighteen.** A minor attaining the age of eighteen years prior to the expiration date of his driver's license may upon proper application to the licensing agent have issued to him without fee an "adult driver's license". [1971 ex.s. c 292 § 44; 1967 c 167 § 3; 1965 ex.s. c 121 § 13; 1961 c 12 § 46.20.104. Prior: 1957 c 242 § 3.]

**Severability**—1971 ex.s. c 292: See note following RCW 26.28.010.

**46.20.106 Evidence of applicant's age may be required.** Any agent authorized to issue a driver's license in this state is authorized to require satisfactory evidence of the age of the applicant as a condition precedent to the issuance of a driver's license. [1965 ex.s. c 121 § 14; 1961 c 12 § 46.20.106. Prior: 1957 c 242 § 4.]

**46.20.113 Anatomical gift statement.** The department of motor vehicles 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, 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.
- [1975 c 54 § 1.]

**46.20.115 Photograph on driver's license.** The department of motor vehicles shall issue a driver's

license containing a photograph of the applicant for an additional fee of one dollar. Such fee shall be deposited in the highway safety fund. The department shall not adopt any photographic processes incompatible with its pre-bill system of issuing driver's licenses. [1975 1st ex.s. c 191 § 1; 1969 ex.s. c 155 § 2; 1967 ex.s. c 145 § 51.]

**Purpose**—1969 ex.s. c 155: "The identification of the injured or the seriously ill is often difficult. The need for an identification file to facilitate use by proper law enforcement officers has hampered law enforcement. Personal identification for criminal, personal and commercial reasons is becoming most important at a time when it is increasingly difficult to accomplish. The legislature finds that the public health and welfare requires a standard and readily recognizable means of identification of each person living within the state. The legislature further finds that the need for an identification file by law enforcement agencies must be met. The use of photographic drivers' licenses will greatly aid the problem, but some means of identification must be provided for persons who do not possess a driver's license. The purpose of this 1969 amendatory act is to provide for the positive identification of persons, both through an expanded use of drivers' licenses and also through issue of personal identification cards for nondrivers." [1969 ex.s. c 155 § 1.]

**Effective date**—1969 ex.s. c 155: "This 1969 amendatory act shall take effect September 1, 1969." [1969 ex.s. c 155 § 7.]

The foregoing annotations apply to RCW 46.20.115-46.20.119.

**46.20.116 Labeling license "not valid for identification purposes".** The department shall plainly label each license "not valid for identification purposes" where the applicant is unable to prove his or her identity commensurate to the regulations adopted by the director. [1969 ex.s. c 155 § 3.]

**46.20.117 Identicards—Issuance to nondrivers and public assistance recipients.** The department shall issue "identicards", containing a picture, to nondrivers for a fee of three dollars, such fee shall be deposited in the highway safety fund: *Provided*, That the fee shall be the actual cost of production to recipients of continuing public assistance grants under Title 74 RCW who are referred in writing to the department by the secretary of social and health services. To be eligible, each applicant shall produce evidence commensurate to the regulations adopted by the director that positively proves identity. The "identocard" shall be distinctly designed so that it will not be confused with the official driver license. The identocard shall be valid for five years. [1971 ex.s. c 65 § 1; 1969 ex.s. c 155 § 4.]

**Purpose**—1971 ex.s. c 65: "The efficient and effective operation and administration of state government affects the health, safety, and welfare of the people of this state and it is the intent and purpose of this act to promote the health, safety, and welfare of the people by improving the operation and administration of state government." [1971 ex.s. c 65 § 2.] This applies to RCW 46.20.117.

**46.20.118 Negative file.** The department shall maintain a negative file. It shall contain negatives of all pictures taken by the department of motor vehicles as authorized by RCW 46.20.115 through 46.20.119. The negative file shall become a part of the driver record file maintained by the department. It shall be available as a reference file to assist official governmental enforcement agencies in the identification of persons suspected of committing crimes. [1969 ex.s. c 155 § 5.]

**46.20.119 Rules and regulations to be reasonable.** The rules and regulations adopted pursuant to RCW 46.20.115 through 46.20.119 shall be reasonable in view of the purposes to be served by RCW 46.20.115 through 46.20.119. [1969 ex.s. c 155 § 6.]

**46.20.120 Applicants for new license or renewal to be examined—Waiver or renewal or issuance of minor or adult license to previous holder—Fee—Examinations.** No new driver's license shall be issued and no previously issued license shall be renewed until the applicant therefor has successfully passed a driver licensing examination: *Provided*, That the department may waive all or any part of the examination of any person applying for the renewal of a driver's license or the issuance of a minor driver's license when the applicant previously held a juvenile driver's license or the issuance of an adult driver's license when the applicant previously held a minor driver's license issued under the laws of this state, except when the department determines that an applicant for a driver's license is not qualified to hold a driver's license under this title. For a new license examination a fee of three dollars shall be paid by each applicant, in addition to the fee charged for issuance of his license. A new license shall be one issued to a driver who has not been previously licensed in this state or to a driver whose last previous Washington license has expired.

Any person who is without the state at the time his driver's license expires or who is unable to renew his license due to any incapacity may renew the license within sixty days after his return to this state or within sixty days after the termination of any such incapacity without the payment of a new license examination fee. In such case the department may waive all or any part of the examination as in the case of renewal of driver licenses.

The department shall provide for giving examinations at places and times reasonably available to the people of this state. [1975 1st ex.s. c 191 § 2; 1967 c 167 § 4; 1965 ex.s. c 121 § 9; 1961 c 12 § 46.20.120. Prior: 1959 c 284 § 1; 1953 c 221 § 2; 1937 c 188 § 55, part; RRS § 6312-55, part.]

**46.20.130 Content and conduct of examinations.** The director shall prescribe the content of the driver licensing examination and the manner of conducting the examination, which shall include:

(1) A test of the applicant's eyesight, his ability to understand highway signs regulating, warning, and directing traffic, and his knowledge of the traffic laws of this state;

(2) An actual demonstration of his ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property; and

(3) Such further examination as the director deems necessary (a) to determine whether any facts exist which would bar the issuance of a vehicle operator's license under chapters 46.20, 46.21 and 46.29 RCW, and (b) to determine the applicant's fitness to operate a motor vehicle safely on the highways; and

(4) In addition to the foregoing, when the applicant desires to drive a motorcycle, as defined in RCW 46.04-.330, or a motor-driven cycle, as defined in RCW 46.04.332, the applicant shall also demonstrate his ability to operate such motorcycle or motor-driven cycle in such a manner as not to jeopardize the safety of persons or property. [1967 c 232 § 2; 1965 ex.s. c 121 § 10; 1961 c 12 § 46.20.130. Prior: 1959 c 284 § 2; 1943 c 151 § 1; 1937 c 188 § 57; Rem. Supp. 1943 § 6312-57.]

**46.20.161 Issuance of license—License contents—Fee.** The department shall upon receipt of a fee of six dollars issue to every applicant qualifying therefor a driver's license, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee. [1975 1st ex.s. c 191 § 3; 1969 c 99 § 6; 1965 ex.s. c 121 § 11.]

**Effective date—1969 c 99:** See note following RCW 43.51.060.

**46.20.171 Records of applications, suspensions or revocations, drivers' records to be maintained.** (1) The department shall file every application for a license received by it and shall maintain suitable indexes containing the following:

(a) All applications denied and on each thereof note the reasons for such denial;

(b) All applications granted; and

(c) The name of every licensee whose license has been suspended or revoked by the department and after each such name shall note the reasons for such action.

(2) The department shall also maintain a record for every licensed driver which shall include all accident reports and abstracts of court records of convictions received by it under the laws of this state and in connection therewith maintain convenient records in order that an individual record of each licensee showing the convictions of such licensee, the traffic accidents in which he has been involved and any prior actions taken by the department in connection with his driving record shall be readily ascertainable for the consideration of the department. [1965 ex.s. c 121 § 19.]

**46.20.181 Expiration date—Renewal—Fee.** Every driver's license shall expire on the second anniversary of the licensee's birthdate following the issuance of such license. Every such license shall be renewable on or before its expiration upon application prescribed by the department and the payment of a fee of six dollars. [1975 1st ex.s. c 191 § 4; 1969 c 99 § 7; 1965 ex.s. c 170 § 46; 1965 ex.s. c 121 § 17.]

**Effective date—1969 c 99:** See note following RCW 43.51.060.

**46.20.190 License to be in immediate possession and displayed on demand.** Every licensee shall have his driver's license in his immediate possession at all times when operating a motor vehicle and shall display the same upon demand to any police officer or to any other person

when and if required by law to do so. [1965 ex.s. c 121 § 15; 1961 c 12 § 46.20.190. Prior: 1937 c 188 § 59; RRS § 6312-59; 1921 c 108 § 7, part; RRS § 6369, part.]

**46.20.200 Lost or destroyed licenses or permits—Duplicates—Fee.** In the event that an instruction permit or a driver's license shall be lost or destroyed, the person to whom the same was issued may obtain a duplicate thereof upon furnishing proof of such fact satisfactory to the department without reexamination upon payment of a fee of two dollars and fifty cents to the department. [1975 1st ex.s. c 191 § 5; 1965 ex.s. c 121 § 16; 1961 c 12 § 46.20.200. Prior: 1947 c 164 § 18; 1937 c 188 § 60; Rem. Supp. 1947 § 6312-60; 1921 c 108 § 11; RRS § 6373.]

**46.20.205 Change of address or name—Duty to notify department.** Whenever any person after applying for or receiving a driver's license shall move from the address named in such application or in the license issued to him or when the name of a licensee is changed by marriage or otherwise such person shall within ten days thereafter notify the department in writing of his old and new addresses or of such former and new names and of the number of any license then held by him. [1969 ex.s. c 170 § 13; 1965 ex.s. c 121 § 18.]

**46.20.207 Cancellation of license where licensee not entitled to issuance or information inadequate or incorrect.** (1) The department is hereby authorized to cancel any driver's license upon determining that the licensee was not entitled to the issuance thereof hereunder or that said licensee failed to give the required or correct information in his application.

(2) Upon such cancellation, the licensee must surrender the license so canceled to the department. [1965 ex.s. c 121 § 20.]

**46.20.215 Nonresidents—Suspension or revocation of licenses—Reporting convictions.** (1) The privilege of driving a motor vehicle on the highways of this state given to a nonresident hereunder shall be subject to suspension or revocation by the department in like manner and for like cause as a driver's license issued hereunder may be suspended or revoked.

(2) The department shall, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, forward a report of such conviction to the motor vehicle administrator in the state wherein the person so convicted is a resident. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; and indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security. [1965 ex.s. c 121 § 21.]

**46.20.220 Unlawful renting of vehicle to unlicensed person—Rental record.** (1) It shall be unlawful for any person to rent a motor vehicle of any kind including

a motorcycle to any other person unless the latter person is then duly licensed as a vehicle driver for the kind of motor vehicle being rented in this state or, in case of a nonresident, then that he is duly licensed as a driver under the laws of the state or country of his residence except a nonresident whose home state or country does not require that a motor vehicle driver be licensed;

(2) It shall be unlawful for any person to rent a motor vehicle to another person until he has inspected the vehicle driver's license of such other person and compared and verified the signature thereon with the signature of such other person written in his presence;

(3) Every person renting a motor vehicle to another person shall keep a record of the vehicle license number of the motor vehicle so rented, the name and address of the person to whom the motor vehicle is rented, the number of the vehicle driver's license of the person renting the vehicle and the date and place when and where such vehicle driver's license was issued. Such record shall be open to inspection by any police officer or anyone acting for the director. [1969 c 27 § 1. Prior: 1967 c 232 § 9; 1967 c 32 § 28; 1961 c 12 § 46.20.220; prior: 1937 c 188 § 63; RRS § 6312-63.]

*Helmet requirements when motorcycle rented: RCW 46.37.535.*

**46.20.270 Conviction of mandatory license suspension or revocation offense—Procedure—Court to forward records of convictions—"Conviction" defined.** (1) Whenever any person is convicted of any offense for which this title makes mandatory the suspension or revocation of the driver's license of such person by the department, the privilege of the person to operate a vehicle is suspended until the department takes the action required by this chapter, and the court in which such conviction is had shall forthwith secure the immediate forfeiture of the driver's license of such convicted person and immediately forward such driver's license to the department, and on failure of such convicted person to deliver such driver's license the judge shall cause such person to be confined for the period of such suspension or revocation or until such driver's license is delivered to such judge: *Provided*, That in the event such convicted person shall testify that he does not and at the time of the offense did not have a current and valid vehicle driver's license, then the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid driver's license and on conviction punished as by law provided, and the department shall not issue a driver's license to such persons during the period of such suspension or revocation: *Provided, also*, That in the event that the driver's license of such convicted person has been lost or destroyed and such convicted person shall make an affidavit to that effect, sworn to before the judge, he shall not be so confined, but the department shall not issue or reissue a driver's license for such convicted person during the period of such suspension or revocation: *Provided*, That perfection of notice of appeal shall stay the execution of sentence including the suspension and/or revocation of the driver's license.

(2) Every court having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority

regulating the operation of motor vehicles on highways, shall forward to the department within ten days an abstract of court record in the form prescribed by rule of the supreme court, showing the conviction of any person in said court for a violation of any said laws other than regulations governing standing or parking, and may recommend the suspension of the driver's license of the person so convicted.

(3) For the purposes of Title 46 RCW the term "conviction" shall mean a final conviction in either a state or municipal court. An unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty or a finding of guilt on a traffic law violation charge, shall be equivalent to a conviction, under Title 46 RCW regardless of whether the imposition of sentence is deferred or the penalty is suspended. [1967 ex.s. c 145 § 55; 1965 ex.s. c 121 § 22; 1961 c 12 § 46.20.270. Prior: 1937 c 188 § 68; RRS § 6312-68; prior: 1923 c 122 § 2, part; 1921 c 108 § 9, part; RRS § 6371, part.]

**Severability**—1967 ex.s. c 145: See RCW 47.98.043.

**46.20.275 Nonappearance after written promise—**  
**Notice to department.** See RCW 46.64.025.

**46.20.285 Conviction of offenses for which mandatory revocation of license by department required.** The department shall forthwith revoke the license of any driver upon receiving a record of such driver's conviction of any of the following offenses, when such conviction has become final:

(1) Manslaughter (or negligent homicide) resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, upon a showing by the department's records that the conviction is the third such conviction of such driver within a period of five years;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

(5) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;

(6) Reckless driving upon a showing by the department's records that the conviction is the third such conviction of such driver within a period of two years. [1965 ex.s. c 121 § 24.]

*Negligent homicide by motor vehicle, penalty: RCW 46.61.520.*

*Suspension or revocation of license for driving under the influence of intoxicating liquor or drugs: RCW 46.61.515.*

**46.20.291 Authority of department to suspend licenses—****Grounds.** (1) The department is hereby authorized to suspend the license of a driver upon a

showing by its records or other sufficient evidence that the licensee:

(a) Has committed an offense for which mandatory revocation or suspension of license is provided by law;

(b) Has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any person or serious property damage;

(c) Has been convicted with such frequency of offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(d) Is incompetent to drive a motor vehicle for any of the reasons enumerated in subsections (4), (5) and (8) of RCW 46.20.031;

(e) Has committed one of the prohibited practices relating to drivers' licenses defined in RCW 46.20.336. [1965 ex.s. c 121 § 25.]

*Negligent homicide by motor vehicle, penalty: RCW 46.61.520.*

*Reckless driving, suspension of license: RCW 46.61.500.*

**46.20.292 Suspension, revocation, or restriction of juvenile driver's license—****Grounds.** The department may suspend, revoke, restrict or condition any juvenile driver's license upon a showing of its records that the juvenile licensee has been found by a juvenile court, chief probation officer or any other duly authorized officer of a juvenile court to have committed any offense or offenses which under Title 46 RCW constitutes grounds for said action. [1967 c 167 § 9.]

**46.20.293 Record of traffic charges of juveniles to be furnished juvenile court—****Authority of department to furnish other requested services to court, parents or guardians.** The department is authorized to provide juvenile courts with the department's record of traffic charges compiled under RCW 46.52.100 and 13.04.120, against any juvenile upon the request of any state juvenile court or duly authorized officer of any juvenile court of this state. Further, the department is authorized to provide any juvenile court with any requested service which the department can reasonably perform which is not inconsistent with its legal authority which substantially aids juvenile courts in handling traffic cases and which promotes highway safety.

The department is authorized to furnish to the parent, parents, or guardian of any person under twenty-one years of age who is not emancipated from such parent, parents or guardian, the department records of traffic charges compiled against said person and shall collect for said copy a fee of one dollar and fifty cents to be deposited in the highway safety fund. [1971 ex.s. c 292 § 45; 1969 ex.s. c 170 § 14; 1967 c 167 § 10.]

**Severability**—1971 ex.s. c 292: See note following RCW 26.28.010.

**46.20.300 Suspension, etc. for extraterritorial convictions.** The director of motor vehicles may suspend, revoke, or cancel the vehicle driver's license of any resident of this state upon receiving notice of the conviction of such person in another state of an offense therein

which, if committed in this state, would be ground for the suspension or revocation of the vehicle driver's license. The director may further, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, forward a certified copy of such record to the motor vehicle administrator in the state of which the person so convicted is a resident; such record to consist of a copy of the judgment and sentence in the case. [1967 c 32 § 29; 1961 c 12 § 46.20.300. Prior: 1957 c 273 § 8; prior: 1937 c 188 § 66, part; RRS § 6312-66, part; 1923 c 122 § 1, part; 1921 c 108 § 9, part; RRS § 6371, part.]

**46.20.305 Reexamination may be required—Certificate of licensee's condition—Action by department.** The department, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed may upon notice require him to submit to an examination. The department may in addition require such person to obtain a certificate showing his condition signed by a licensed physician or other proper authority designated by the department. Upon the conclusion of such examination the department shall take driver improvement action as may be appropriate and may suspend or revoke the license of such person or permit him to retain such license, or may issue a license subject to restrictions as permitted under RCW 46.20.041. The department may suspend or revoke the license of such person who refuses or neglects to submit to such examination. [1965 ex.s. c 121 § 26.]

**46.20.308 Implied consent—Revocation, etc., for refusal to submit to chemical tests to determine alcoholic content of blood.** (1) Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent, subject to the provisions of RCW 46.61.506, to a chemical test or tests of his breath or blood for the purpose of determining the alcoholic content of his blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor. Such officer shall inform the person of his right to refuse the test, and of his right to have additional tests administered by any qualified person of his choosing as provided in RCW 46.61.506. The officer shall warn the driver that his privilege to drive will be revoked or denied if he refuses to submit to the test. Unless the person to be tested is unconscious, the chemical test administered shall be of his breath only: *Provided*, That if an individual is under arrest for the crime of negligent homicide by motor vehicle as provided in RCW 46.61-.520, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.506, which arrest

results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested. In such circumstances, the provisions of subsections 2 through 6 of \*this section shall not apply.

(2) Any person who is dead, unconscious or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506.

(3) If, following his arrest, the person arrested refuses upon the request of a law enforcement officer to submit to a chemical test of his breath, after being informed that his refusal will result in the revocation or denial of his privilege to drive, no test shall be given. The department of motor vehicles, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer after being informed that such refusal would result in the revocation or denial of his privilege to drive, shall revoke his license or permit to drive or any nonresident operating privilege. If the person is a resident without a license or permit to operate a motor vehicle in this state, the department shall deny to the person the issuance of a license or permit for a period of six months after the date of the alleged violation, subject to review as hereinafter provided.

(4) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, or upon determining that the issuance of a license or permit shall be denied to the person, as hereinbefore in this section directed, the department shall immediately notify the person involved in writing by personal service or by registered or certified mail of its decision and the grounds therefor, and of his right to a hearing, specifying the steps he must take to obtain a hearing. The person upon receiving such notice may, in writing and within ten days therefrom request a formal hearing. Upon receipt of such request, the department shall afford him an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The scope of such hearing for the purposes of this section shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, whether the person was placed under arrest and whether he refused to submit to the test upon request of the officer after having been informed that such refusal would result in the revocation or denial of his privilege to drive. The department shall order that the revocation or determination that there should be a denial of issuance either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal

hearing is pending as herein provided or during the pendency of a subsequent appeal to superior court: *Provided*, That this stay shall be effective only so long as there is no conviction for a moving violation during pendency of the hearing and appeal.

(5) If the revocation or determination that there should be a denial of issuance is sustained after such a hearing, the person whose license, privilege or permit is so affected shall have the right to file a petition in the superior court of the county wherein he resides, or, if a nonresident of this state, where the charge arose, to review the final order of revocation or denial by the department in the manner provided in RCW 46.20.334.

(6) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he has a license. [1975 1st ex.s. c 287 § 4; 1969 c 1 § 1 (Initiative Measure No. 242 § 1).]

**\*Reviser's note:** In the last sentence of subsection (1), "this section" is herein substituted for "section 5 of this 1975 amendatory act", thereby correcting this internal reference consistent with the action of the legislature which deleted section 1 of the bill and renumbered the remaining sections accordingly.

**Severability**—1969 c 1: See RCW 46.20.911.

**46.20.311 Duration of suspension or revocation—Conditions for reissuance or renewal.** (1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as permitted under RCW 46.20.342. Whenever the license of any person is suspended by reason of a conviction or pursuant to RCW 46.20.291, such suspension shall remain in effect and the department shall not issue to such person any new or renewal of license until such person shall pay a reinstatement fee of ten dollars and shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of six months in cases of revocation for refusal to submit to a chemical test under the provisions of RCW 46.20.308, and in all other revocation cases after the expiration of one year from the date on which the revoked license was surrendered to and received by the department, such person may make application for a new license as provided by law together with an additional fee in the amount of ten dollars, but the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of such person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until such person shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW. [1973 1st ex.s. c 36 § 1; 1969 c 1 § 2 (Initiative Measure No. 242 § 2); 1967 c 167 § 5; 1965 ex.s. c 121 § 27.]

**Effective date**—1969 c 1: See note following RCW 46.20.308.

**Severability**—1969 c 1: See RCW 46.20.911.

**46.20.315 Surrender of license upon suspension or revocation—Return to licensee.** The department upon suspending or revoking a license shall require that such license shall be surrendered to and be retained by the department, except that at the end of the period of suspension such license so surrendered shall be returned to the licensee. [1965 ex.s. c 121 § 28.]

**46.20.320 Suspension, etc., effective although certificate not delivered.** Any suspension, revocation, or cancellation of a vehicle driver's license shall be in effect notwithstanding the certificate itself is not delivered over or possession thereof obtained by a court, officer, or the director. [1967 c 32 § 30; 1961 c 12 § 46.20.320. Prior: 1957 c 273 § 10; prior: 1937 c 188 § 66, part; RRS § 6312-66, part; 1923 c 122 § 1, part; 1921 c 108 § 9, part; RRS § 6371, part.]

**46.20.322 Driver improvement interview required before suspension, revocation, probation, or nonrenewal—Exceptions.** (1) Whenever the department proposes to suspend or revoke the driving privilege of any person or proposes to impose terms of probation on his driving privilege or proposes to refuse to renew a driver's license, notice and an opportunity for a driver improvement interview shall be given before taking such action, except as provided in RCW 46.20.324 and 46.20.325.

(2) Whenever the department proposes to suspend, revoke, restrict or condition a juvenile driver's driving privilege the department may require the appearance of the juvenile's legal guardian or father or mother, otherwise the parent or guardian having custody of the minor. [1973 1st ex.s. c 154 § 88; 1967 c 167 § 6; 1965 ex.s. c 121 § 29.]

**Severability**—1973 1st ex.s. c 154: See note following RCW 2.12.030.

**46.20.323 Notice of driver improvement interview—Contents.** The notice shall contain a statement setting forth the proposed action and the grounds therefor, and notify the person to appear for a driver improvement interview not less than ten days from the date notice is given. [1965 ex.s. c 121 § 30.]

**46.20.324 Persons not entitled to driver improvement interview or formal hearing.** A person shall not be entitled to a driver improvement interview or formal hearing as hereinafter provided:

(1) When the action by the department is made mandatory by the provisions of this chapter or other law; or

(2) When the person has refused or neglected to submit to an examination as required by RCW 46.20.305. [1965 ex.s. c 121 § 31.]

**46.20.325 Suspension or probation prior to driver improvement interview—Alternative procedure.** In the alternative to the procedure set forth in RCW 46.20.322



and 46.20.323 the department, whenever it determines from its records or other sufficient evidence that the safety of persons upon the highways requires such action, shall forthwith and without a driver improvement interview suspend the privilege of a person to operate a motor vehicle or impose reasonable terms and conditions of probation consistent with the safe operation of a motor vehicle. The department shall in such case, immediately notify such licensee in writing and upon his request shall afford him an opportunity for a driver improvement interview as early as practical within not to exceed seven days after receipt of such request, or the department, at the time it gives notice may set the date of a driver improvement interview, giving not less than ten days' notice thereof. [1965 ex.s. c 121 § 32.]

**46.20.326 Failure to appear or request driver improvement interview constitutes waiver—Procedure.**

Failure to appear for a driver improvement interview at the time and place stated by the department in its notice as provided in RCW 46.20.322 and 46.20.323 or failure to request a driver improvement interview within ten days as provided in \*section 33 of this 1965 amendatory act shall constitute a waiver of a driver improvement interview, and the department may take action without such driver improvement interview, or the department may, upon request of the person whose privilege to drive may be affected, or at its own option, re-open the case, take evidence, change or set aside any order theretofore made, or grant a driver improvement interview. [1965 ex.s. c 121 § 33.]

\*Reviser's note: The reference to "section 33 of this 1965 amendatory act" appears to be erroneous in that section 33 does not pertain to requesting a driver improvement interview and is the same section in which the reference appears. The reference apparently intended is to section 32, codified herein as RCW 46.20.325.

**46.20.327 Conduct of driver improvement interview—Referee—Evidence—Not deemed hearing.**

A driver improvement interview shall be conducted in a completely informal manner before a driver improvement analyst sitting as a referee. The applicant or licensee shall have the right to make or file a written answer or statement in which he may controvert any point at issue, and present any evidence or arguments for the consideration of the department pertinent to the action taken or proposed to be taken or the grounds therefor. The department may consider its records relating to the applicant or licensee. The driver improvement interview shall not be deemed an agency hearing. [1965 ex.s. c 121 § 34.]

**46.20.328 Findings and recommendations following driver improvement interview—Decision of department—Request for formal hearing.** Upon the conclusion of a driver improvement interview, the department's referee shall make findings on the matter under consideration and may prepare and submit recommendations to the department. After a review of the referee's report together with the department's records, the department shall render its decision concerning the matter under consideration and shall notify the person involved in writing by personal service or by registered or certified

mail. The decision is effective upon notice. The person upon receiving such notice may, in writing and within ten days request a formal hearing. [1965 ex.s. c 121 § 35.]

*Persons not entitled to formal hearing: RCW 46.20.324.*

**46.20.329 Formal hearing—Time and place—Notice—Stay of suspension or revocation pending hearing or subsequent appeal—Exception—Hearing officers.** Upon receiving a request for a formal hearing as provided in RCW 46.20.328, the department shall fix a time and place for hearing as early as may be arranged in the county where the applicant or licensee resides, and shall give ten days' notice of the hearing to the applicant or licensee, except that the hearing may be set for a different place with the concurrence of the applicant or licensee and the period of notice may be waived.

Any decision by the department suspending or revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as herein provided or during the pendency of a subsequent appeal to superior court: *Provided*, That this stay shall be effective only so long as there is no conviction of a moving violation during pendency of hearing and appeal: *Provided further*, That nothing in this section shall be construed as prohibiting the department from seeking an order setting aside the stay during the pendency of such appeal in those cases where the action of the department is based upon physical or mental incapacity, or a failure to successfully complete an examination required by this chapter.

A formal hearing shall be conducted by the director or by a referee or hearing board appointed by him from officers or employees of the department. Such referee or hearing board may be authorized by the director to make final determinations regarding the issuance, denial, or suspension, or revocation of a license. [1972 ex.s. c 29 § 1; 1965 ex.s. c 121 § 36.]

**46.20.332 Formal hearing—Evidence—Subpoenas—Reexamination—Findings and recommendations.** At a formal hearing the department shall consider its records and may receive sworn testimony and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers in the manner and subject to the conditions provided in chapter 5.56 RCW relating to the issuance of subpoenas. In addition the department may require a reexamination of the licensee or applicant. Proceedings at a formal hearing shall be recorded stenographically or by mechanical device. Upon the conclusion of a formal hearing, if not heard by the director or a person authorized by him to make final decisions regarding the issuance, denial, suspension or revocation of licenses, the referee or board shall make findings on the matters under consideration and may prepare and submit recommendations to the director or such person designated by the director who is authorized to make final decisions regarding the issuance, denial, suspension, or revocation of licenses. [1972 ex.s. c 29 § 2; 1965 ex.s. c 121 § 37.]

**46.20.333 Formal hearing—Decision of director or designee following hearing.** In all cases not heard by the director or a person authorized by him to make final decisions regarding the issuance, denial, suspension, or revocation of licenses the director, or a person so authorized shall review the records, evidence, and the findings after a formal hearing, and shall render a decision sustaining, modifying, or reversing the order of suspension or revocation or the refusal to grant, or renew a license or the order imposing terms or conditions of probation, or may set aside the prior action of the department and may direct that probation be granted to the applicant or licensee and in such case may fix the terms and conditions of the probation. [1972 ex.s. c 29 § 3; 1965 ex.s. c 121 § 38.]

**46.20.334 Appeal to superior court following formal hearing.** Any person denied a license or a renewal of a license or whose license has been suspended or revoked by the department except where such suspension or revocation is mandatory under the provisions of this chapter shall have the right within thirty days, after receiving notice of the decision following a formal hearing to file a notice of appeal in the superior court in the county of his residence. The hearing on the appeal hereunder shall be de novo. [1972 ex.s. c 29 § 4; 1965 ex.s. c 121 § 39.]

**46.20.335 Probation in lieu of suspension or revocation.** Whenever by any provision of this chapter the department has discretionary authority to suspend or revoke the privilege of a person to operate a motor vehicle, the department may in lieu of a suspension or revocation place the person on probation, the terms of which may include a suspension as a condition of probation, and upon such other reasonable terms and conditions as shall be deemed by the department to be appropriate. [1965 ex.s. c 121 § 40.]

**46.20.336 Violations—Penalty.** It is a misdemeanor for any person:

(1) To display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious or fraudulently altered driver's license;

(2) To lend his driver's license to any other person or knowingly permit the use thereof by another;

(3) To display or represent as one's own any driver's license not issued to him;

(4) Wilfully to fail or refuse to surrender to the department upon its lawful demand any driver's license which has been suspended, revoked or canceled;

(5) To use a false or fictitious name in any application for a driver's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;

(6) To permit any unlawful use of a driver's license issued to him. [1965 ex.s. c 121 § 41.]

**46.20.342 Driving while license suspended or revoked—Penalty—Extension of suspension or revocation period.** (1) Any person who drives a motor vehicle on any public highway of this state at a time when his

privilege so to do is suspended or revoked or when his policy of insurance or bond, when required under this chapter, shall have been canceled or terminated, shall be guilty of a misdemeanor. Upon the first conviction therefor, he shall be punished by imprisonment for not less than ten days nor more than six months. Upon the second such conviction therefor, he shall be punished by imprisonment for not less than ninety days nor more than one year. Upon the third such conviction therefor, he shall be punished by imprisonment for one year. There may also be imposed in connection with each such conviction a fine of not more than five hundred dollars.

(2) The department upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section upon a charge of driving a vehicle while the license of such person is under suspension shall extend the period of such suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the department shall not issue a new license for an additional period of one year from and after the date such person would otherwise have been entitled to apply for a new license. [1969 c 27 § 2. Prior: 1967 ex.s. c 145 § 52; 1967 c 167 § 7; 1965 ex.s. c 121 § 43.]

**46.20.343 Unlawful to allow unauthorized minor child or ward to drive.** No person shall cause or knowingly permit his child or ward under the age of eighteen years to drive a motor vehicle upon any highway when such minor is not authorized hereunder or in violation of any of the provisions of this chapter. [1965 ex.s. c 121 § 44.]

**46.20.344 Unlawful to allow unauthorized person to drive.** No person shall authorize and knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized hereunder or in violation of any of the provisions of this chapter. [1965 ex.s. c 121 § 45.]

**46.20.380 Occupational operator's license—Fee.** No person shall file a petition for an occupational operator's license as provided in \*RCW 46.20.390 unless he shall first pay to the director or other person authorized to accept applications and fees for driver's licenses a fee of ten dollars. The applicant shall receive upon payment an official receipt for the payment of such fee. All such fees shall be forwarded to the director who shall transmit such fees to the state treasurer in the same manner as other driver's license fees. [1967 c 32 § 31; 1961 c 12 § 46.20.380. Prior: 1957 c 268 § 1.]

\*Reviser's note: "RCW 46.20.390" was repealed by 1971 ex.s. c 284 § 16; later enactment, see RCW 46.20.391.

**46.20.391 Occupational driver's license—Petition—Eligibility—Restrictions—Cancellation.** (1) A person is eligible to petition for an occupational driver's license if he has been convicted of an offense relating to motor vehicles, other than negligent homicide or manslaughter, for which suspension or revocation of his

driver's license is mandatory: *Provided*, That notwithstanding the provisions of RCW 46.20.270, if such person declares at the time of conviction his intent to so petition, the court may stay the effect of such mandatory suspension or revocation for a period not to exceed thirty days to allow the making of such petition.

(2) A petitioner for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the present conviction he has not been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) He is engaged in an occupation or trade which makes it essential that he operate a motor vehicle; and

(c) He files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) A petitioner for an occupational driver's license must file a verified petition on a form provided by the director, who shall issue such form upon receipt of the prescribed fee if petitioner is eligible under the requirements of subsections (1) and (2)(a) and (2)(c) of this section. Petitioner must set forth in detail in such petition his need for operating a motor vehicle and may file such petition with any judge in a court of record, justice court, or municipal court having criminal jurisdiction in the county of the petitioner's residence.

If such petitioner is qualified under the provisions of subsection (2)(b) of this section, and if the judge to whom petition was made believes such petition should be granted, such judge may order the director to issue an occupational driver's license to such petitioner: *Provided*, That an occupational driver's license may be issued for a period of not more than one year, and shall permit the operation of a motor vehicle not to exceed twelve hours per day and then only when such operation is essential to the licensee's occupation or trade: *Provided further*, That such order shall be on a form provided by the director, and shall contain definite restrictions as to hours of the day, days of the week, type of occupation, and areas or routes of travel to be permitted under such license and such other conditions as the judge granting the same deems appropriate.

A copy of the order and of the petition shall be sent to the director by the court. The order shall be given to the petitioner and shall serve as his occupational license until the petitioner receives the license issued by the director: *Provided*, That the director shall not be required to issue such license if the petitioner's mandatory suspension or revocation is for sixty days or less.

(4) If the convicting judge granted a stay of effect as provided in subsection (1) of this section, then at the time the judge to whom petition was made issues the order he shall collect the petitioner's driver's license in the same manner as is specified in RCW 46.20.270, and at such time also the conviction shall take full effect.

(5) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. Such cancellation shall be effective as of the date of such conviction, and

shall continue with the same force and effect as any suspension or revocation under this title. [1973 c 5 § 1.]

**46.20.400 Occupational operator's license—When new operator's license may be obtained—Surrender of order and occupational operator's license.** If an occupational driver's license is issued and is not revoked during the period for which issued the licensee may obtain a new driver's license at the end of such period, but no new driver's permit shall be issued to such person until he surrenders his occupational driver's license and his copy of the order and the director is satisfied that he complies with all other provisions of law relative to the issuance of a driver's license. [1967 c 32 § 33; 1961 c 12 § 46.20.400. Prior: 1957 c 268 § 3.]

**46.20.410 Occupational operator's license—Penalty.** Any person convicted for violation of any restriction of an occupational driver's license shall in addition to the immediate revocation of such license and any other penalties provided by law be fined not less than fifty nor more than two hundred dollars or imprisoned for not more than six months or both such fine and imprisonment. [1967 c 32 § 34; 1961 c 12 § 46.20.410. Prior: 1957 c 268 § 4.]

**46.20.414 Unlicensed drivers—Placement in suspended or revoked status authorized.** The department is hereby authorized to place any unlicensed person into a suspended or revoked status under any circumstances which would have resulted in the suspension or revocation of the driver's license had that person been licensed. [1975-'76 2nd ex.s. c 29 § 2.]

**46.20.416 Driving while in suspended or revoked status—Penalties.** Any person who drives a motor vehicle on any public highway of this state while that person is in a suspended or revoked status shall be guilty of a misdemeanor. Upon a first conviction therefor, the person shall be punished by imprisonment of not less than ten days, nor more than six months. Upon the second such conviction therefor, the person shall be punished by imprisonment of not less than twenty days, nor more than one year. Upon the third such conviction therefor, the person shall be punished by imprisonment for one year. There may also be imposed in connection with each conviction a fine of not more than five hundred dollars. [1975-'76 2nd ex.s. c 29 § 3.]

**46.20.418 Driving while in suspended or revoked status—Extension of period of suspension—Delay in issuing new license.** The department upon receiving a record of conviction of any person or upon receiving an order by the juvenile court or any duly authorized court officer of the conviction of any juvenile under RCW 46.20.022 and 46.20.414 through 46.20.416 upon a charge of driving a vehicle while such person or juvenile is in a suspended status, shall extend the period of such suspended status for an additional like period or if the conviction was upon a charge of driving while such person or juvenile is in a revoked status, the department shall not issue a new license for an additional period of

one year after the date such person or juvenile would have otherwise been entitled to apply for a new license. [1975-'76 2nd ex.s. c 29 § 4.]

**46.20.420 Operation of motor vehicle under other license or permit prohibited while license is suspended or revoked.** Any resident or nonresident whose driver's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this title shall not operate a motor vehicle in this state under a license, permit or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this chapter. [1967 c 32 § 35; 1961 c 134 § 2.]

**46.20.430 Stopping of vehicle registered to person whose driver's license has been suspended or revoked authorized—Display of license.** Any police officer who has received notice of the suspension or revocation of a driver's license from the department of motor vehicles, may, during the reported period of such suspension or revocation, stop any motor vehicle identified by its vehicle license number as being registered to the person whose driver's license has been suspended or revoked. The driver of such vehicle shall display his driver's license upon request of the police officer. [1965 ex.s. c 170 § 47.]

**46.20.440 Operation of vehicles requiring special skills—Additional examination and special license endorsement required—Exemption—Temporary permit, fee.** It shall be unlawful for a person to operate upon the public highway any motor-truck, truck-tractor, school bus, private carrier bus, auto stage or for-hire vehicle as defined by RCW 46.04.310, 46.04.650, 46.04.521, 46.04.050, 46.04.190 and 46.04.416 respectively, found by the director to require special operating skills as hereafter provided, unless the driver shall have successfully completed an examination, in addition to the examinations in RCW 46.20.130, demonstrating the ability of the driver to operate and maneuver the vehicle or vehicles upon the public highway in a manner not to jeopardize the safety of persons or property: *Provided*, That this requirement shall not apply to any person hauling farm commodities from the farm to the processing plant or shipping point, not to exceed a radius of fifty miles from the farm.

The director may issue a temporary permit to an applicant for a period not to exceed ninety days. This temporary permit may be renewed for one additional ninety-day period. The director shall collect a two dollar fee for said temporary permit, or renewal, and the said fee shall be deposited in the highway safety fund.

The director shall upon completion of such tests specially endorse the driver's license of the applicant to indicate the type of vehicle qualifications met. [1971 ex.s. c 126 § 1; 1970 ex.s. c 100 § 4; 1969 ex.s. c 68 § 1; 1967 ex.s. c 20 § 1.]

**Effective date—1967 ex.s. c 20:** "Sections 1, 3, and 4 of this amendatory act shall be effective January 1, 1968." [1967 ex.s. c 20 § 5.] This applies to RCW 46.20.440 through 46.20.470.

*Age limit for school bus drivers and drivers of for-hire vehicles: RCW 46.20.045.*

**46.20.450 Operation of vehicles requiring special skills—Rules and regulations—Public hearings to adopt.** The director shall, pursuant to chapter 34.04 RCW, hold public hearings to adopt rules and regulations and standards and specifications pertaining to:

(1) A determination of what types of vehicles require special skills for the operation thereof, taking into consideration the extent to which a special knowledge of traffic laws pertaining to the type of vehicle and a special ability to maneuver such vehicles is necessary for the safe operation of the vehicle both alone and in relationship to other types of vehicles on the road;

(2) The establishment of reasonable classifications within one vehicle category or among several categories for the purpose of either requiring or not requiring a special skill test;

(3) The establishment of the type of examinations to be given, taking into consideration that certain categories of equipment may require a more comprehensive testing than others. The director may, however, allow the substitution of a training course or examination given by common carriers or other persons in lieu of the department's examination, if it meets the standards required by the department. [1967 ex.s. c 20 § 2.]

**46.20.460 Operation of vehicles requiring special skills—Waiver of requirements.** The director may in lieu of the special examination required in RCW 46.20.440 waive the requirement as to:

(1) Any person who is engaged in driving on the public highways a vehicle or vehicles classified pursuant to RCW 46.20.450; if

(a) His employer certifies that the applicant is well qualified by previous driving experience to operate the type of vehicle or vehicles covered by the special endorsement for which he has applied; or

(b) A self-employed driver who has been engaged in driving a vehicle or vehicles for a minimum of one year on the public highways and has passed a department approved driver training course or examination and/or his driving record on file with the department indicates that he is a safe and careful driver;

(c) Where by contract, written or implied, a labor union is required upon notice to furnish qualified and competent drivers, the department may accept the certification of the dispatching union official that the driver is qualified and competent to drive the particular equipment.

(2) Any driver who cannot qualify under subsection (1) of this section; if

(a) His employer certifies that he has satisfactorily completed a training course given by his employer which course has been approved by the director; or

(b) He is a self-employed person who furnishes a certificate that he has satisfactorily completed a course that may be given by a person or persons who have given a training course or examination approved by the director.

The director may, however, notwithstanding subsections (1) and (2) of this section require the examination

to be given by the department in any case where the applicant's driving record indicates that he has violated the traffic laws to an extent that it is in the public interest to require said examination. [1971 ex.s. c 126 § 2; 1969 ex.s. c 68 § 2; 1967 ex.s. c 20 § 3.]

**46.20.470 Operation of vehicles requiring special skills—Additional fee, disposition.** There shall be an additional fee for the special endorsement for each class of vehicle in addition to the prescribed fee required for the issuance of the original driver's license. The additional fee for each endorsement shall not exceed ten dollars for the original endorsement. The said fee shall be deposited in the highway safety fund. [1969 ex.s. c 68 § 3; 1967 ex.s. c 20 § 4.]

**46.20.500 Special endorsement for motorcycle operator's license.** No person shall drive a motorcycle, as defined in RCW 46.04.330, or a motor-driven cycle, as defined in RCW 46.04.332, unless such person has a valid driver's license specially endorsed by the director to enable the holder to drive such vehicles. [1967 c 232 § 1.]

**46.20.505 Special endorsement for motorcycle operator's license—Examination fee.** Every person applying for a special endorsement of a driver's license authorizing such person to drive a motorcycle or a motor-driven cycle shall pay a motorcycle examination fee which shall not be refundable. The director of motor vehicles shall prescribe the examination fee at an amount equal to the cost of administering such examination but in no event more than four dollars for the initial examination nor more than two dollars for a subsequent renewal examination. [1967 ex.s. c 145 § 50.]

**Severability—1967 ex.s. c 145: See RCW 47.98.043.**

**46.20.900 Repeal and saving.** Section 46.20.010, chapter 12, Laws of 1961 and RCW 46.20.010, section 46.20.020, chapter 12, Laws of 1961 as amended by section 1, chapter 134, Laws of 1961 and RCW 46.20.020, section 46.20.030, chapter 12, Laws of 1961 as amended by section 12, chapter 39, Laws of 1963 and RCW 46.20.030, section 46.20.060, chapter 12, Laws of 1961 and RCW 46.20.060, sections 46.20.080 through 46.20.090, chapter 12, Laws of 1961 and RCW 46.20.080 through 46.20.090, section 46.20.110, chapter 12, Laws of 1961 as last amended by section 10, chapter 39, Laws of 1963 and RCW 46.20.110, sections 46.20.140 through 46.20.180, chapter 12, Laws of 1961 and RCW 46.20.140 through 46.20.180, section 46.20.210, chapter 12, Laws of 1961 and RCW 46.20.210, sections 46.20.230 through 46.20.250, chapter 12, Laws of 1961 and RCW 46.20.230 through 46.20.250, section 46.20.280, chapter 12, Laws of 1961 and RCW 46.20.280, section 46.20.290, chapter 12, Laws of 1961 and RCW 46.20.290, section 46.20.310, chapter 12, Laws of 1961 and RCW 46.20.310, and section 46.20.330, chapter 12, Laws of 1961 and RCW 46.20.330; section 46.20.350, chapter 12, Laws of 1961 and RCW 46.20.350; section 46.20.360, chapter 12, Laws of 1961 and RCW 46.20.360 are each hereby repealed. Such repeals shall not be

construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceedings instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder. [1965 ex.s. c 121 § 46.]

**46.20.910 Severability—1965 ex.s. c 121.** If any provision of this 1965 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1965 amendatory act, or the application of the provision to other persons or circumstances is not affected. [1965 ex.s. c 121 § 47.]

**46.20.911 Severability, implied consent law—1969 c 1.** If any provision of RCW 46.20.092, 46.20.308, 46.20.311 and 46.61.506 or its application to any person or circumstance is held invalid, the remainder of RCW 46.20.092, 46.20.308, 46.20.311 and 46.61.506, or the application of the provision to other persons or circumstances is not affected. [1969 c 1 § 6 (Initiative Measure No. 242 § 6).]

## Chapter 46.21

### DRIVER LICENSE COMPACT

#### Sections

46.21.010	Compact enacted—Provisions.
46.21.020	"Licensing authority" defined—Duty to furnish information.
46.21.030	Expenses of compact administrator.
46.21.040	"Executive head" defined.

**46.21.010 Compact enacted—Provisions.** The driver license compact prepared pursuant to resolutions of the western governors' conference and the western interstate committee on highway policy problems of the council of state governments is hereby entered into and enacted into law, the terms and provisions of which shall be as follows:

### DRIVER LICENSE COMPACT

#### ARTICLE I—Findings and Declaration of Policy

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the over-all compliance with motor vehicle

laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

#### ARTICLE II—Definitions

As used in this compact:

(a) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

#### ARTICLE III—Reports of Conviction

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.

#### ARTICLE IV—Effect of Conviction

(a) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this Article, such party state shall construe the denominations and descriptions appearing in subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature

and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this Article.

#### ARTICLE V—Applications for New Licenses

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

#### ARTICLE VI—Applicability of Other Laws

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a non-party state.

#### ARTICLE VII—Compact Administrator and Interchange of Information

(a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

#### ARTICLE VIII—Entry into Force and Withdrawal

(a) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states

remaining party to the compact of any report of conviction occurring prior to the withdrawal.

ARTICLE IX—Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. [1963 c 120 § 1.]

**46.21.020 "Licensing authority" defined—Duty to furnish information.** As used in the compact, the term "licensing authority" with reference to this state, shall mean the department of motor vehicles. Said department shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV, and V of the compact. [1967 c 32 § 36; 1963 c 120 § 2.]

**46.21.030 Expenses of compact administrator.** The compact administrator provided for in Article VII of the compact shall not be entitled to any additional compensation on account of his service as such administrator, but shall be entitled to expenses incurred in connection with his duties and responsibilities as such administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment. [1963 c 120 § 3.]

**46.21.040 "Executive head" defined.** As used in the compact, with reference to this state, the term "executive head" shall mean governor. [1963 c 120 § 4.]

Chapter 46.29  
FINANCIAL RESPONSIBILITY

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- 46.29.610 Surrender of license and registration—Penalty.
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## ADMINISTRATION

**46.29.010 Purpose.** It is the purpose of this chapter to adopt in substance the provisions of the uniform vehicle code relating to financial responsibility in order to achieve greater uniformity with the laws of other states and thereby reduce the conflicts in laws confronting motorists as they travel between states. [1963 c 169 § 1.]

**46.29.020 Definitions.** (1) The term "owner" as used in this chapter shall mean registered owner as defined in RCW 46.04.460.

(2) The term "registration" as used in this chapter shall mean the certificate of license registration issued under the laws of this state. [1963 c 169 § 2.]

**46.29.030 Director to administer chapter.** (1) The director shall administer and enforce the provisions of this chapter and may make rules and regulations necessary for its administration.

(2) The director shall prescribe and provide suitable forms requisite or deemed necessary for the purposes of this chapter. [1963 c 169 § 3.]

**46.29.040 Court review.** Any order of the director under the provisions of this chapter shall be subject to review, at the instance of any party in interest, by appeal to the superior court of Thurston county, or at his option to the superior court of the county of his residence. The scope of such review shall be limited to that prescribed by RCW 7.16.120 governing review by certiorari. Notice of appeal must be filed within ten days after receipt of the notice of such order. The court shall determine whether the filing of the appeal shall operate as a stay of any such order of the director. Upon the filing the notice of appeal the court shall issue an order to the director to show cause why the order should not be reversed or modified. The order to show cause shall be returnable not less than ten nor more than thirty days after the date of service thereof upon the director. The court after hearing the matter may modify, affirm or reverse the order of the director in whole or in part. [1963 c 169 § 4.]

**46.29.050 Driving record and evidence of ability to respond in damages to be furnished—Fees.** (1) The department shall upon request furnish any person or his attorney a certified abstract of his driving record, which abstract shall include enumeration of any motor vehicle accidents in which such person has been involved. Such abstract shall indicate the total number of vehicles involved; whether the vehicles were legally parked or moving, and; whether such vehicles were occupied at the time of the accident; and reference to any convictions of said person for violation of the motor vehicle laws as reported to the department, and a record of any vehicles registered in the name of such person. The department shall collect for each abstract the sum of one dollar and fifty cents which shall be deposited in the highway safety fund.

(2) The department shall upon request furnish any person who may have been injured in person or property

by any motor vehicle, with an abstract of all information of record in the department pertaining to the evidence of the ability of any driver or owner of any motor vehicle to respond in damages. The department shall collect for each abstract the sum of one dollar and fifty cents which shall be deposited in the highway safety fund. [1969 ex.s. c 40 § 1; 1967 c 174 § 1; 1963 c 169 § 5.]

**Effective date—1967 c 174:** "Sections 1, 2, 3 and 4 of this amendatory act shall become effective July 1, 1967." [1967 c 174 § 7.] This applies to RCW 46.29.050, 46.52.130, 46.68.041 and 46.68.060.

*Abstract of operating record to be furnished insurance company: RCW 46.52.130.*

## SECURITY FOLLOWING ACCIDENT

**46.29.060 Application of sections requiring deposit of security and suspensions for failure to deposit security.** The provisions of this chapter, requiring deposit of security and suspensions for failure to deposit security, subject to certain exemptions, shall apply to the driver and owner of any vehicle of a type subject to registration under the motor vehicle laws of this state which is in any manner involved in an accident within this state, which accident has resulted in bodily injury or death of any person or damage to the property of any one person of two hundred dollars or more. [1971 ex.s. c 22 § 2; 1963 c 169 § 6.]

**46.29.070 Department to determine amount of security required—Notices.** (1) The department, not less than twenty days after receipt of a report of an accident as described in the preceding section, shall determine the amount of security which shall be sufficient in its judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each driver or owner. Such determination shall not be made with respect to drivers or owners who are exempt under succeeding sections of this chapter from the requirements as to security and suspension.

(2) The department shall determine the amount of security deposit required of any person upon the basis of the reports or other information submitted. In the event a person involved in an accident as described in this chapter fails to make a report or submit information indicating the extent of his injuries or the damage to his property within fifty days after the accident and the department does not have sufficient information on which to base an evaluation of such injuries or damage, then the department after reasonable notice to such person, if it is possible to give such notice, otherwise without such notice, shall not require any deposit of security for the benefit or protection of such person.

(3) The department within fifty days after receipt of report of any accident referred to herein and upon determining the amount of security to be required of any person involved in such accident or to be required of the owner of any vehicle involved in such accident shall give written notice to every such person of the amount of security required to be deposited by him and that an order of suspension will be made as hereinafter provided upon the expiration of ten days after the sending of such



notice unless within said time security be deposited as required by said notice. [1963 c 169 § 7.]

*Proof of financial security for the future required in addition to security after accident: RCW 46.29.420.*

**46.29.080 Exceptions as to requirement of security.** The requirements as to security and suspension in this chapter shall not apply:

(1) To the driver or owner if the owner had in effect at the time of the accident an automobile liability policy or bond with respect to the vehicle involved in the accident, except that a driver shall not be exempt under this subsection if at the time of the accident the vehicle was being operated without the owner's permission, express or implied;

(2) To the driver, if not the owner of the vehicle involved in the accident, if there was in effect at the time of the accident an automobile liability policy or bond with respect to his driving of vehicles not owned by him;

(3) To the driver, if not the owner of the vehicle involved in the accident, if there was in effect at the time of the accident an automobile liability policy or bond as to which there is a bona fide dispute concerning coverage of such driver as evidenced by the pendency of litigation seeking a declaration of said driver's coverage under such policy or bond;

(4) To the driver, whether or not the owner, if there is a bona fide claim on the part of the driver that there was in effect at the time of the accident, an automobile liability policy or bond insuring or covering such driver;

(5) To any person qualifying as a self-insurer under RCW 46.29.630 or to any person operating a vehicle for such self-insurer;

(6) To the driver or the owner of a vehicle involved in an accident wherein no injury or damage was caused to the person or property of anyone other than such driver or owner;

(7) To the driver or owner of a vehicle which at the time of the accident was parked, unless such vehicle was parked at a place where parking was at the time of the accident prohibited under any applicable law or ordinance;

(8) To the owner of a vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such vehicle without such permission, except if the vehicle was operated by his minor child or spouse;

(9) To the owner of a vehicle involved in an accident if at the time of the accident such vehicle was owned by or leased to the United States, this state or any political subdivision of this state or a municipality thereof, or to the driver of such vehicle if operating such vehicle with permission; or

(10) To the driver or the owner of a vehicle in the event at the time of the accident the vehicle was being operated by or under the direction of a police officer who, in the performance of his duties, shall have assumed custody of such vehicle. [1965 c 124 § 1; 1963 c 169 § 8.]

**46.29.090 Requirements as to policy or bond.** (1) No policy or bond shall be effective under RCW 46.29.080 unless issued by an insurance company or surety company authorized to do business in this state, except as provided in subsection (2) of this section, nor unless such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than fifteen thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than thirty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and if the accident has resulted in injury to, or destruction of, property to a limit of not less than five thousand dollars because of injury to or destruction of property of others in any one accident.

(2) No policy or bond shall be effective under RCW 46.29.080 with respect to any vehicle which was not registered in this state or was a vehicle which was registered elsewhere than in this state at the effective date of the policy or bond or the most recent renewal thereof, unless the insurance company or surety company issuing such policy or bond is authorized to do business in this state, or if said company is not authorized to do business in this state, unless it shall execute a power of attorney authorizing the director of motor vehicles to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident.

(3) The department may rely upon the accuracy of the information in a required report of an accident as to the existence of insurance or a bond unless and until the department has reason to believe that the information is erroneous. [1967 ex.s. c 3 § 1; 1963 c 169 § 9.]

**Effective date—**1967 ex.s. c 3: "This amendatory act shall take effect on July 1, 1968." [1967 ex.s. c 3 § 6.] This applies to the 1967 amendments to RCW 46.29.090, 46.29.260, 46.29.390, 46.29.490, and 46.29.550.

**46.29.100 Form and amount of security.** (1) The security required under this chapter shall be in such form and in such amount as the department may require, but in no case in excess of the limits specified in RCW 46.29.090 in reference to the acceptable limits of a policy or bond.

(2) Every depositor of security shall designate in writing every person in whose name such deposit is made and may at any time change such designation, but any single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident. [1963 c 169 § 10.]

**46.29.110 Failure to deposit security—Suspensions.** In the event that any person required to deposit security under this chapter fails to deposit such security within ten days after the department has sent the notice as hereinbefore provided, the department shall thereupon suspend:

(1) The driver's license of each driver in any manner involved in the accident;

(2) The driver's license of the owner of each vehicle of a type subject to registration under the laws of this state involved in such accident;

(3) If the driver or owner is a nonresident, the privilege of operating within this state a vehicle of a type subject to registration under the laws of this state;

Such suspensions shall be made in respect to persons required by the department to deposit security who fail to deposit such security except as otherwise provided under succeeding sections of this chapter. [1967 c 32 § 37; 1963 c 169 § 11.]

**46.29.120 Release from liability.** (1) A person shall be relieved from the requirement for deposit of security for the benefit or protection of another person injured or damaged in the accident in the event he is released from liability by such other person.

(2) In the event the department has evaluated the injuries or damage to any minor the department may accept, for the purposes of this chapter only, evidence of a release from liability executed by a natural guardian or a legal guardian on behalf of such minor without the approval of any court or judge. [1965 c 124 § 2; 1963 c 169 § 12.]

**46.29.130 Adjudication of nonliability.** A person shall be relieved from the requirement for deposit of security in respect to a claim for injury or damage arising out of the accident in the event such person has been finally adjudicated not to be liable in respect to such claim. [1963 c 169 § 13.]

**46.29.140 Agreements for payment of damages.** (1) Any two or more of the persons involved in or affected by an accident as described in RCW 46.29.060 may at any time enter into a written agreement for the payment of an agreed amount with respect to all claims of any of such persons because of bodily injury to or death or property damage arising from such accident, which agreement may provide for payment in installments, and may file a signed copy thereof with the department.

(2) The department, to the extent provided by any such written agreement filed with it, shall not require the deposit of security and shall terminate any prior order of suspension, or, if security has previously been deposited, the department shall immediately return such security to the depositor or his personal representative.

(3) In the event of a default in any payment under such agreement and upon notice of such default the department shall take action suspending the license of such person in default as would be appropriate in the event of failure of such person to deposit security when required under this chapter.

(4) Such suspension shall remain in effect and such license shall not be restored unless and until:

(a) Security is deposited as required under this chapter in such amount as the department may then determine,

(b) When, following any such default and suspension, the person in default has paid the balance of the agreed amount, or

(c) One year has elapsed following the effective date of such suspension and evidence satisfactory to the department has been filed with it that during such period

no action at law upon such agreement has been instituted and is pending. [1963 c 169 § 14.]

**46.29.150 Payment upon judgment.** The payment of a judgment arising out of an accident or the payment upon such judgment of an amount equal to the maximum amount which could be required for deposit under this chapter shall, for the purposes of this chapter, release the judgment debtor from the liability evidenced by such judgment. [1963 c 169 § 15.]

**46.29.160 Termination of security requirement.** The department, if satisfied as to the existence of any fact which under RCW 46.29.120, 46.29.130, 46.29.140 or 46.29.150 would entitle a person to be relieved from the security requirements of this chapter, shall not require the deposit of security by the person so relieved from such requirement, or if security has previously been deposited by such person, the department shall immediately return such deposit to such person or to his personal representative. [1963 c 169 § 16.]

**46.29.170 Duration of suspension.** Unless a suspension is terminated under other provisions of this chapter, any order of suspension by the department under this chapter shall remain in effect and no license shall be renewed for or issued to any person whose license is so suspended until

(1) Such person shall deposit or there shall be deposited on his behalf the security required under this chapter, or

(2) One year shall have elapsed following the date of such suspension and evidence satisfactory to the department has been filed with it that during such period no action for damages arising out of the accident resulting in such suspension has been instituted.

An affidavit of the applicant that no action at law for damages arising out of the accident has been filed against him or, if filed, that it is not still pending shall be prima facie evidence of that fact. The department may take whatever steps are necessary to verify the statement set forth in any said affidavit. [1963 c 169 § 17.]

**46.29.180 Application to nonresidents, unlicensed drivers, unregistered vehicles and accidents in other states.** (1) In case the driver or the owner of a vehicle of a type subject to registration under the laws of this state involved in an accident within this state has no driver's license in this state, then such driver shall not be allowed a driver's license until he has complied with the requirements of this chapter to the same extent that would be necessary if, at the time of the accident, he had held a license or been the owner of a vehicle registered in this state.

(2) When a nonresident's driving privilege is suspended pursuant to RCW 46.29.110, the department shall transmit a certified copy of the record or abstract of such action to the official in charge of the issuance of licenses and registration certificates in the state in which such nonresident resides, if the law of such other state

provided for action in relation thereto similar to that provided for in subsection (3) of this section.

(3) Upon receipt of such certification that the driving privilege of a resident of this state has been suspended or revoked in any such other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, under circumstances which would require the department to suspend a non-resident's driving privilege had the accident occurred in this state, the department shall suspend the license of such resident. Such suspension shall continue until such resident furnishes evidence of his compliance with the law of such other state relating to the deposit of such security. [1967 c 32 § 38; 1963 c 169 § 18.]

**46.29.190 Authority of department to decrease amount of security.** The department may reduce the amount of security ordered in any case if in its judgment the amount ordered is excessive. In case the security originally ordered has been deposited, the excess deposit over the reduced amount ordered shall be returned to the depositor or his personal representative forthwith. [1965 c 124 § 3; 1963 c 169 § 19.]

**46.29.200 Correction of action by department.** Whenever the department has taken any action or has failed to take any action under this chapter by reason of having received erroneous information, then upon receiving correct information within three years after the date of an accident the department shall take appropriate action to carry out the purposes and effect of this chapter. The foregoing, however, shall not be deemed to require the department to reevaluate the amount of any deposit required under this chapter. [1967 c 61 § 1; 1965 c 124 § 4; 1963 c 169 § 20.]

**46.29.210 Custody of security.** The department shall place any security deposited with it under this chapter in the custody of the state treasurer. [1963 c 169 § 21.]

**46.29.220 Disposition of security.** (1) Such security shall be applicable and available only

(a) For the payment of any settlement agreement covering any claim arising out of the accident upon instruction of the person who made the deposit, or

(b) For the payment of a judgment or judgments, rendered against the person required to make the deposit, for damages arising out of the accident in an action at law begun not later than one year after the deposit of such security, or within one year after the date of deposit of any security following failure to make payments under an agreement to pay.

(2) Every distribution of funds from the security deposits shall be subject to the limits of the department's evaluation on behalf of a claimant. [1963 c 169 § 22.]

**46.29.230 Return of deposit.** Upon the expiration of one year from the date of any deposit of security any security remaining on deposit shall be returned to the

person who made such deposit or to his personal representative if an affidavit or other evidence satisfactory to the department has been filed with it:

(1) That no action for damages arising out of the accident for which deposit was made is pending against any person on whose behalf the deposit was made, and

(2) That there does not exist any unpaid judgment rendered against any such person in such an action.

The foregoing provisions of this section shall not be construed to limit the return of any deposit of security under any other provision of this chapter authorizing such return. [1963 c 169 § 23.]

**46.29.240 Matters not to be evidence in civil suits.** The report required following an accident, the action taken by the department pursuant to this chapter, the findings, if any, of the department upon which such action is based, and the security filed as provided in this chapter, shall not be referred to in any way, and shall not be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages. [1963 c 169 § 24.]

#### PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE

**46.29.250 Application of sections requiring deposit of proof of financial responsibility for the future.** The provisions of this chapter requiring the deposit of proof of financial responsibility for the future, subject to certain exemptions, shall apply with respect to persons who have been convicted of or forfeited bail for certain offenses under motor vehicle laws, or who have failed to pay judgments upon causes of action arising out of ownership, maintenance or use of vehicles of a type subject to registration under the laws of this state, or who having driven or owned a vehicle involved in an accident are required to deposit security under the provisions of RCW 46.29.070. [1963 c 169 § 25.]

**46.29.260 Meaning of "proof of financial responsibility for the future".** The term "proof of financial responsibility for the future" as used in this chapter shall mean: Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a vehicle of a type subject to registration under the laws of this state, in the amount of fifteen thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of thirty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of five thousand dollars because of injury to or destruction of property of others in any one accident. Wherever used in this chapter the terms "proof of financial responsibility" or "proof" shall be synonymous with the term "proof of financial responsibility for the future". [1967 ex.s. c 3 § 2; 1963 c 169 § 26.]

**Effective date—**1967 ex.s. c 3: See note following RCW 46.29.090.

**46.29.270 Meaning of "judgment" and "state".** The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section.

(1) The term "judgment" shall mean: Any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any vehicle of a type subject to registration under the laws of this state, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

(2) The term "state" shall mean: Any state, territory, or possession of the United States, the District of Columbia, or any province of the Dominion of Canada. [1963 c 169 § 27.]

**46.29.280 Suspension continues until proof furnished.** Whenever, under any law of this state, the license of any person is suspended or revoked by reason of a conviction or a forfeiture of bail, the suspension or revocation hereinafter required shall remain in effect and the department shall not issue to such person any new or renewal of license until permitted under the motor vehicle laws of this state, and not then unless and until such person shall give and thereafter maintain proof of financial responsibility for the future. [1963 c 169 § 28.]

**46.29.290 Action in respect to unlicensed person.** If a person has no license, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license, no license shall be thereafter issued to such person unless he shall give and thereafter maintain proof of financial responsibility for the future. [1965 c 124 § 5; 1963 c 169 § 29.]

**46.29.300 Action in respect to nonresidents.** Whenever the department suspends or revokes a nonresident's driving privilege by reason of a conviction or forfeiture of bail, such privilege shall remain so suspended or revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility for the future. [1967 c 32 § 39; 1963 c 169 § 30.]

**46.29.310 When courts to report nonpayment of judgments.** Whenever any person fails within thirty days to satisfy any judgment, then it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this state to forward immediately to the department the following:

- (1) A certified copy or abstract of such judgment;
- (2) A certificate of facts relative to such judgment;

(3) Where the judgment is by default, a certified copy or abstract of that portion of the record which indicates the manner in which service of summons was effectuated and all the measures taken to provide the defendant with timely and actual notice of the suit against him. [1969 ex.s. c 44 § 1; 1963 c 169 § 31.]

**46.29.320 Further action with respect to nonresidents.** If the defendant named in any certified copy or abstract of a judgment reported to the department is a nonresident, the department shall transmit those certificates furnished to it under RCW 46.29.310 to the official in charge of the issuance of licenses and registrations of the state of which the defendant is a resident. [1969 ex.s. c 44 § 2; 1963 c 169 § 32.]

**46.29.330 Suspension for nonpayment of judgments—Hearing after default judgment.** The department upon receipt of the certificates provided for by RCW 46.29.310, on a form provided by the department, shall forthwith suspend the license and any nonresident's driving privilege of any person against whom such judgment was rendered, except as hereinafter otherwise provided in this section or in other sections of this chapter.

When the certificates transmitted to the department under RCW 46.29.310 indicate that a default judgment has been entered against the defendant but do not indicate clearly that service of summons was on the person of the defendant, then the department shall promptly notify the defendant by first class mail addressed to the address in the department's records under RCW 46.20.205 (if a nonresident, then to the comparable record in his home state) that within twenty-five days of the mailing date, which shall be indicated on the notice, he may request a hearing on the question of the suspension of his license or nonresident driving privilege. If the defendant does not make a timely request for a hearing, then the suspension shall be forthwith executed. Should a hearing be timely requested, then the department shall convene a hearing in conformity with chapter 34.04 RCW, as now law or hereafter amended. The defendant's license or nonresident driving privilege shall not be suspended if at such hearing he overcomes the following presumptions:

(a) That he received actual and timely notice of the suit against him.

(b) That he would have received actual and timely notice had he conformed to the provisions of RCW 46.20.205.

(c) That he would have received actual and timely notice had he not thwarted the attempt or attempts to so notify him. [1969 ex.s. c 44 § 3; 1967 c 32 § 40; 1963 c 169 § 33.]

**46.29.340 Exception in relation to government vehicles.** The provisions of RCW 46.29.330 shall not apply with respect to any such judgment arising out of an accident caused by the ownership or operation, with permission, of a vehicle owned or leased to the United States, this state or any political subdivision of this state or a municipality thereof. [1963 c 169 § 34.]

**46.29.350 Exception when consent granted by judgment creditor.** If the judgment creditor consents in writing, in such form as the department may prescribe, that the judgment debtor be allowed a license or nonresident's driving privilege, the same may be allowed by the department, in its discretion, for six months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in RCW 46.29.400, provided the judgment debtor furnishes proof of financial responsibility. [1967 c 32 § 41; 1963 c 169 § 35.]

**46.29.360 Exception when insurer liable.** No license or nonresident's driving privilege of any person shall be suspended under the provisions of this chapter if the department shall find that an insurer was obligated to pay the judgment upon which suspension is based, at least to the extent and for the amounts required in this chapter, but has not paid such judgment for any reason. A finding by the department that an insurer is obligated to pay a judgment shall not be binding upon such insurer and shall have no legal effect whatever except for the purpose of administering this section. If the department finds that no insurer is obligated to pay such a judgment, the judgment debtor may file with the department a written notice of his intention to contest such finding by an action in the superior court. In such a case the license or the nonresident's driving privilege of such judgment debtor shall not be suspended by the department under the provisions of this chapter for thirty days from the receipt of such notice nor during the pendency of any judicial proceedings brought in good faith to determine the liability of an insurer so long as the proceedings are being diligently prosecuted to final judgment by such judgment debtor. Whenever in any judicial proceedings it shall be determined by any final judgment, decree or order that an insurer is not obligated to pay any such judgment, the department, notwithstanding any contrary finding theretofore made by it, shall forthwith suspend the license and any nonresident's driving privilege of any person against whom such judgment was rendered, as provided in RCW 46.29.330. [1967 c 32 § 42; 1963 c 169 § 36.]

**46.29.370 Suspension to continue until judgments paid and proof given.** Such license and nonresident's driving privilege shall remain so suspended and shall not be renewed, nor shall any such license be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is stayed, satisfied in full or to the extent hereinafter provided and until the said person gives proof of financial responsibility subject to the exemptions stated in RCW 46.29.350, 46.29.360 and 46.29.400. [1967 c 32 § 43; 1963 c 169 § 37.]

**46.29.380 Discharge in bankruptcy.** A discharge in bankruptcy following the rendering of any such judgment or a judgment of dismissal of a civil action based upon a discharge in bankruptcy shall not relieve the

judgment debtor from any of the requirements of this chapter. [1963 c 169 § 38.]

**46.29.390 Payments sufficient to satisfy requirements.** (1) Judgments herein referred to shall, for the purpose of this chapter only, be deemed satisfied:

(a) When fifteen thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

(b) When, subject to such limit of ten thousand dollars because of bodily injury to or death of one person, the sum of thirty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

(c) When five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident;

(2) Provided, however, payments made in settlements of any claims because of bodily injury, death or property damage arising from such accident shall be credited in reduction of the amounts provided for in this section. [1967 ex.s. c 3 § 3; 1963 c 169 § 39.]

**Effective date—**1967 ex.s. c 3: See note following RCW 46.29.090.

**46.29.400 Installment payment of judgments—Default.** (1) A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

(2) The department shall not suspend a license or nonresident's driving privilege, and shall restore any license or nonresident's driving privilege suspended following nonpayment of a judgment, when the judgment debtor gives proof of financial responsibility and obtain such an order permitting the payment of such judgment in installments, and while the payment of any said installments is not in default. [1967 c 32 § 44; 1963 c 169 § 40.]

**46.29.410 Action if breach of agreement.** In the event the judgment debtor fails to pay any installment as specified by such order, then upon notice of such default, the department shall forthwith suspend the license or nonresident's driving privilege of the judgment debtor until such judgment is satisfied, as provided in this chapter. [1967 c 32 § 45; 1963 c 169 § 41.]

**46.29.420 Proof required in addition to deposit of security after accident.** Any person required to deposit security under RCW 46.29.070, for the benefit or protection of another person injured or damaged in an accident, shall in addition be required to give proof of financial responsibility for the future. The department shall give written notice of such additional requirement

to every such person at the time and in the manner provided in RCW 46.29.070 for giving notice of the requirement for security. [1963 c 169 § 42.]

**46.29.430 Proof required in addition to deposit of security after accident—Suspension or revocation for failure to give proof.** In the event that any person required to give proof of financial responsibility under RCW 46.29.420 fails to give such proof within ten days after the department has sent notice as hereinbefore provided, the department shall suspend, or continue in effect any existing suspension or revocation of, the license or any nonresident's driving privilege of such person. [1967 c 32 § 46; 1963 c 169 § 43.]

**46.29.440 Proof required in addition to deposit of security after accident—Suspension to continue until proof given and maintained.** Such license or nonresident's driving privilege shall remain so suspended and shall not be renewed, nor shall any such license be thereafter issued in the name of such person, including any such person not previously licensed, unless and until such person shall give and thereafter maintain proof of financial responsibility for the future. The furnishing of such proof shall permit such person to operate only a motor vehicle covered by such proof. The department shall endorse appropriate restrictions on the license held by such person or may issue a new license containing such restrictions. [1967 c 32 § 47; 1965 c 124 § 6; 1963 c 169 § 44.]

**46.29.450 Alternate methods of giving proof.** Proof of financial responsibility when required under this chapter, with respect to such a vehicle or with respect to a person who is not the owner of such a vehicle, may be given by filing:

- (1) A certificate of insurance as provided in RCW 46.29.460 or 46.29.470;
- (2) A bond as provided in RCW 46.29.520;
- (3) A certificate of deposit of money or securities as provided in RCW 46.29.550; or
- (4) A certificate of self-insurance, as provided in RCW 46.29.630, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, he will pay the same amounts that an insurer would have been obliged to pay under an owner's motor vehicle liability policy if it had issued such a policy to said self-insurer. [1963 c 169 § 45.]

**46.29.460 Certificate of insurance as proof.** Proof of financial responsibility for the future may be furnished by filing with the department the written certificate of any insurance carrier duly authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit

description or by appropriate reference all vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle. [1963 c 169 § 46.]

**46.29.470 Certificate furnished by nonresident as proof.** A nonresident may give proof of financial responsibility by filing with the department a written certificate or certificates of an insurance carrier authorized to transact business in the state in which the vehicle, or vehicles, owned by such nonresident is registered, or in the state in which such nonresident resides, if he does not own a vehicle, provided such certificate otherwise conforms with the provisions of this chapter, and the department shall accept the same upon condition that said insurance carrier complies with the following provisions with respect to the policies so certified:

(1) Said insurance carrier shall execute a power of attorney authorizing the director to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state;

(2) Said insurance carrier shall agree in writing that such policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued therein. [1963 c 169 § 47.]

**46.29.480 Default by nonresident insurer.** If any insurance carrier not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings or agreements, the department shall not thereafter accept as proof any certificate of said carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues. [1963 c 169 § 48.]

**46.29.490 "Motor-vehicle liability policy" defined.** (1) Certification. A "motor vehicle liability policy" as said term is used in this chapter shall mean an "owner's policy" or an "operator's policy" of liability insurance, certified as provided in RCW 46.29.460 or 46.29.470 as proof of financial responsibility for the future, and issued, except as otherwise provided in RCW 46.29.470, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

(2) Owner's policy. Such owner's policy of liability insurance:

(a) Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted; and

(b) Shall insure the person named therein and any other person, as insured, using any such vehicle or vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such vehicle or vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such vehicle as follows: Fifteen thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, thirty thousand dollars because of bodily injury to or death of two or more persons in any one accident,

and five thousand dollars because of injury to or destruction of property of others in any one accident.

(3) Operator's policy. Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(4) Required statements in policies. Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.

(5) Policy need not insure workmen's compensation, etc. Such motor vehicle liability policy need not insure any liability under any workmen's compensation law nor any liability on account of bodily injury or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such vehicle nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

(6) Provisions incorporated in policy. Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

(a) The liability of the insurance carrier with respect to the insurance required by this chapter shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be canceled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy.

(b) The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

(c) The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in subdivision (b) of subsection (2) of this section.

(d) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this chapter shall constitute the entire contract between the parties.

(7) Excess or additional coverage. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage the term "motor vehicle liability

policy" shall apply only to that part of the coverage which is required by this section.

(8) Reimbursement provision permitted. Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this chapter.

(9) Proration of insurance permitted. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(10) Multiple policies. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carrier which policies together meet such requirements.

(11) Binders. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy. [1967 ex.s. c 3 § 4; 1963 c 169 § 49.]

**Effective date**—1967 ex.s. c 3: See note following RCW 46.29.090.

**46.29.500 Notice of cancellation or termination of certified policy.** When an insurance carrier has certified a motor vehicle liability policy under RCW 46.29.460 or 46.29.470 the insurance so certified shall not be canceled or terminated until at least ten days after a notice of cancellation or termination of the insurance so certified shall be filed in the department, except that such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any vehicle designated in both certificates. [1963 c 169 § 50.]

**46.29.510 Chapter not to affect other policies.** (1) This chapter shall not be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this state, and such policies, if they contain an agreement or are endorsed to conform with the requirements of this chapter, may be certified as proof of financial responsibility under this chapter.

(2) This chapter shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of vehicles not owned by the insured. [1963 c 169 § 51.]

**46.29.520 Bond as proof.** Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within this state, or a bond with at least two individual sureties each owning real estate within this state, and together having equities equal in value to at least twice the amount of the bond, which real estate shall be scheduled in the bond approved by a judge of the superior court, which said bond shall be conditioned for payment of the amounts specified in RCW 46.29.260. Such bond shall be filed with the department and shall not be cancellable except after ten days written notice to the department. [1963 c 169 § 52.]

**46.29.530 When bond shall constitute a lien.** Before a bond with individual sureties is accepted by the department it shall be recorded as other instruments affecting real property in the county or counties wherein any real estate scheduled in such bond is located. Such bond shall constitute a lien from the date of such recording in favor of the state upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a final judgment against the person who has filed such bond, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damage because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a vehicle of a type subject to registration under the laws of this state after such bond was filed. [1963 c 169 § 53.]

**46.29.540 Action on bond.** If a judgment, rendered against the principal on any bond described in RCW 46.29.520, shall not be satisfied within thirty days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the state against the company or persons executing such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond. Such an action to foreclose a lien shall be prosecuted in the same manner as an action to foreclose a mortgage on real estate. [1963 c 169 § 54.]

**46.29.550 Money or securities as proof.** Proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named therein has deposited with him thirty-five thousand dollars in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of thirty-five thousand dollars. The state treasurer shall not accept any such deposit and issue a certificate therefor and the department shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides. [1967 ex.s. c 3 § 5; 1963 c 169 § 55.]

**Effective date—**1967 ex.s. c 3: See note following RCW 46.29.090.

**46.29.560 Application of deposit.** Such deposit shall be held by the state treasurer to satisfy, in accordance with the provisions of this chapter, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a vehicle of a type subject to registration under the laws of this state after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid. Any interest or other income accruing to such money or securities, so

deposited, shall be paid by the state treasurer to the depositor, or his order, as received. [1963 c 169 § 56.]

**46.29.570 Owner may give proof for others.** The owner of a motor vehicle may give proof of financial responsibility on behalf of his employee or a member of his immediate family or household in lieu of the furnishing of proof by any said person. The furnishing of such proof shall permit such person to operate only a motor vehicle covered by such proof. The department shall endorse appropriate restrictions on the license held by such person, or may issue a new license containing such restrictions. [1963 c 169 § 57.]

**46.29.580 Substitution of proof.** The department shall consent to the cancellation of any bond or certificate of insurance or the department shall direct and the state treasurer shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this chapter. [1963 c 169 § 58.]

**46.29.590 Other proof may be required.** Whenever any proof of financial responsibility filed under the provisions of this chapter no longer fulfills the purposes for which required, the department shall, for the purpose of this chapter, require other proof as required by this chapter and shall suspend the license and registration pending the filing of such other proof. [1963 c 169 § 59.]

**46.29.600 Duration of proof—When proof may be canceled or returned.** (1) The department shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the department shall direct and the state treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this chapter as proof of financial responsibility, or the department shall waive the requirement of filing proof, in any of the following events:

(a) At any time after three years from the date such proof was required when, during the three-year period preceding the request, the department has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license of the person by or for whom such proof was furnished; or

(b) In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or

(c) In the event the person who has given proof surrenders his license to the department;

(2) Provided, however, that the department shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has within one year immediately preceding such request been involved as a driver or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the



nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the department.

(3) Whenever any person whose proof has been canceled or returned under subdivision (1)(c) of this section applies for a license within a period of three years from the date proof was originally required, any such application shall be refused unless the applicant shall reestablish such proof for the remainder of such three-year period. [1963 c 169 § 60.]

#### VIOLETIONS OF THIS CHAPTER

**46.29.610 Surrender of license and registration—Penalty.** (1) Any person whose license shall have been suspended under any provision of this chapter, or whose policy of insurance or bond, when required under this chapter, shall have been canceled or terminated, shall immediately return his license to the department. If any person shall fail to return to the department the license as provided herein, the department shall forthwith direct any peace officer to secure possession thereof and to return the same to the department.

(2) Any person wilfully failing to return license as required in paragraph (1) of this section shall be guilty of a misdemeanor. [1963 c 169 § 61.]

**46.29.620 Forged proof—Penalty.** Any person who shall forge, or, without authority, sign any evidence of proof of financial responsibility for the future, or who files or offers for filing any such evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be guilty of a gross misdemeanor. [1963 c 169 § 62.]

**46.29.625 Driving when license suspended or revoked until proof of ability to respond in damages furnished—Penalty.** Any person whose driver's license or other privilege to operate a motor vehicle has been suspended or revoked and restoration thereof or issuance of a new license is contingent upon the furnishing of proof of ability to respond in damages and who in the absence of full authorization from the director, drives a motor vehicle upon any highway shall be punished by imprisonment for not less than ten days nor more than six months and there may be imposed in addition thereto a fine of not more than five hundred dollars. [1969 ex.s. c 281 § 21.]

*Revoked license not to be renewed or restored until proof of financial responsibility given: RCW 46.20.311.*

#### MISCELLANEOUS PROVISIONS RELATING TO FINANCIAL RESPONSIBILITY

**46.29.630 Self-insurers.** (1) Any person in whose name more than twenty-five vehicles are registered in this state may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the department as provided in subsection (2) of this section.

(2) The department may, in its discretion, upon the application of such a person, issue a certificate of self-insurance when it is satisfied that such person is possessed and will continue to be possessed of ability to pay judgment obtained against such person. Such certificate may be issued authorizing a person to act as a self-insurer for either property damage or bodily injury, or both.

(3) Upon not less than five days' notice and a hearing pursuant to such notice, the department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within thirty days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance. [1963 c 169 § 63.]

**46.29.640 Chapter not to prevent other process.** Nothing in this chapter shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law. [1963 c 169 § 64.]

**46.29.900 Construction—1963 c 169.** RCW 46.29.010 through 46.29.640 shall be codified as a single chapter of the Revised Code of Washington. RCW 46.29.010 through 46.29.050 shall be captioned "ADMINISTRATION." RCW 46.29.060 through 46.29.240 shall be captioned "SECURITY FOLLOWING ACCIDENT." RCW 46.29.250 through 46.29.600 shall be captioned "PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE." RCW 46.29.610 through 46.29.620 shall be captioned "VIOLETIONS OF THIS CHAPTER." RCW 46.29.630 through 46.29.640 shall be captioned "MISCELLANEOUS PROVISIONS RELATING TO FINANCIAL RESPONSIBILITY." Such captions and subsection headings, as used in this chapter, do not constitute any part of the law. [1963 c 169 § 67.]

**46.29.910 Severability—1963 c 169.** If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected. [1963 c 169 § 68.]

**Reviser's note:** Chapter 169, Laws of 1963 also amended RCW 46.52.130 and 46.52.140.

**46.29.920 Repeals and saving.** Sections 46.24.010 through 46.24.910 and sections 46.28.010 through 46.28.200, chapter 12, Laws of 1961 and RCW 46.24.010 through 46.24.910 and RCW 46.28.010 through 46.28.200 are each repealed.

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder. [1963 c 169 § 69.]

**Chapter 46.32**  
**VEHICLE INSPECTION**

## Sections

- 46.32.010 Inspection authorized—Stations—Duties of state patrol—Penalties.  
 46.32.020 Rules and regulations—Local stations to conform—Supplies—Assistants.  
 46.32.030 Acquisition of property.  
 46.32.040 Frequency of inspection—Inspection free.  
 46.32.050 Prohibited practices—Penalty.  
 46.32.060 Moving defective vehicle unlawful—Impounding authorized.  
 46.32.070 Inspection of damaged vehicle.

**46.32.010 Inspection authorized—Stations—Duties of state patrol—Penalties.** The chief of the Washington state patrol is hereby empowered to constitute, erect, operate and maintain, throughout the state of Washington, stations for the inspection of vehicle equipment, and to set a date, at a reasonable time subsequent to the installation of such stations, when inspection of vehicles shall commence, and it shall be unlawful for any vehicle to be operated over the public highways of this state unless and until it has been approved periodically as to equipment. The chief of the Washington state patrol shall establish periods of vehicle equipment inspection. In the event of any such inspection, the same shall be in charge of a responsible employee of the chief of the Washington state patrol, who shall be duly authorized as a police officer and who shall have authority to secure and withhold, with written notice to the director of motor vehicles, the certificate of license registration and license plates of any vehicle found to be defective in equipment so as to be unsafe or unfit to be operated upon the highways of this state, and it shall be unlawful for any person to operate such vehicle unless and until the same has been placed in a condition satisfactory to subsequent equipment inspection; the police officer in charge of such vehicle equipment inspection station shall grant to the operator of such defective vehicle the privilege to move such vehicle to a place for repair under such restrictions as may be reasonably necessary.

In the event any insignia, sticker or other marker should be adopted to be displayed upon vehicles in connection with the inspection of vehicle equipment, the same shall be displayed as required by the rules and regulations of the chief of the Washington state patrol and it shall be a gross misdemeanor for any person to mutilate, destroy, remove or otherwise interfere with the display thereof.

Any person who refuses to have his motor vehicle examined, or, after having had it examined, refuses to place a certificate of approval, or a certificate of condemnation, if issued, upon his windshield, or who fraudulently obtains a certificate of approval, or who refuses to place his motor vehicle in proper condition after having had the same examined, or who, in any manner, fails to conform to the provisions of this chapter, shall be guilty of a gross misdemeanor.

Any person who performs false or improvised repairs, or repairs in any manner not in accordance with acceptable and customary repair practices, upon a motor vehicle, shall be guilty of a gross misdemeanor. [1967 c 32 §

48; 1961 c 12 § 46.32.010. Prior: 1947 c 267 § 1; 1945 c 44 § 1; 1937 c 189 § 7; Rem. Supp. 1947 § 6360-7.]

**46.32.020 Rules and regulations—Local stations to conform—Supplies—Assistants.** The chief of the Washington state patrol is empowered to provide reasonable rules and regulations regarding times for the inspection of vehicle equipment, and all other matters with respect to the conduct of vehicle equipment inspection stations.

In the event that any municipality or other political subdivision of this state has installed and placed in operation any station for the inspection of vehicle equipment, the operation of such inspection station shall be in strict conformity with rules, regulations, procedure and standards of inspection prescribed by the chief of the Washington state patrol. The operation of such municipally owned vehicle inspection station shall be under the direction and supervision of the chief of the Washington state patrol and there shall be maintained and submitted as and when prescribed such records and reports as shall be required by the chief of the Washington state patrol.

The chief of the Washington state patrol shall prepare and furnish such stickers, tags, record and report forms, stationery and other supplies as shall be deemed necessary. The chief of the Washington state patrol is empowered to appoint and employ such assistants as he may consider necessary and to fix hours of employment and compensation. [1961 c 12 § 46.32.020. Prior: 1945 c 44 § 2; 1937 c 189 § 8; Rem. Supp. 1945 § 6360-8.]

**46.32.030 Acquisition of property.** The chief of the Washington state patrol is empowered to acquire land for such vehicle equipment inspection stations by purchase, gift, or condemnation, with or without structures thereon. In the event land is acquired by condemnation the same shall be acquired in the manner provided by law for the acquisition of private property for public use. The chief of the Washington state patrol is empowered to erect structures and to acquire and install such equipment and mechanical devices as shall from time to time be necessary or convenient for the inspection of vehicle equipment.

In the event that the chief of the Washington state patrol should deem it advisable to acquire any vehicle equipment inspection station which is owned and operated by any municipality or other political subdivision of this state, and funds being available therefor, the chief of the Washington state patrol is empowered to acquire such vehicle equipment inspection station in the name of the state of Washington upon an agreed cost with such municipality or other political subdivision not in excess of the reasonable value thereof. [1961 c 12 § 46.32.030. Prior: 1945 c 44 § 3; 1937 c 189 § 9; Rem. Supp. 1945 § 6360-9.]

**46.32.040 Frequency of inspection—Inspection free.** Vehicle equipment inspection shall be at such periodic intervals as shall be required by the chief of the Washington state patrol and shall be without charge for such periodic inspection. [1961 c 12 § 46.32.040. Prior:

1945 c 44 § 4; 1937 c 189 § 10; Rem. Supp. 1945 § 6360-10.]

**46.32.050 Prohibited practices—Penalty.** It shall be unlawful for any person employed by the chief of the Washington state patrol or by any municipality or other political subdivision, in any vehicle equipment inspection station, to directly or indirectly, or in any manner whatsoever, order, direct, recommend or influence the correction of vehicle equipment defects by any person or persons whomsoever.

It shall be unlawful for any person employed by the chief of the Washington state patrol or by any municipality or other political subdivision, while in or about any vehicle equipment inspection station, to perform any repair or adjustment upon any vehicle or any equipment or appliance of any vehicle whatsoever.

It shall be unlawful for any person to solicit in any manner the repair to any vehicle or the adjustment of any equipment or appliance of any vehicle, upon the property of any vehicle equipment inspection station or upon any public highway adjacent thereto.

Any person violating any of the provisions of this section shall be guilty of a gross misdemeanor. [1961 c 12 § 46.32.050. Prior: 1945 c 44 § 5; 1937 c 189 § 11; Rem. Supp. 1945 § 6360-11.]

**46.32.060 Moving defective vehicle unlawful—Impounding authorized.** It shall be unlawful for any person to operate or move, or for any owner to cause or permit to be operated or moved upon any public highway, any vehicle or combination of vehicles, which is not at all times equipped in the manner required by this title, or the equipment of which is not in a proper condition and adjustment as required by this title.

Any vehicle operating upon the public highways of this state and at any time found to be defective in equipment in such a manner that it may be considered unsafe shall be an unlawful vehicle and may be prevented from further operation until such equipment defect is corrected and any peace officer is empowered to impound such vehicle until the same has been placed in a condition satisfactory to vehicle inspection. The necessary cost of impounding any such unlawful vehicle and any cost for the storage and keeping thereof shall be paid by the owner thereof. The impounding of any such vehicle shall be in addition to any penalties for such unlawful operation.

The provisions of this section shall not be construed to prevent the operation of any such defective vehicle to a place for correction of equipment defect in the manner directed by any peace officer or representative of the state commission on equipment. [1961 c 12 § 46.32.060. Prior: 1937 c 189 § 12; RRS § 6360-12.]

**46.32.070 Inspection of damaged vehicle.** In the event that any vehicle shall become damaged in such a manner that such vehicle shall have become unsafe for operation upon the public highways of this state, it shall be unlawful for the owner or operator thereof to cause such vehicle to be operated upon a public highway upon its return to service unless such owner or operator shall

have presented such vehicle for inspection of equipment within twenty-four hours after its return to service. [1961 c 12 § 46.32.070. Prior: 1937 c 189 § 13; RRS § 6360-13.]

Chapter 46.37

VEHICLE LIGHTING AND OTHER EQUIPMENT

Sections

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- 46.37.330 Revocation of certificate of approval on lighting devices.
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- 46.37.600 Liability of operator and/or owner for violations.

**46.37.005 Commission on equipment—Powers and duties.** There is hereby constituted a state commission on equipment which shall consist of the director of the department of motor vehicles, the chief of the Washington state patrol, and the director of the department of highways. The chief of the Washington state patrol shall act as the chairman of the state commission on equipment. He shall appoint a person under his supervision to act as secretary of the state commission on equipment who shall be responsible for the issuance of rules and regulations adopted by the commission and the issuance of certificates of approval for vehicle equipment requiring approval.

In addition to those powers and duties elsewhere granted by the provisions of this title the state commission on equipment shall have the power and the duty to adopt, apply and enforce such reasonable rules and regulations (1) relating to proper types of vehicles or combinations thereof for hauling passengers, commodities, freight and supplies, (2) relating to vehicle equipment, and (3) relating to the enforcement of the provisions of this title with regard to vehicle equipment, as may be deemed necessary for the public welfare and safety in addition to but not inconsistent with the provisions of this title.

The state commission on equipment is authorized to adopt by regulation, federal standards relating to motor vehicles and vehicle equipment, issued pursuant to the National Traffic and Motor Vehicle Safety Act of 1966, or any amendment to said act, notwithstanding any provision in Title 46 RCW inconsistent with such standards.

Federal standards adopted pursuant to this section shall be applicable only to vehicles manufactured in a model year following the adoption of such standards. [1967 ex.s. c 145 § 56; 1967 c 32 § 49; 1961 c 12 § 46.37.005. Prior: 1943 c 133 § 1; 1937 c 189 § 6; Rem. Supp. 1943 § 6360-6; 1927 c 309 § 14, part; RRS § 6362-14, part. Formerly RCW 46.36.010.]

**Severability—1967 ex.s. c 145:** See RCW 47.98.043.

**46.37.010 Scope and effect of regulations—General penalty.** (1) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter.

(2) Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.

(3) The provisions of the chapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors except as herein made applicable. [1963 c 154 § 1; 1961 c 12 § 46.37.010. Prior: 1955 c 269 § 1; prior: 1937 c 189 § 14, part; RRS § 6360-14, part; RCW 46.40.010, part; 1929 c 178 § 2; 1927 c 309 § 19; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part; RRS § 6362-19.]

**Effective date—1963 c 154:** "This act shall take effect on January 1, 1964." [1963 c 154 § 32.] This applies to RCW 46.04.130, 46.04.165, 46.04.332, 46.04.382, 46.04.552, 46.37.010, 46.37.020, 46.37.050 through 46.37.090, 46.37.120, 46.37.140 through 46.37.180, 46.37.190, 46.37.200, 46.37.210, 46.37.230, 46.37.240, 46.37.280, 46.37.300, 46.37.340, 46.37.351, 46.37.365, 46.37.370, and 46.37.400.

**46.37.020 When lighted lamps and signaling devices are required.** Every vehicle upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles, and further that stop lights, turn signals and other signaling devices shall be lighted as prescribed for the use of such devices: *Provided*, That every motorcycle and every motor-driven cycle shall have its head and tail lamps lighted whenever such vehicle is in motion upon a highway. [1974 ex.s. c 124 § 2; 1963 c 154 § 2; 1961 c 12 § 46.37.020. Prior: 1955 c 269 § 2; prior: 1937 c 189 § 14, part; RRS § 6360-14, part; RCW 46.40.010, part; 1929 c 178 § 2; 1927 c 309 § 19; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part; RRS § 6362-19.]

**Effective date**—1963 c 154: See note following RCW 46.37.010.

**46.37.030 Visibility distance and mounted height of lamps.** (1) Whenever requirement is hereinafter declared as to distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in RCW 46.37.020 in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(2) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load. [1961 c 12 § 46.37.030. Prior: 1955 c 269 § 3; prior: 1937 c 189 § 14, part; RRS § 6360-14, part; RCW 46.40.010, part.]

**46.37.040 Head lamps on motor vehicles.** (1) Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this chapter.

(2) Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this chapter.

(3) Every head lamp upon every motor vehicle, including every motorcycle and motor-driven cycle, shall be located at a height measured from the center of the head lamp of not more than fifty-four inches nor less than twenty-four inches to be measured as set forth in RCW 46.37.030(2). [1961 c 12 § 46.37.040. Prior: 1955 c 269 § 4; prior: 1937 c 189 § 15; RRS § 6360-15; RCW 46.40.020; 1933 c 156 § 1, part; 1929 c 178 § 3, part; 1927 c 309 §§ 20, part, 24; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part; RRS §§ 6362-20, part, 6362-24.]

**46.37.050 Tail lamps.** (1) After January 1, 1964, every motor vehicle, trailer, semitrailer and pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps mounted on the rear, which, when lighted as required in RCW 46.37.020, shall emit a red light plainly visible from a distance of one thousand feet to the rear, except that passenger cars manufactured or assembled prior to January 1, 1939, and motorcycles and motor-driven cycles, shall have at least one tail lamp. On a combination of vehicles only the tail lamps on the rearmost vehicle need actually be seen from the distance specified. On vehicles equipped with more than one tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable.

(2) Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two inches nor less than twenty inches.

(3) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white

light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted. [1963 c 154 § 3; 1961 c 12 § 46.37.050. Prior: 1955 c 269 § 5; prior: 1947 c 267 § 2, part; 1937 c 189 § 16, part; Rem. Supp. 1947 § 6360-16, part; RCW 46.40.030, part; 1929 c 178 § 7; 1927 c 309 § 27; RRS § 6362-27; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part.]

**Effective date**—1963 c 154: See note following RCW 46.37.010.

**46.37.060 Reflectors.** (1) Every motor vehicle, trailer, semitrailer and pole trailer shall carry on the rear, either as a part of the tail lamps or separately, two or more red reflectors meeting the requirements of this section, except that motorcycles and motor-driven cycles shall carry at least one such reflector: *Provided, however,* That vehicles of the types mentioned in RCW 46.37.090 shall be equipped with reflectors meeting the requirements of RCW 46.37.110 and 46.37.120.

(2) Every such reflector shall be mounted on the vehicle at a height not less than twenty inches nor more than sixty inches measured as set forth in RCW 46.37.030(2), and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred fifty feet to one hundred feet from such vehicle when directly in front of lawful upper beams of head lamps, except that visibility from a greater distance is hereinafter required of reflectors on certain types of vehicles. [1963 c 154 § 4; 1961 c 12 § 46.37.060. Prior: 1955 c 269 § 6; prior: 1947 c 267 § 2, part; 1937 c 189 § 16, part; Rem. Supp. 1947 § 6360-16, part; RCW 46.40.030, part.]

**Effective date**—1963 c 154: See note following RCW 46.37.010.

**46.37.070 Stop lamps and turn signals required.** (1) After January 1, 1964, every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with two or more stop lamps meeting the requirements of RCW 46.37.200, except that passenger cars manufactured or assembled prior to January 1, 1964, and motorcycles and motor-driven cycles shall be equipped with at least one such stop lamp. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified in RCW 46.37.200(1).

(2) After January 1, 1960, every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with electric turn signal lamps meeting the requirements of RCW 46.37.200(2), except that motor vehicles, trailers, semitrailers and pole trailers manufactured or assembled prior to January 1, 1954, and motorcycles and motor-driven cycles need not be equipped with electric turn signal lamps. [1963 c 154 § 5; 1961 c 12 § 46.37.070. Prior: 1959 c 319 § 32; 1955 c 269 § 7; prior: 1953 c 248 § 2, part; 1947 c 267 § 4, part; 1937 c 189 § 23, part; Rem. Supp. 1947 § 6360-23, part; RCW 46.40.090, part; 1929 c 178 § 1, part; 1927 c 309 § 15, part; RRS § 6362-15, part.]

**Effective date**—1963 c 154: See note following RCW 46.37.010.

**46.37.080 Application of succeeding sections.** Those sections of this chapter which follow immediately, including RCW 46.37.090, 46.37.100, 46.37.110, 46.37.120 and 46.37.130, relating to clearance lamps, marker lamps, and reflectors, shall apply as stated in said sections to vehicles of the type therein enumerated, namely buses, trucks, truck tractors, and trailers, semitrailers and pole trailers, respectively, when operated upon any highway, and said vehicles shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in RCW 46.37.020. [1963 c 154 § 6; 1961 c 12 § 46.37.080. Prior: 1955 c 269 § 8; prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part.]

**Effective date**—1963 c 154: See note following RCW 46.37.010.

**46.37.090 Additional equipment required on certain vehicles.** In addition to other equipment required in RCW 46.37.040, 46.37.050, 46.37.060 and 46.37.070, the following vehicles shall be equipped as herein stated under the conditions stated in RCW 46.37.080, and in addition, the reflectors elsewhere enumerated for such vehicles shall conform to the requirements of RCW 46.37.120(1).

(1) Buses and trucks eighty inches or more in over-all width:

(a) On the front, two clearance lamps, one at each side, and on vehicles manufactured or assembled after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) of this section.

(b) On the rear, two clearance lamps, one at each side, and after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) of this section.

(c) On each side, two side marker lamps, one at or near the front and one at or near the rear.

(d) On each side, two reflectors, one at or near the front and one at or near the rear.

(2) Trailers and semitrailers eighty inches or more in over-all width:

(a) On the front, two clearance lamps, one at each side.

(b) On the rear, two clearance lamps, one at each side, and after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) of this section.

(c) On each side, two side marker lamps, one at or near the front and one at or near the rear.

(d) On each side, two reflectors, one at or near the front and one at or near the rear.

(3) Truck tractors:

On the front, two cab clearance lamps, one at each side, and on vehicles manufactured or assembled after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) of this section.

(4) Trailers, semitrailers and pole trailers thirty feet or more in over-all length:

On each side, one amber side marker lamp and one amber reflector, centrally located with respect to the length of the vehicle.

(5) Pole trailers:

(a) On each side, one amber side marker lamp at or near the front of the load.

(b) One amber reflector at or near the front of the load.

(c) On the rearmost support for the load, one combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate maximum width of the pole trailer.

(6) Whenever required or permitted by this chapter, identification lamps shall be grouped in a horizontal row, with lamp centers spaced not less than six nor more than twelve inches apart, and mounted on the permanent structure of the vehicle as close as practicable to the vertical centerline: *Provided, however,* That where the cab of a vehicle is not more than forty-two inches wide at the front roof line, a single identification lamp at the center of the cab shall be deemed to comply with the requirements for front identification lamps. [1963 c 154 § 7; 1961 c 12 § 46.37.090. Prior: 1955 c 269 § 9; prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part; 1933 c 156 §§ 5, part, 6, part; 1929 c 178 §§ 7, part, 8, part; 1927 c 309 §§ 27, part, 28, part; RRS §§ 6362-27, part, 6362-28, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15 part.]

**Effective date**—1963 c 154: See note following RCW 46.37.010.

**46.37.100 Color of clearance lamps, side marker lamps, back-up lamps and reflectors.** (1) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(2) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

(3) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop lamp or other signal device, which may be red, amber or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber. [1961 c 12 § 46.37.100. Prior: 1955 c 269 § 10; prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part; 1933 c 156 §§ 5, part, 6, part; 1929 c 178 §§ 7, part, 8, part; 1927 c 309 §§ 27, part, 28, part; RRS §§ 6362-27, part, 6362-28, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part.]

**46.37.110 Mounting of reflectors, clearance lamps and side marker lamps.** (1) Reflectors when required by RCW 46.37.090 shall be mounted at a height not less than twenty-four inches and not higher than sixty inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than twenty-four inches the reflector at such point shall be mounted as high as that part of the permanent structure will permit.

The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this chapter.

(2) Clearance lamps shall be mounted on the permanent structure of the vehicle in such a manner as to indicate its extreme width and as near the top thereof as practicable. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both. [1961 c 12 § 46.37.110. Prior: 1955 c 269 § 11; prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part; 1933 c 156 §§ 5, part, 6, part; 1929 c 178 §§ 7, part, 8, part; 1927 c 309 §§ 27, part, 28, part; RRS §§ 6362-27, part, 6362-28, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part.]

**46.37.120 Visibility of reflectors, clearance lamps, identification lamps and side marker lamps.** (1) Every reflector upon any vehicle referred to in RCW 46.37.090 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred feet to one hundred feet from the vehicle when directly in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

(2) Front and rear clearance lamps and identification lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between five hundred feet and fifty feet from the front and rear, respectively, of the vehicle.

(3) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between five hundred feet and fifty feet from the side of the vehicle on which mounted. [1963 c 154 § 8; 1961 c 12 § 46.37.120. Prior: 1955 c 269 § 12; prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part; 1933 c 156 §§ 5, part, 6, part; 1929 c 178 §§ 7, part, 8, part; 1927 c 309 §§ 27, part, 28, part; RRS §§ 6362-27, part, 6362-28, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part.]

**Effective date—1963 c 154:** See note following RCW 46.37.010.

**46.37.130 Obstructed lights not required.** Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted. [1961 c 12 § 46.37.130. Prior: 1955 c 269 § 13.]

**46.37.140 Lamps, reflectors, and flags on projecting load.** Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in RCW 46.37.020, two red lamps, visible from a distance of at least five hundred feet to the rear, two red reflectors meeting the requirements of RCW 46.37.120(1), visible from the rear and located so as to indicate maximum width, and on each side one red lamp, visible from a distance of at least five hundred feet to the side, located so as to indicate maximum overhang. There shall be displayed at all other times on any vehicle having a load which extends beyond its sides or more than four feet beyond its rear, red flags, not less than twelve inches square, marking the extremities of such loads, at each point where a lamp would otherwise be required by this section, under RCW 46.37.020. [1963 c 154 § 9; 1961 c 12 § 46.37.140. Prior: 1955 c 269 § 14; prior: 1937 c 189 § 18; RRS § 6360-18; RCW 46.40.050; 1929 c 178 § 11, part; 1927 c 309 § 32, part, RRS § 6362-32, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part.]

**Effective date—1963 c 154:** See note following RCW 46.37.010.

**46.37.150 Lamps on vehicles—Parked or stopped vehicles, lighting requirements.** (1) Every vehicle shall be equipped with one or more lamps, which, when lighted, shall display a white or amber light visible from a distance of one thousand feet to the front of the vehicle, and a red light visible from a distance of one thousand feet to the rear of the vehicle. The location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.

(2) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of one thousand feet upon such street or highway, no lights need be displayed upon such parked vehicle.

(3) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, outside an incorporated city or town, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is insufficient light to reveal any person or object within a distance of one thousand feet upon such highway, such vehicle so parked or stopped shall be equipped with and shall display lamps meeting the requirements of subsection (1) of this section.

(4) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed. [1963 c 154 § 10; 1961 c 12 § 46.37.150. Prior: 1955 c 269 § 15; prior: 1937 c 189 § 19; RRS § 6360-19; RCW 46.40.060; 1933 c 156 § 8; 1929 c 178 § 10; 1927 c 309 § 31; RRS § 6362-31.]

**Effective date—1963 c 154:** See note following RCW 46.37.010.

**46.37.160 Lamps and reflectors on farm tractors, farm equipment and implements of husbandry—Slow moving vehicle emblem.** (1) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry shall at all times mentioned in RCW 46.37-.020 be equipped with two single-beam or multiple-beam head lamps meeting the requirements of RCW 46.37.220 or 46.37.250, respectively, or, as an alternative, RCW 46.37.260, and at least two red lamps visible when lighted from a distance of not less than one thousand feet to the rear; and at least two red reflectors visible from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of head lamps.

(2) Every combination of farm tractor and towed farm equipment or towed implement of husbandry shall at all times mentioned in RCW 46.37.020 be equipped with lamps as follows:

(a) The farm tractor element of every such combination shall be equipped as required in subsection (1) of this section.

(b) The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped on the rear with two red lamps visible when lighted from a distance of not less than one thousand feet to the rear, and two red reflectors visible to the rear from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of head lamps.

(c) Said combinations shall also be equipped with a lamp displaying a white or amber light, or any shade of color between white and amber, visible when lighted from a distance of not less than one thousand feet to the front. This lamp shall be so positioned to indicate, as nearly as practicable, the extreme left projection of the combination carrying it.

(3) The two red lamps and the two red reflectors required in the foregoing subsections of this section on a self-propelled unit of farm equipment or implement of husbandry or combination of farm tractor and towed farm equipment shall be so positioned as to show from the rear as nearly as practicable the extreme width of the vehicle or combination carrying them.

(4) After January 1, 1970, every farm tractor and every self-propelled unit of farm equipment or implement of husbandry designed for operation at speeds not in excess of twenty-five miles per hour shall at all times be equipped with a slow moving vehicle emblem mounted on the rear except as provided in subsection (5).

(5) After January 1, 1970, every combination of farm tractor and towed farm equipment or towed implement of husbandry normally operating at speeds not in excess of twenty-five miles per hour shall at all times be equipped with a slow moving vehicle emblem as follows:

(a) Where the towed unit is sufficiently large to obscure the slow moving vehicle emblem on the farm tractor, the towed unit shall be equipped with a slow moving vehicle emblem. In such cases, the towing vehicle need not display the emblem.

(b) Where the slow moving vehicle emblem on the farm tractor unit is not obscured by the towed unit, then

either or both may be equipped with the required emblem but it shall be sufficient if either has it.

(6) The emblem required by subsections (4) and (5) shall comply with current standards and specifications as promulgated by the state commission on equipment. [1969 ex.s. c 281 § 22; 1963 c 154 § 11; 1961 c 12 § 46.37.160. Prior: 1955 c 269 § 16.]

**Effective date—1963 c 154:** See note following RCW 46.37.010.

**46.37.170 Lamps and reflectors on other vehicles and equipment.** Every vehicle, including animal-drawn vehicles and vehicles referred to in RCW 46.37.010(3), not specifically required by the provisions of RCW 46.37-.020 through 46.37.330 to be equipped with lamps, or other lighting devices, shall at all times specified in RCW 46.37.020 be equipped with at least one lamp displaying a white light visible from a distance of not less than one thousand feet to the front of said vehicle, and shall also be equipped with two lamps displaying red light visible from a distance of not less than one thousand feet to the rear of said vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand feet to the rear and two red reflectors visible from all distances of six hundred to one hundred feet to the rear when illuminated by the upper beams of head lamps. [1963 c 154 § 12; 1961 c 12 § 46.37.170. Prior: 1955 c 269 § 17; prior: 1937 c 189 § 21; RRS § 6360-21; RCW 46.40.080; 1927 c 309 § 34; 1921 c 96 § 22, part; 1917 c 40 § 1; RRS § 6362-34.]

**Effective date—1963 c 154:** See note following RCW 46.37.010.

**46.37.180 Spot lamps and auxiliary lamps.** (1) Spot lamps. Any motor vehicle may be equipped with not to exceed two spot lamps and every lighted spot lamp shall be so aimed and used that no part of the high intensity portion of the beam will strike the windshield, or any windows, mirror, or occupant of another vehicle in use.

(2) Fog lamps. Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height of not less than twelve inches nor more than thirty inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower head lamp beams as specified in RCW 46.37.220.

(3) Auxiliary passing lamps. Any motor vehicle may be equipped with not to exceed two auxiliary passing lamps mounted on the front at a height not less than twenty-four inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of RCW 46.37.220 shall apply to any combinations of head lamps and auxiliary passing lamps.

(4) Auxiliary driving lamps. Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height not less than sixteen inches nor more than forty-two inches above the



level surface upon which the vehicle stands. The provisions of RCW 46.37.220 shall apply to any combination of head lamps and auxiliary driving lamps. [1963 c 154 § 13; 1961 c 12 § 46.37.180. Prior: 1955 c 269 § 18; prior: 1949 c 157 § 1; Rem. Supp. 1949 § 6360-22a; RCW 46.40.110, 46.40.120.]

**Effective date**—1963 c 154: See note following RCW 46.37.010.

**46.37.184 Red flashing lights on fire department vehicles.** All fire department vehicles in service shall be identified by red lights of an intermittent flashing type, visible from both front and rear for a distance of five hundred feet under normal atmospheric conditions. Such red flashing lights shall be well separated from the headlights so that they will not black out when headlights are on. Such red flashing lights shall be in operation at all times when such vehicle is on emergency status. [1961 c 12 § 46.37.184. Prior: 1953 c 161 § 1. Formerly RCW 46.40.220.]

**46.37.185 Green light on firemen's private cars.** Firemen, when approved by the chief of their respective service, shall be authorized to use a green light on the front of their private cars when on emergency duty only. Such green light shall be visible for a distance of two hundred feet under normal atmospheric conditions and shall be of a type and mounting approved by the commission on equipment. The use of the green light shall only be for the purpose of identification and the operator of a vehicle so equipped shall not be entitled to any of the privileges provided in RCW 46.61.035 for the operators of authorized emergency vehicles. [1971 ex.s. c 92 § 3; 1961 c 12 § 46.37.185. Prior: 1953 c 161 § 2. Formerly RCW 46.40.230.]

**46.37.186 Fire department sign or plate on private car.** (1) No private vehicle, bearing a sign or plate indicating a fire department connection, shall be driven or operated on any public highway, except when the owner thereof is a bona fide member of a fire department.

(2) Any sign or plate indicating fire department connection on a private car of any member of a fire department shall include the name of the municipality or fire department organization to which the owner belongs. [1961 c 12 § 46.37.186. Prior: 1953 c 161 § 3. Formerly RCW 46.40.240.]

**46.37.187 Green light, sign or plate—Identification card required.** Any individual displaying a green light as authorized in RCW 46.37.185, or a sign or plate as authorized in RCW 46.37.186, shall also carry attached to a convenient location on the private vehicle to which the green light or sign or plate is attached, an identification card showing the name of the owner of said vehicle, the organization to which he or she belongs and bearing the signature of the chief of the service involved. [1971 ex.s. c 92 § 2; 1961 c 12 § 46.37.187. Prior: 1953 c 161 § 4. Formerly RCW 46.40.250.]

**46.37.188 Penalty for violation of RCW 46.37.184 through 46.37.188.** Every violation of RCW 46.37.184, 46.37.185, 46.37.186 or 46.37.187 is a misdemeanor.

[1961 c 12 § 46.37.188. Prior: 1953 c 161 § 5. Formerly RCW 46.40.260.]

**46.37.190 Red lights on emergency vehicles, school buses, private carrier buses, police vehicles—Sirens on emergency vehicles—Blue lights authorized on certain police vehicles—Driver's duty to yield and stop.** (1) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive marking required by this chapter, be equipped with at least one lamp capable of displaying a red light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal.

(2) Every school bus and private carrier bus shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a "stop" signal upon a background not less than fourteen by eighteen inches displaying the word "stop" in letters of distinctly contrasting colors not less than eight inches high, and shall further be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(3) A police vehicle when used as an authorized emergency vehicle, may but need not be equipped with alternately flashing red lights specified herein. A police vehicle may, in addition to or in lieu of the red light specified in subsection (1), be equipped with one or more blue lights.

(4) The alternately flashing red lights described in subsections (2) and (3) of this section shall not be used on any vehicle other than a school bus, a private carrier bus, or an authorized emergency vehicle. The blue lights described in subsection (3) of this section may only be used on publicly owned police vehicles of a police department, sheriff's office and the Washington state patrol.

(5) The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right of way and stop as prescribed in RCW 46.61.210, 46.61.370, and 46.61.350. [1971 ex.s. c 92 § 1; 1970 ex.s. c 100 § 5; 1965 ex.s. c 155 § 53; 1963 c 154 § 14; 1961 c 12 § 46.37.190. Prior: 1957 c 66 § 1; 1955 c 269 § 19.]

**46.37.194 Red lights on emergency vehicles, school buses, private carrier buses, police vehicles—Authorized emergency vehicles—Rules, tests, approval by commission on equipment.** The state commission on equipment may make rules and regulations relating to authorized emergency vehicles and shall test and approve sirens and emergency vehicle lamps to be used on such vehicles. [1961 c 12 § 46.37.194. Prior: 1957 c 66 § 3.]

**46.37.200 Stop lamps and electric turn signals.** (1) Any vehicle may be equipped and when required under this chapter shall be equipped with a stop lamp or lamps

on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet and on any vehicle manufactured or assembled after January 1, 1964, three hundred feet to the rear in normal sunlight, and which shall be actuated upon application of a service brake, and which may but need not be incorporated with one or more other rear lamps.

(2) Any vehicle may be equipped and when required under RCW 46.37.070(2) shall be equipped with electric turn signals which shall indicate an intention to turn by flashing lights showing to the front and rear of a vehicle or on a combination of vehicles on the side of the vehicle or combination toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit white or amber light, or any shade of color between white and amber. The lamp showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable, and, when signaling, shall emit a red or amber light, or any shade of color between red and amber. Turn signal lamps on vehicles eighty inches or more in over-all width shall be visible from a distance of not less than five hundred feet in normal sunlight. Turn signal lamps on vehicles less than eighty inches wide shall be visible at a distance of not less than three hundred feet in normal sunlight. Turn signal lamps may, but need not be, incorporated in other lamps on the vehicle. [1963 c 154 § 15; 1961 c 12 § 46.37.200. Prior: 1955 c 269 § 20; prior: 1953 c 248 § 2, part; 1947 c 267 § 4, part; 1937 c 189 § 23, part; Rem. Supp. 1947 § 6360-23, part; RCW 46.40.090, part; 1929 c 178 § 1, part; 1927 c 309 § 15, part; RRS § 6362-15.]

**Effective date**—1963 c 154: See note following RCW 46.37.010.

**46.37.210 Additional lighting equipment.** (1) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(2) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(3) Any motor vehicle may be equipped with one or more back-up lamps either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.

(4) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing, and when so equipped may display such warning in addition to any other warning signals required by this chapter. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall

be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than fifteen hundred feet under normal atmospheric conditions at night.

(5) Any vehicle eighty inches or more in over-all width, if not otherwise required by RCW 46.37.090, may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in RCW 46.37.090(6).

(6) (a) Every motor vehicle, trailer, semitrailer, truck tractor, and pole trailer used in the state of Washington may be equipped with an auxiliary lighting system consisting of:

(i) One green light to be activated when the accelerator of the motor vehicle is depressed;

(ii) Not more than two amber lights to be activated when the motor vehicle is moving forward, or standing and idling, but is not under the power of the engine;

(b) Such auxiliary system shall not interfere with the operation of vehicle stop lamps or turn signals, as required by RCW 46.37.070. Such system, however, may operate in conjunction with such stop lamps or turn signals;

(c) Only one color of the system may be illuminated at any one time, and at all times either the green light, or amber light or lights shall be illuminated when the stop lamps of the vehicle are not illuminated;

(d) The green light, and the amber light or lights, when illuminated shall be plainly visible at a distance of one thousand feet to the rear;

(e) Only one such system may be mounted on a motor vehicle, trailer, semitrailer, truck tractor, or pole trailer; and such system shall be rear mounted in a horizontal fashion, at a height of not more than seventy-two inches, nor less than twenty inches, as provided by RCW 46.37.050;

(f) On a combination of vehicles, only the lights of the rearmost vehicle need actually be seen and distinguished as provided in subparagraph (d) of this subsection; and

(g) Each manufacturer's model of such a system as described in this subsection shall be approved by the commission on equipment as provided for in RCW 46.37.005 and 46.37.320, before it may be sold or offered for sale in the state of Washington. [1975 1st ex.s. c 242 § 1; 1963 c 154 § 16; 1961 c 12 § 46.37.210. Prior: 1955 c 269 § 21; prior: 1937 c 189 § 24; RRS § 6360-24; RCW 46.40.100.]

**Effective date**—1963 c 154: See note following RCW 46.37.010.

**46.37.220 Multiple-beam road-lighting equipment.** Except as hereinafter provided, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motor-driven cycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps

may be so arranged that such selection can be made automatically subject to the following limitations:

(1) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of three hundred fifty feet ahead for all conditions of loading.

(2) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of one hundred feet ahead; and on a straight level road under any conditions of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(3) Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this state after January 1, 1948, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped. [1961 c 12 § 46.37.220. Prior: 1955 c 269 § 22; prior: 1947 c 267 § 5, part; Rem. Supp. 1947 § 6360-25a, part; RCW 46.40.140, part; 1933 c 156 § 3, part; 1929 c 178 § 5, part; 1927 c 309 § 22, part; RRS § 6362-22, part.]

**46.37.230 Use of multiple-beam road-lighting equipment.** (1) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in RCW 46.37.020, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(2) Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in RCW 46.37.220(2) shall be deemed to avoid glare at all times, regardless of road contour and loading.

(3) Whenever the driver of a vehicle approaches another vehicle from the rear within three hundred feet such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in RCW 46.37.220(1). [1963 c 154 § 17; 1961 c 12 § 46.37.230. Prior: 1955 c 269 § 23; prior: 1947 c 267 § 5, part; Rem. Supp. 1947 § 6360-25a, part; RCW 46.40.140, part; 1933 c 156 § 3, part; 1929 c 178 § 5, part; 1927 c 309 § 22, part; RRS § 6362-22, part.]

**Effective date—1963 c 154:** See note following RCW 46.37.010.

**46.37.240 Single-beam road-lighting equipment.** Head lamp systems which provide only a single distribution of light shall be permitted on motor vehicles manufactured and sold prior to one year after March 18, 1955 in lieu of multiple-beam road-lighting equipment herein

specified if the single distribution of light complies with the following requirements and limitations:

(1) The head lamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.

(2) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet. [1963 c 154 § 18; 1961 c 12 § 46.37.240. Prior: 1955 c 269 § 24; prior: 1947 c 267 § 5, part; Rem. Supp. 1947 § 6360-25a, part; RCW 46.40.140, part; 1933 c 156 § 3, part; 1929 c 178 § 5, part; 1927 c 309 § 22, part; RRS § 6362-22, part.]

**Effective date—1963 c 154:** See note following RCW 46.37.010.

**46.37.250 Lighting equipment on motor-driven cycles.** The head lamp or head lamps upon every motor-driven cycle may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

(1) Every said head lamp or head lamps on a motor-driven cycle shall be of a sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred feet when the motor-driven cycle is operated at any speed less than twenty-five miles per hour and at a distance of not less than two hundred feet when the motor-driven cycle is operated at a speed of twenty-five or more miles per hour, and at a distance of not less than three hundred feet when the motor-driven cycle is operated at a speed of thirty-five or more miles per hour.

(2) In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps the upper beam shall meet the minimum requirements set forth above and shall not exceed the limitations set forth in RCW 46.37.220(1) and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in RCW 46.37.220(2).

(3) In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, said lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five feet ahead, shall project higher than the level of the center of the lamp from which it comes. [1961 c 12 § 46.37.250. Prior: 1955 c 269 § 25.]

**46.37.260 Alternate road lighting equipment.** Any motor vehicle may be operated under the conditions specified in RCW 46.37.020 when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects seventy-five feet ahead in lieu of lamps required in RCW 46.37.220 or 46.37.240: *Provided, however,* That at no time shall it be operated at a speed in excess of twenty miles per hour. [1961 c 12 § 46.37.260. Prior: 1955 c 269 § 26; prior: 1937 c 189 § 27; RRS § 6360-27; RCW 46.40.150.]

**46.37.270 Number of driving lamps required or permitted.** (1) At all times specified in RCW 46.37.020, at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle other than a motorcycle or motor-driven cycle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(2) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway. [1961 c 12 § 46.37.270. Prior: 1955 c 269 § 27; prior: 1937 c 189 § 28; RRS § 6360-28; RCW 46.40.160; 1929 c 178 § 2; 1927 c 309 § 19; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part; RRS § 6362-19.]

**46.37.280 Special restrictions on lamps.** (1) During the times specified in RCW 46.37.020, any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps, warning lamps authorized by the state commission on equipment and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(2) Except as required in RCW 46.37.190 no person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof.

(3) Flashing lights are prohibited except as required in RCW 46.37.190, 46.37.200, 46.37.210, and 46.37.300, and warning lamps authorized by the state commission on equipment. [1963 c 154 § 19; 1961 c 12 § 46.37.280. Prior: 1955 c 269 § 28; prior: 1949 c 157 § 2; 1947 c 267 § 6; 1947 c 200 § 2; 1937 c 189 § 29; Rem. Supp. 1949 § 6360-29; RCW 46.40.170; 1927 c 309 § 33; RRS § 6362-33.]

**Effective date—**1963 c 154: See note following RCW 46.37.010.

**46.37.290 Special lighting equipment on school buses and private carrier buses.** (1) The state commission on equipment is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses and private carrier buses consistent with the provisions of this chapter, but supplemental thereto. Such standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the society of automotive engineers.

(2) It shall be unlawful to operate any flashing warning signal light on any school bus or private carrier bus except when any said bus is stopped on a highway for the purpose of permitting passengers to board or alight from said bus. The term flashing signal as used herein

shall not include an electric turn signal. [1970 ex.s. c 100 § 6; 1961 c 12 § 46.37.290. Prior: 1955 c 269 § 29; prior: 1937 c 189 § 25, part; RRS § 6360-25, part; RCW 46.40.130, part; 1929 c 178 § 3, part; 1927 c 309 § 20, part; RRS § 6362-20, part.]

**46.37.300 Standards for lights on snow-removal or highway maintenance and service equipment.** (1) The state commission on equipment shall adopt standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow-removal and other highway maintenance and service equipment when operated on the highways of this state in lieu of the lamps otherwise required on motor vehicles by this chapter. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow-removal and other highway maintenance and service equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the American association of state highway officials.

(2) It shall be unlawful to operate any snow-removal and other highway maintenance and service equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section. [1963 c 154 § 20; 1961 c 12 § 46.37.300. Prior: 1955 c 269 § 30.]

**Effective date—**1963 c 154: See note following RCW 46.37.010.

**46.37.310 Selling or using lamps or equipment.** (1) On and after January 1, 1938, no person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer or semitrailer, or use upon any such vehicle any head lamp, auxiliary, or fog lamp, rear lamp, signal lamp or reflector, which reflector is required hereunder, or parts of any of the foregoing which tend to change the original design or performance, unless of a type which has been submitted to the state commission on equipment and approved by it.

(2) No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer or semitrailer any lamp or device mentioned in this section which has been approved by the state commission on equipment unless such lamp or device bears thereon the trademark or name under which it is approved so as to be legible when installed.

(3) No person shall use upon any motor vehicle, trailer or semitrailer any lamps mentioned in this section unless said lamps are mounted, adjusted and aimed in accordance with instructions of the state commission on equipment. [1961 c 12 § 46.37.310. Prior: 1955 c 269 § 31; prior: 1937 c 189 § 30; RRS § 6360-30; RCW 46.40.180; 1929 c 178 § 12; 1927 c 309 § 35; RRS § 6362-35.]

**46.37.320 Authority of state commission on equipment with reference to lighting devices.** (1) The state commission on equipment is hereby authorized to approve or disapprove lighting devices and to issue and

enforce regulations establishing standards and specifications for the approval of such lighting devices, their installation, adjustment and aiming, and adjustment when in use on motor vehicles. Such regulations shall correlate with and, so far as practicable, conform to the then current standards and specifications of the society of automotive engineers applicable to such equipment.

(2) The state commission on equipment is hereby required to approve or disapprove any lighting device, of a type on which approval is specifically required in this chapter, within a reasonable time after such device has been submitted.

(3) The state commission on equipment is further authorized to set up the procedure which shall be followed when any device is submitted for approval.

(4) The state commission on equipment upon approving any such lamp or device shall issue to the applicant a certificate of approval together with any instructions determined by it.

(5) The state commission on equipment shall publish lists of all lamps and devices by name and type which have been approved by it. [1961 c 12 § 46.37.320. Prior: 1955 c 269 § 32; prior: 1937 c 189 § 31; RRS § 6360-31; RCW 46.40.190; 1933 c 156 § 4, part; 1929 c 178 § 6, part; 1927 c 309 § 23, part; RRS § 6362-23, part.]

**46.37.330 Revocation of certificate of approval on lighting devices.** When the state commission on equipment has reason to believe that an approved device as being sold commercially does not comply with the requirements of this chapter, it may, after giving thirty days' previous notice to the person holding the certificate of approval for such device in this state, conduct a hearing upon the question of compliance of said approved device. After said hearing the state commission on equipment shall determine whether said approved device meets the requirements of this chapter. If said device does not meet the requirements of this chapter it shall give notice to the person holding the certificate of approval for such device in this state.

If at the expiration of ninety days after such notice the person holding the certificate of approval for such device has failed to satisfy the state commission on equipment that said approved device as thereafter to be sold meets the requirements of this chapter, the state commission on equipment shall suspend or revoke the approval issued therefor until or unless such device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this chapter, and may require that all said devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this chapter. The state commission on equipment may at the time of the retest purchase in the open market and submit to the testing agency one or more sets of such approved devices, and if such device upon such retest fails to meet the requirements of this chapter, the state commission on equipment may refuse to renew the certificate of approval of such device. [1961 c 12 § 46.37-.330. Prior: 1955 c 269 § 33; prior: 1937 c 189 § 32; RRS § 6360-32; RCW 46.40.200; 1933 c 156 § 4, part;

1929 c 178 § 6, part; 1927 c 309 § 23, part; RRS § 6362-23, part.]

**46.37.340 Braking equipment required.** Every motor vehicle, trailer, semitrailer and pole trailer, and any combination of such vehicle operating upon a highway within this state shall be equipped with brakes in compliance with the requirements of this chapter.

(1) Service brakes—adequacy. Every such vehicle and combination of vehicles, except special mobile equipment as defined in RCW 46.04.552, shall be equipped with service brakes complying with the performance requirements of RCW 46.37.351 and adequate to control the movement of and to stop and hold such vehicle under all conditions of loading, and on any grade incident to its operation.

(2) Parking brakes—adequacy. Every such vehicle and combination of vehicles, except motorcycles and motor-driven cycles, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

(3) Brakes on all wheels. Every vehicle shall be equipped with brakes acting on all wheels except:

(a) Trailers, semitrailers, or pole trailers of a gross weight not exceeding three thousand pounds, provided that:

(i) The total weight on and including the wheels of the trailer or trailers shall not exceed forty percent of the gross weight of the towing vehicle when connected to the trailer or trailers, and

(ii) The combination of vehicles consisting of the towing vehicle and its total towed load, is capable of complying with the performance requirements of RCW 46.37.351.

(b) Trailers, semitrailers, or pole trailers manufactured and assembled prior to July 1, 1965 shall not be required to be equipped with brakes when the total weight on and including the wheels of the trailer or trailers does not exceed two thousand pounds.

(c) Any vehicle being towed in driveway or towaway operations, provided the combination of vehicles is capable of complying with the performance requirements of RCW 46.37.351.

(d) Trucks and truck-tractors having three or more axles need not have brakes on the front wheels, except that when such vehicles are equipped with at least two steerable axles, the wheels of one steerable axle need not have brakes. However, such trucks and truck-tractors must be capable of complying with the performance requirements of RCW 46.37.351.

(e) Special mobile equipment as defined in RCW 46.04.552.

(f) The wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, or the front wheel of a motor-driven cycle need not be equipped with brakes, provided that such motorcycle or motor-driven cycle is capable of complying with the performance requirements of RCW 46.37.351.

(4) Automatic trailer brake application upon breakaway. Every trailer, semitrailer, and pole trailer equipped with air or vacuum actuated brakes and every trailer, semitrailer, and pole trailer with a gross weight in excess of three thousand pounds, manufactured or assembled after January 1, 1964, shall be equipped with brakes acting on all wheels and of such character as to be applied automatically and promptly, and remain applied for at least fifteen minutes, upon breakaway from the towing vehicle.

(5) Tractor brakes protected. Every motor vehicle manufactured or assembled after January 1, 1964, and used to tow a trailer, semitrailer or pole trailer equipped with brakes, shall be equipped with means for providing that in case of breakaway of the towed vehicle, the towing vehicle will be capable of being stopped by the use of its service brakes.

(6) Trailer air reservoirs safeguarded. Air brake systems installed on trailers manufactured or assembled after January 1, 1964, shall be so designed that the supply reservoir used to provide air for the brakes shall be safeguarded against backflow of air from the reservoir through the supply line.

(7) Two means of emergency brake operation.

(a) Air brakes. After January 1, 1964, every towing vehicle, when used to tow another vehicle equipped with air controlled brakes, in other than driveway or towaway operations, shall be equipped with two means for emergency application of the trailer brakes. One of these means shall apply the brakes automatically in the event of a reduction of the towing vehicle air supply to a fixed pressure which shall be not lower than twenty pounds per square inch nor higher than forty-five pounds per square inch. The other means shall be a manually controlled device for applying and releasing the brakes, readily operable by a person seated in the driving seat, and its emergency position or method of operation shall be clearly indicated. In no instance may the manual means be so arranged as to permit its use to prevent operation of the automatic means. The automatic and the manual means required by this section may be, but are not required to be, separate.

(b) Vacuum brakes. After January 1, 1964, every towing vehicle used to tow other vehicles equipped with vacuum brakes, in operations other than driveway or towaway operations, shall have, in addition to the single control device required by subsection (8) of this section, a second control device which can be used to operate the brakes on towed vehicles in emergencies. The second control shall be independent of brake air, hydraulic and other pressure, and independent of other controls, unless the braking system be so arranged that failure of the pressure upon which the second control depends will cause the towed vehicle brakes to be applied automatically. The second control is not required to provide modulated braking.

(8) Single control to operate all brakes. After January 1, 1964, every motor vehicle, trailer, semitrailer and pole trailer, and every combination of such vehicles, except motorcycles and motor-driven cycles, equipped with brakes shall have the braking system so arranged that one control device can be used to operate all service brakes. This requirement does not prohibit vehicles from being equipped with an additional control device to be used to operate brakes on the towed vehicles. This regulation does not apply to driveway or towaway operations unless the brakes on the individual vehicles are designed to be operated by a single control in the towing vehicle.

(9) Reservoir capacity and check valve.

(a) Air brakes. Every bus, truck or truck-tractor with air operated brakes shall be equipped with at least one reservoir sufficient to insure that, when fully charged to the maximum pressure as regulated by the air compressor governor cut-out setting, a full service brake application may be made without lowering such reservoir pressure by more than twenty percent. Each reservoir shall be provided with means for readily draining accumulated oil or water.

(b) Vacuum brakes. After January 1, 1964, every truck with three or more axles equipped with vacuum assistor type brakes and every truck-tractor and truck used for towing a vehicle equipped with vacuum brakes shall be equipped with a reserve capacity or a vacuum reservoir sufficient to insure that, with the reserve capacity or reservoir fully charged and with the engine stopped, a full service brake application may be made without depleting the vacuum supply by more than forty percent.

(c) Reservoir safeguarded. All motor vehicles, trailers, semitrailers and pole trailers, when equipped with air or vacuum reservoirs or reserve capacity as required by this section, shall have such reservoirs or reserve capacity so safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored air or vacuum shall not be depleted by the leak or failure.

(10) Warning devices.

(a) Air brakes. Every bus, truck or truck-tractor using compressed air for the operation of its own brakes or the brakes on any towed vehicle, shall be provided with a warning signal, other than a pressure gauge, readily audible or visible to the driver, which will operate at any time the air reservoir pressure of the vehicle is

below fifty percent of the air compressor governor cut-out pressure. In addition, each such vehicle shall be equipped with a pressure gauge visible to the driver, which indicates in pounds per square inch the pressure available for braking.

(b) Vacuum brakes. After January 1, 1964, every truck-tractor and truck used for towing a vehicle equipped with vacuum operated brakes and every truck with three or more axles using vacuum in the operation of its brakes, except those in driveway or towaway operations, shall be equipped with a warning signal, other than a gauge indicating vacuum, readily audible or visible to the driver, which will operate at any time the vacuum in the vehicle's supply reservoir or reserve capacity is less than eight inches of mercury.

(c) Combination of warning devices. When a vehicle required to be equipped with a warning device is equipped with both air and vacuum power for the operation of its own brakes or the brakes on a towed vehicle, the warning devices may be, but are not required to be, combined into a single device which will serve both purposes. A gauge or gauges indicating pressure or vacuum shall not be deemed to be an adequate means of satisfying this requirement. [1965 ex.s. c 170 § 49; 1963 c 154 § 21; 1961 c 12 § 46.37.340. Prior: 1955 c 269 § 34; prior: 1937 c 189 § 34, part; RRS § 6360-34, part; RCW 46.36.020, 46.36.030, part; 1929 c 180 § 6; 1927 c 309 § 16; 1923 c 181 § 5; 1921 c 96 § 23; 1915 c 142 § 22; RRS § 6362-16.]

**46.37.351 Performance ability of brakes.** Every motor vehicle and combination of vehicles, at all times and under all conditions of loading, upon application of the service brakes, shall be capable of:

- (1) Developing a braking force that is not less than the percentage of its gross weight tabulated herein for its classification,
- (2) Decelerating to a stop from not more than twenty miles per hour at not less than the feet per second per second tabulated herein for its classification, and
- (3) Stopping from a speed of twenty miles per hour in not more than the distance tabulated herein for its classification, such distance to be measured from the point at which movement of the service brake pedal or control begins.

Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one percent grade), dry, smooth, hard surface that is free from loose material.

Classification of Vehicles	Braking force as a percentage of gross vehicle or combination weight	Deceleration in feet per second per second	Brake system application and braking distance in feet from an initial speed of 20 m.p.h.
A Passenger vehicles with a seating capacity of 10 people or less including driver, not having a manufacturer's gross vehicle weight rating . . . . .	52.8%	17	25
B-1 All motorcycles and motor-driven cycles . . . . .	43.5%	14	30
B-2 Single unit vehicles with a manufacturer's gross vehicle weight rating of 10,000 pounds or less . . . . .	43.5%	14	30
C-1 Single unit vehicles with a manufacturer's gross weight rating of more than 10,000 pounds . . . . .	43.5%	14	40
C-2 Combinations of a two-axle towing vehicle and a trailer with a gross trailer weight of 3,000 pounds or less . . . . .	43.5%	14	40
C-3 Buses, regardless of the number of axles, not having a manufacturer's gross weight rating . . . . .	43.5%	14	40
C-4 All combinations of vehicles in driveway-towaway operations . . . . .	43.5%	14	40
D All other vehicles and combinations of vehicles . . . . .	43.5%	14	50

[1963 c 154 § 22.]

Effective date—1963 c 154: See note following RCW 46.37.010.

**46.37.360 Maintenance of brakes.** All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle. [1961 c 12 § 46.37.360. Prior: 1955 c 269 § 36; prior: 1951 c 56 § 2, part; 1937 c 189 § 34, part; RRS § 6360-34, part; RCW 46.36.020, 46.36.030, part; 1929 c 180 § 6; 1927 c 309 § 16; 1923 c 181 § 5; 1921 c 96 § 23; 1915 c 142 § 22; RRS § 6362-16.]

**46.37.365 Hydraulic brake fluid—Defined—Standards and specifications.** (1) The term "hydraulic brake fluid" as used in this section shall mean the liquid

medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle.

(2) Hydraulic brake fluid shall be distributed and serviced with due regard for the safety of the occupants of the vehicle and the public.

(3) The state commission on equipment shall, in compliance with the provisions of chapter 34.04 RCW, the administrative procedure act, which govern the adoption of rules, adopt and enforce regulations for the administration of this section and shall adopt and publish standards and specifications for hydraulic brake fluid which shall correlate with, and so far as practicable conform to, the then current standards and specifications of the society of automotive engineers applicable to such fluid.

(4) No person shall distribute, have for sale, offer for sale, or sell any hydraulic brake fluid unless it complies with the requirements of this section and the standard specifications adopted by the state commission on equipment. No person shall service any vehicle with brake fluid unless it complies with the requirements of this section and the standards and specifications adopted by the state commission on equipment. [1963 c 154 § 24.]

**Effective date**—1963 c 154: See note following RCW 46.37.010.

**46.37.370 Brakes on motor-driven cycles.** (1) The state commission on equipment is authorized to require an inspection of the braking system on any motor-driven cycle and to disapprove any such braking system on a vehicle which it finds will not comply with the performance ability standard set forth in RCW 46.37.351, or which in its opinion is equipped with a braking system that is not so designed or constructed as to insure reasonable and reliable performance in actual use.

(2) The director of motor vehicles may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when he determines that the braking system thereon does not comply with the provisions of this section.

(3) No person shall operate on any highway any vehicle referred to in this section in the event the state commission on equipment has disapproved the braking system upon such vehicle. [1963 c 154 § 23; 1961 c 12 § 46.37.370. Prior: 1955 c 269 § 37.]

**Effective date**—1963 c 154: See note following RCW 46.37.010.

**46.37.380 Horns and warning devices.** (1) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(2) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell, except as otherwise permitted in this section.

(3) It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal

device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

(4) Any authorized emergency vehicle may be equipped with a siren, whistle or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type approved by the state commission on equipment, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof. [1961 c 12 § 46.37.380. Prior: 1955 c 269 § 38; prior: 1937 c 189 § 35; RRS § 6360-35; RCW 46.36.040.]

**46.37.390 Mufflers, prevention of noise—Smoke and air contaminants—Standards—Definitions.** (1) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut-out, bypass or similar device upon a motor vehicle on a highway.

(2) (a) No motor vehicle first sold and registered as a new motor vehicle on or after January 1, 1971 shall discharge into the atmosphere at elevations of less than three thousand feet any air contaminant for a period of more than ten seconds which is:

(i) As dark as or darker than the shade designated as No. 1 on the Ringelmann chart, as published by the United States bureau of mines; or

(ii) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a)(i) above.

(b) No motor vehicle first sold and registered prior to January 1, 1971 shall discharge into the atmosphere at elevations of less than three thousand feet any air contaminant for a period of more than ten seconds which is:

(i) As dark as or darker than the shade designated as No. 2 on the Ringelmann chart, as published by the United States bureau of mines; or

(ii) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (b)(i) above.

(c) For the purposes of this subsection the following definitions shall apply:

(i) "Opacity" means the degree to which an emission reduces the transmission of light and obscures the view of an object in the background;

(ii) "Ringelmann chart" means the Ringelmann smoke chart with instructions for use as published by the United States bureau of mines in May 1967 and as thereafter amended, information circular 7718.

(3) No person shall modify the exhaust system of a motorcycle in a manner which will amplify or increase the noise emitted by the engine of such vehicle above that emitted by the muffler originally installed on the vehicle, and it shall be unlawful for any person to operate a motorcycle not equipped as required by this subsection, or which has been amplified as prohibited by this subsection. [1972 ex.s. c 135 § 1; 1967 c 232 § 3;



1961 c 12 § 46.37.390. Prior: 1955 c 269 § 39; prior: 1937 c 189 § 36; RRS § 6360-36; RCW 46.36.050; 1927 c 309 § 17; 1921 c 96 § 21; 1915 c 142 § 20; RRS § 6362-17.]

**46.37.400 Mirrors.** Every motor vehicle shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle. [1963 c 154 § 25; 1961 c 12 § 46.37.400. Prior: 1955 c 269 § 40; prior: 1937 c 189 § 37; RRS § 6360-37; RCW 46.36.060.]

**Effective date**—1963 c 154: See note following RCW 46.37.010.

**46.37.410 Windshields must be unobstructed and equipped with wipers.** (1) No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, side wings or side or rear windows of such vehicle which obstructs the driver's clear view of the highway or any intersecting highway.

(2) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle. After January 1, 1938, it shall be unlawful for any person to operate a new motor vehicle first sold or delivered after that date which is not equipped with such device or devices in good working order capable of cleaning the windshield thereof over two separate arcs, one each on the left and right side of the windshield, each capable of cleaning a surface of not less than one hundred twenty square inches, or other device or devices capable of accomplishing substantially the same result.

(3) Every windshield wiper upon a motor vehicle shall be maintained in good working order. [1961 c 12 § 46.37.410. Prior: 1955 c 269 § 41; prior: (i) 1937 c 189 § 38; RRS § 6360-38; RCW 46.36.070. (ii) 1937 c 189 § 39; RRS § 6360-39; RCW 46.36.080.]

**46.37.420 Restrictions as to tire equipment.** (1) After January 1, 1938, it shall be unlawful to operate a vehicle upon the public highways of this state unless it is completely equipped with pneumatic rubber tires.

(2) No tire on a vehicle moved on a highway shall have on its periphery any block, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, and except also that it shall be permissible to use tire chains or metal studs imbedded within the tire of reasonable proportions and of a type approved by the state commission on equipment, upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid: *Provided*, That it shall be unlawful to use metal studs imbedded within the tire between April 1 and November 1: *Provided further*, That the state highway

commission may, from time to time, determine additional periods in which the use of tires with metal studs imbedded therein shall be lawful.

(3) The state highway commission and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

(4) Tires with metal studs imbedded therein may be used between November 1 and April 1 upon school buses and fire department vehicles, any law or regulation to the contrary notwithstanding. [1971 ex.s. c 32 § 1; 1969 ex.s. c 7 § 1; 1961 c 12 § 46.37.420. Prior: 1955 c 269 § 42; prior: (i) 1937 c 189 § 41; RRS § 6360-41; RCW 46.36.100. (ii) 1937 c 189 § 42; RRS § 6360-42; RCW 46.36.120; 1929 c 180 § 7; 1927 c 309 § 46; RRS § 6362-46.]

*Dangerous road conditions requiring special tires, chains, metal studs:*  
RCW 47.36.250.

**46.37.423 Pneumatic passenger car tires—Standards—Exception for off-highway use—Penalty.** No person, firm or corporation shall sell or offer for sale for use on the public highways of this state any new pneumatic passenger car tire which does not meet the standards established by federal motor vehicle safety standard No. 109, as promulgated by the United States department of transportation under authority of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 719, 728; 15 U.S.C. 1392, 1407).

The applicable standard shall be the version of standard No. 109 in effect at the time of manufacture of the tire.

Any person, firm or corporation who shall sell or offer for sale any new pneumatic passenger car tire which does not meet the standards prescribed in this section shall be guilty of a misdemeanor unless such tires are sold for off-highway use, as evidenced by a statement signed by the purchaser at the time of sale certifying that he is not purchasing such tires for use on the public highways of this state. [1971 c 77 § 1.]

**46.37.424 Regrooved tires—Standards—Exception for off-highway use—Penalty.** No person, firm or corporation shall sell or offer for sale any regrooved tire or shall regroove any tire for use on the public highways of this state which does not meet the standard established by federal motor vehicle standard part 369—regrooved tires, as promulgated by the United States department of transportation under authority of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 719, 728; 15 U.S.C. 1392, 1407).

The applicable standard shall be the version of the federal regrooved tire standard in effect at the time of regrooving.

Any person, firm or corporation who shall sell or offer for sale any regrooved tire or shall regroove any tire which does not meet the standards prescribed in this

section shall be guilty of a misdemeanor unless such tires are sold or regrooved for off-highway use, as evidenced by a statement signed by the purchaser or regroover at the time of sale or regrooving certifying that he is not purchasing or regrooving such tires for use on the public highways of this state. [1971 c 77 § 2.]

**46.37.425 Authority of state commission on equipment with reference to tires—Rules and regulations—Penalty.** No person shall drive or move or cause to be driven or moved any vehicle, the tires of which have contact with the driving surface of the road, subject to registration in this state, upon the public highways of this state unless such vehicle is equipped with tires in safe operating condition in accordance with requirements established by the state commission on equipment.

The state commission on equipment shall promulgate rules and regulations setting forth requirements of safe operating condition of tires capable of being employed by a law enforcement officer by visual inspection of tires mounted on vehicles including visual comparison with simple measuring gauges. These rules shall include effects of tread wear and depth of tread.

A tire shall be considered unsafe if it has:

- (1) Any ply or cord exposed; or
- (2) Any bump, bulge or knot, affecting the tire structure; or
- (3) Any break repaired with a boot; or
- (4) A tread depth of less than 2/32 of an inch measured in any two major tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two major tread grooves at three locations equally spaced around the circumference of the tire; or
- (5) A legend which indicates the tire is not intended for use on public highways such as, "not for highway use", or "for racing purposes only"; or
- (6) Such condition as may be reasonably demonstrated to render it unsafe.

No person, firm or corporation shall sell any vehicle for use on the public highways of this state unless the vehicle is equipped with tires that are in compliance with the provisions of this section. If the tires are found to be in violation of the provisions of this section, the person, firm or corporation selling the vehicle shall cause such tires to be removed from the vehicle and shall equip the vehicle with tires that are in compliance with the provisions of this section.

Any person operating a vehicle on the public highways of this state, or selling a vehicle for use on the public highways of this state, which is equipped with a tire or tires in violation of the provisions of this section or the rules and regulations promulgated by the state commission on equipment hereunder shall be guilty of a misdemeanor: *Provided, however,* That if the violation relates to items (1) to (6) inclusive of this section that the condition or defect must be such that it can be detected by

a visual inspection of tires mounted on vehicles, including visual comparison with simple measuring gauges. [1971 c 77 § 3.]

**Effective date—1971 c 77:** "The provisions of RCW 46.37.425 shall have an effective date of January 1, 1972, but the state commission on equipment shall have the authority to proceed with the promulgation of the rules and regulations provided for in RCW 46.37.425 so the rules and regulations may have an effective date of January 1, 1972." [1971 c 77 § 4.]

**46.37.430 Safety glazing materials in motor vehicles.** (1) On and after January 1, 1938, no person shall sell any new motor vehicle as specified herein, nor shall any new motor vehicle as specified herein be registered thereafter unless such vehicle is equipped with safety glazing material of a type approved by the state commission on equipment wherever glazing material is used in doors, windows and windshields. The foregoing provisions shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material shall apply to all glazing material used in doors, windows and windshields in the drivers' compartments of such vehicles except as provided by paragraph (4).

(2) The term "safety glazing materials" means glazing materials so constructed, treated or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

(3) The state commission on equipment shall compile and publish a list of types of glazing material by name approved by it as meeting the requirements of this section and the director of motor vehicles shall not register after January 1, 1938, any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material, and he shall thereafter suspend the registration of any motor vehicle so subject to this section which he finds is not so equipped until it is made to conform to the requirements of this section.

(4) No person shall sell or offer for sale, nor shall any person operate a motor vehicle registered in this state which is equipped with, any camper manufactured after May 23, 1969, unless such camper is equipped with safety glazing material of a type approved by the state commission on equipment wherever glazing materials are used in outside windows and doors.

(5) No tinting or coloring material of any kind, which reduces light transmittance to any degree, shall be applied to the surface of the safety glazing material in a motor vehicle in any of the following locations:

- (a) Windshields,
- (b) Windows to the immediate right and left of the driver including windwings or,
- (c) Rearmost windows if used for driving visibility by means of an interior rear-view mirror.

Nothing in this subsection shall prohibit the use of shaded or heat-absorbing safety glazing material in which the shading or heat-absorbing characteristics have been applied at the time of manufacture of the

safety glazing material and which meet the standards of the state commission on equipment for such safety glazing materials.

(6) The standards used for approval of safety glazing materials by the state commission on equipment shall conform as closely as possible to the standards for safety glazing materials for motor vehicles promulgated by the United States of America Standards Institute in effect at the time of manufacture of the safety glazing material. [1969 ex.s. c 281 § 47; 1961 c 12 § 46.37.430. Prior: 1955 c 269 § 43; prior: 1947 c 220 § 1; 1937 c 189 § 40; Rem. Supp. 1947 § 6360-40; RCW 46.36.090.]

**46.37.440 Certain vehicles to carry flares or other warning devices.** (1) No person shall operate any motor truck, passenger bus or truck tractor over eighty inches in overall width upon any highway outside the corporate limits of municipalities at any time unless there shall be carried in such vehicle the following equipment except as provided in subsection (2):

(a) At least three flares or three red electric lanterns or three portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than six hundred feet under normal atmospheric conditions at nighttime.

No flare, fusee, electric lantern or cloth warning flag shall be used for the purpose of compliance with the requirements of this section unless such equipment is of a type which has been submitted to the state commission on equipment and approved by it. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to be capable of reflecting red light clearly visible from all distances within six hundred feet to one hundred feet under normal atmospheric conditions at night when directly in front of lawful upper beams of head lamps, and unless it is of a type which has been submitted to the state commission on equipment and approved by it.

(b) At least three red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried.

(c) At least two red-cloth flags, not less than twelve inches square, with standards to support such flags.

(2) No person shall operate at the time and under conditions stated in subsection (1) any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases, or any motor vehicle using compressed gas as a fuel unless there shall be carried in such vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of subsection (1) of this section, and there shall not be carried in any said vehicle any flares, fusees or signal produced by flame. [1971 ex.s. c 97 § 1; 1961 c 12 § 46.37.440. Prior: 1955 c 269 § 44; prior: 1947 c 267 § 7, part; Rem. Supp. 1947 § 6360-32a, part; RCW 46.40.210, part.]

**46.37.450 Display of warning devices when vehicle disabled.** (1) Whenever any motor truck, passenger bus, truck tractor over eighty inches in overall width, trailer, semitrailer or pole trailer is disabled upon the traveled

portion of any highway or the shoulder thereof outside of any municipality at any time when lighted lamps are required on vehicles the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in subsection (2):

(a) A lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

(b) As soon thereafter as possible but in any event within the burning period of the fusee (fifteen minutes), the driver shall place three liquid-burning flares (pot torches), or three lighted red electric lanterns or three portable red emergency reflectors on the traveled portion of the highway in the following order:

(i) One, approximately one hundred feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane.

(ii) One, approximately one hundred feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle.

(iii) One at the traffic side of the disabled vehicle not less than ten feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with subdivision (a) of this subsection, it may be used for this purpose.

(2) Whenever any vehicle referred to in this section is disabled within five hundred feet of a curve, hillcrest or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than five hundred feet from the disabled vehicle.

(3) Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the time that lights are required, the appropriate warning devices prescribed in subsections (1) and (5) of this section shall be placed as follows:

One at a distance of approximately two hundred feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane; one at a distance of approximately one hundred feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; one at the traffic side of the vehicle and approximately ten feet from the vehicle in the direction of the nearest approaching traffic.

(4) Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof outside of any municipality at any time when the display of fusees, flares, red electric lanterns or portable red emergency reflectors is not required, the driver of the vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately one hundred feet in advance of the vehicle, and one at a distance of approximately one hundred feet to the rear of the vehicle.

(5) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the

transportation of any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled upon a highway of this state at any time or place mentioned in subsection (1) of this section, the driver of such vehicle shall immediately display the following warning devices: One red electric lantern or portable red emergency reflector placed on the roadway at the traffic side of the vehicle, and two red electric lanterns or portable red reflectors, one placed approximately one hundred feet to the front and one placed approximately one hundred feet to the rear of this disabled vehicle in the center of the traffic lane occupied by such vehicle. Flares, fusees or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this paragraph.

(6) The flares, fusees, red electric lanterns, portable red emergency reflectors and flags to be displayed as required in this section shall conform with the requirements of RCW 46.37.440 applicable thereto. [1961 c 12 § 46.37.450. Prior: 1955 c 269 § 45; prior: 1947 c 267 § 7, part; Rem. Supp. 1947 § 6360-32a, part; RCW 46.40.210, part.]

**46.37.460 Vehicles transporting explosives.** Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the provisions of this section.

(1) Said vehicle shall be marked or placarded on each side and the rear with the word "Explosives" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four inches square marked with the word "danger" in white letters six inches high.

(2) Every said vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle so used. [1961 c 12 § 46.37.460. Prior: 1955 c 269 § 46.]

**46.37.470 Air-conditioning equipment.** (1) The term "air-conditioning equipment" as used or referred to in this section shall mean mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

(2) Such equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public and shall not contain any refrigerant which is toxic to persons or which is flammable.

(3) The state commission on equipment may adopt and enforce safety requirements, regulations and specifications consistent with the requirements of this section applicable to such equipment which shall correlate with and, so far as possible, conform to the current recommended practice or standard applicable to such equipment approved by the society of automotive engineers.

(4) No person shall have for sale, offer for sale, sell or equip any motor vehicle with any such equipment unless it complies with the requirements of this section.

(5) No person shall operate on any highway any motor vehicle equipped with any air-conditioning equipment unless said equipment complies with the requirements of this section. [1961 c 12 § 46.37.470. Prior: 1955 c 269 § 47.]

**46.37.480 Television viewers.** No person shall drive any motor vehicle equipped with any television viewer, screen or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat, or which is visible to the driver while operating the motor vehicle. [1961 c 12 § 46.37.480. Prior: 1949 c 196 § 11; Rem. Supp. 1949 § 6360-98d. Formerly RCW 46.36.150.]

**46.37.490 Safety load chains and devices required.** It shall be unlawful to operate any vehicle upon the public highways of this state without having the load thereon securely fastened and protected by safety chains or other device. The state commission on equipment is hereby authorized to adopt and enforce reasonable rules and regulations as to what shall constitute adequate and safe chains or other devices for the fastening and protection of loads upon vehicles. [1961 c 12 § 46.37.490. Prior: 1937 c 189 § 43; RRS § 6360-43; 1927 c 309 § 18; RRS § 6362-18. Formerly RCW 46.36.110.]

**46.37.500 Splash guards.** Every vehicle shall be equipped with a device adequate to effectively reduce the wheel spray or splash of water from the roadway to the rear thereof. [1961 c 12 § 46.37.500. Prior: 1947 c 200 § 3, part; 1937 c 189 § 44, part; Rem. Supp. 1947 § 6360-44, part. Formerly RCW 46.36.130 (second paragraph).]

**46.37.510 Seat belts.** No person shall sell any automobile manufactured or assembled after January 1, 1964 nor shall any owner cause such vehicle to be registered thereafter under the provisions of chapter 46.12 RCW unless such motor car or automobile is equipped with automobile seat belts installed for use on the front seats thereof which are of a type and installed in a manner approved by the state commission on equipment. Where registration is for transfer from an out of state license, applicant shall be informed of this section by issuing agent and have thirty days to comply. The state commission on equipment shall adopt and enforce standards as to what shall constitute adequate and safe seat belts and for the fastening and installation thereof, such standards not to be below those specified as minimum requirements by the Society of Automotive Engineers on the effective date of this act. [1963 c 117 § 1.]

**Reviser's note:** "the effective date of this act" was June 13, 1963 (midnight June 12), see preface, 1963 session laws.

**46.37.520 Beach used vehicles with soft tires— "Dune buggies"—Inspection and approval required—Fee.** It shall be unlawful for any person to lease for hire or permit the use of any vehicle with soft tires commonly used upon the beach and referred to as a dune buggy unless such vehicle has been inspected by and approved by the state commission on equipment,

which commission may charge a reasonable fee therefor to go into the motor vehicle fund. [1971 ex.s. c 91 § 4; 1965 ex.s. c 170 § 61.]

**46.37.530 Motorcycles or motor-driven cycles—Mirrors, glasses, goggles, face shields, and helmets—Regulations and specifications by state commission on equipment.** (1) It shall be unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with a mirror on the left side of the handlebars which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle.

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless he wears glasses, goggles, or a face shield of a type approved by the state commission on equipment.

(c) For any person to operate or ride upon a motorcycle or motor-driven cycle unless he wears upon his head a protective helmet of a type approved by the state commission on equipment. Such a helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor-driven cycle is in motion.

(2) The state commission on equipment is hereby authorized and empowered to adopt and amend regulations, pursuant to the administrative procedure act, concerning the standards and procedures for approval of glasses, goggles, face shields and protective helmets required in this section. The state commission on equipment shall maintain and publish a list of those devices which the commission on equipment has approved. [1971 ex.s. c 150 § 1; 1969 c 42 § 1; 1967 c 232 § 4.]

*Maximum height for handlebars: RCW 46.61.611.*

*Riding on motorcycles: RCW 46.61.610.*

**46.37.535 Motorcycles or motor-driven cycles—Helmet requirements when motorcycle rented.** It is unlawful for any person to rent out motorcycles unless he shall also have on hand for rent helmets of a type approved by the commission on equipment.

No motorcycle shall be rented out unless the renter thereof has in his possession a helmet of a type approved by the commission on equipment regardless from whom the helmet is obtained. [1967 c 232 § 10.]

**Reviser's note:** This section was prefaced by "There is added to chapter 46.48 RCW a new section to read as follows:". The various sections of chapter 46.48 RCW were removed from that chapter or were repealed by 1965 ex.s. c 155. As the sections remaining in chapter 46.48 RCW pertain to transportation of explosives and flammables, this section has been codified following RCW 46.37.530 which is amended in a preceding section of the same act and sets forth the helmet requirements for drivers and riders of motorcycles.

*License requirement for person renting motorcycle: RCW 46.20.220.*

**46.37.540 Odometers—Disconnecting, resetting or turning back prohibited.** Except as provided by RCW 46.37.580, it shall be unlawful for any person to disconnect, turn back or reset the odometer of any motor vehicle with the intent to reduce the number of miles indicated on the odometer gauge. [1969 c 112 § 2.]

*Motor vehicle dealers, unlawful acts and practices: RCW 46.70.180.*

**46.37.550 Odometers—Selling motor vehicle knowing odometer turned back unlawful.** It shall be unlawful for any person to sell a motor vehicle in this state if such person has knowledge that the odometer on such motor vehicle has been turned back and if such person fails to notify the buyer, prior to the time of sale, that the odometer has been turned back or that he had reason to believe that the odometer has been turned back. [1969 c 112 § 3.]

**46.37.560 Odometers—Selling motor vehicle knowing odometer replaced unlawful.** It shall be unlawful for any person to sell a motor vehicle in this state if such person has knowledge that the odometer on such motor vehicle has been replaced with another odometer and if such person fails to notify the buyer, prior to the time of sale, that the odometer has been replaced or that he believes the odometer to have been replaced. [1969 c 112 § 4.]

**46.37.570 Odometers—Selling, advertising, using or installing device which causes other than true mileage to be registered.** It shall be unlawful for any person to advertise for sale, to sell, to use, or to install on any part of a motor vehicle or on an odometer in a motor vehicle any device which causes the odometer to register any mileage other than the true mileage driven. For the purposes of this section the true mileage driven is that driven by the car as registered by the odometer within the manufacturer's designed tolerance. [1969 c 112 § 5.]

**46.37.590 Odometers—Purchaser plaintiff to recover costs and attorney's fee, when.** In any suit brought by the purchaser of a motor vehicle against the seller of such vehicle, the purchaser shall be entitled to recover his court costs and a reasonable attorney's fee fixed by the court, if: (1) The suit or claim is based substantially upon the purchaser's allegation that the odometer on such vehicle has been tampered with contrary to RCW 46.37.540 and 46.37.550 or replaced contrary to RCW 46.37.560; and (2) it is found in such suit that the seller of such vehicle or any of his employees or agents knew or had reason to know that the odometer on such vehicle had been so tampered with or replaced and failed to disclose such knowledge to the purchaser prior to the time of sale. [1975 c 24 § 1; 1969 c 112 § 7.]

**46.37.600 Liability of operator and/or owner for violations.** Whenever an act or omission is declared to be unlawful in chapter 46.37 RCW, if the operator of the vehicle is not the owner of such vehicle, but is so operating or moving the same with the express or implied permission of the owner, then the operator and/or owner shall both be subject to the provisions of this chapter with the primary responsibility to be that of the owner. [1969 ex.s. c 69 § 3.]

### Chapter 46.38

#### VEHICLE EQUIPMENT SAFETY COMPACT

##### Sections

46.38.010 Compact enacted—Provisions.  
46.38.020 Legislative findings.

- 46.38.030 Rules, etc., of vehicle safety equipment commission not effective until approved by legislature.
- 46.38.040 Appointment of commissioner and alternate commissioner.
- 46.38.050 Cooperation of state agencies with vehicle equipment safety commission.
- 46.38.060 State officers for the filing of documents and receipt of notices.
- 46.38.070 Vehicle equipment safety commission to submit budgets to budget director.
- 46.38.080 State auditor to inspect accounts of vehicle equipment safety commission.
- 46.38.090 Withdrawal from compact, "executive head" defined.

**46.38.010 Compact enacted—Provisions.** The vehicle equipment safety compact prepared pursuant to resolutions of the western governors' conference and the western interstate committee on highway policy problems of the council of state governments, is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

#### VEHICLE EQUIPMENT SAFETY COMPACT

##### ARTICLE I—Findings and Purposes

(a) The party states find that:

(1) Accidents and deaths on their streets and highways present a very serious human and economic problem with a major deleterious effect on the public welfare.

(2) There is a vital need for the development of greater interjurisdictional cooperation to achieve the necessary uniformity in the laws, rules, regulations and codes relating to vehicle equipment, and to accomplish this by such means as will minimize the time between the development of demonstrably and scientifically sound safety features and their incorporation into vehicles.

(b) The purposes of this compact are to:

(1) Promote uniformity in regulation of and standards for equipment.

(2) Secure uniformity of law and administrative practice in vehicular regulation and related safety standards to permit incorporation of desirable equipment changes in vehicles in the interest of greater traffic safety.

(3) To provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in subdivision (a) of this Article.

(c) It is the intent of this compact to emphasize performance requirements and not to determine the specific detail of engineering in the manufacture of vehicles or equipment except to the extent necessary for the meeting of such performance requirements.

##### ARTICLE II—Definitions

As used in this compact:

(a) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(c) "Equipment" means any part of a vehicle or any accessory for use thereon which affects the safety of operation of such vehicle or the safety of the occupants.

##### ARTICLE III—The Commission

(a) There is hereby created an agency of the party states to be known as the "Vehicle Equipment Safety Commission" hereinafter called the Commission. The Commission shall be composed of one commissioner from each party state who shall be appointed, serve and be subject to removal in accordance with the laws of the state which he represents. If authorized by the laws of his party state, a commissioner may provide for the discharge of his duties and the performance of his functions on the Commission, either for the duration of his membership or for any lesser period of time, by an alternate. No such alternate shall be entitled to serve unless notification of his identity and appointment shall have been given to the Commission in such form as the Commission may require. Each commissioner, and each alternate, when serving in the place and stead of a commissioner, shall be entitled to be reimbursed by the Commission for expenses actually incurred in attending Commission meetings or while engaged in the business of the Commission.

(b) The commissioners shall be entitled to one vote each on the Commission. No action of the Commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the Commission are cast in favor thereof. Action of the Commission shall be only at a meeting at which a majority of the commissioners, or their alternates, are present.

(c) The Commission shall have a seal.

(d) The Commission shall elect annually, from among its members, a chairman, a vice chairman and a treasurer. The Commission may appoint an Executive Director and fix his duties and compensation. Such Executive Director shall serve at the pleasure of the Commission, and together with the Treasurer shall be bonded in such amount as the Commission shall determine. The Executive Director also shall serve as secretary. If there be no Executive Director, the Commission shall elect a Secretary in addition to the other officers provided by this subdivision.

(e) Irrespective of the civil service, personnel or other merit system laws of any of the party states, the Executive Director with the approval of the Commission, or the Commission if there be no Executive Director, shall appoint, remove or discharge such personnel as may be necessary for the performance of the Commission's functions, and shall fix the duties and compensation of such personnel.

(f) The Commission may establish and maintain independently or in conjunction with any one or more of the party states, a suitable retirement system for its full time employees. Employees of the Commission shall be eligible for social security coverage in respect of old age and survivor's insurance provided that the Commission takes such steps as may be necessary pursuant to the laws of the United States, to participate in such program of insurance as a governmental agency or unit. The Commission may establish and maintain or participate in

such additional programs of employee benefits as may be appropriate.

(g) The Commission may borrow, accept or contract for the services of personnel from any party state, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party states or their subdivisions.

(h) The Commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any other governmental agency and may receive, utilize, and dispose of the same.

(i) The Commission may establish and maintain such facilities as may be necessary for the transacting of its business. The Commission may acquire, hold, and convey real and personal property and any interest therein.

(j) The Commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The Commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states. The bylaws shall provide for appropriate notice to the commissioners of all Commission meetings and hearings and the business to be transacted at such meetings or hearings. Such notice shall also be given to such agencies or officers of each party state as the laws of such party state may provide.

(k) The Commission annually shall make to the governor and legislature of each party state a report covering the activities of the Commission for the preceding year, and embodying such recommendations as may have been issued by the Commission. The Commission may make such additional reports as it may deem desirable.

**ARTICLE IV—Research and Testing**

The Commission shall have power to:

(a) Collect, correlate, analyze and evaluate information resulting or derivable from research and testing activities in equipment and related fields.

(b) Recommend and encourage the undertaking of research and testing in any aspect of equipment or related matters when, in its judgment, appropriate or sufficient research or testing has not been undertaken.

(c) Contract for such equipment research and testing as one or more governmental agencies may agree to have contracted for by the Commission, provided that such governmental agency or agencies shall make available the funds necessary for such research and testing.

(d) Recommend to the party states changes in law or policy with emphasis on uniformity of laws and administrative rules, regulations or codes which would promote effective governmental action or coordination in the prevention of equipment-related highway accidents or the mitigation of equipment-related highway safety problems.

**ARTICLE V—Vehicular Equipment**

(a) In the interest of vehicular and public safety, the Commission may study the need for or desirability of the establishment of or changes in performance requirements or restrictions for any item of equipment. As a result of such study, the Commission may publish a report relating to any item or items of equipment, and the issuance of such a report shall be a condition precedent to any proceedings or other action provided or authorized by this Article. No less than sixty days after the publication of a report containing the results of such study, the Commission upon due notice shall hold a hearing or hearings at such place or places as it may determine.

(b) Following the hearing or hearings provided for in subdivision (a) of this Article, and with due regard for standards recommended by appropriate professional and technical associations and agencies, the Commission may issue rules, regulations or codes embodying performance requirements or restrictions for any item or items of equipment covered in the report, which in the opinion of the Commission will be fair and equitable and effectuate the purposes of this compact.

(c) Each party state obligates itself to give due consideration to any and all rules, regulations and codes issued by the Commission and hereby declares its policy and intent to be the promotion of uniformity in the laws of the several party states relating to equipment.

(d) The Commission shall send prompt notice of its action in issuing any rule, regulation or code pursuant to this Article to the appropriate motor vehicle agency of each party state and such notice shall contain the complete text of the rule, regulation or code.

(e) If the constitution of a party state requires, or if its statutes provide, the approval of the legislature by appropriate resolution or act may be made a condition precedent to the taking effect in such party state of any rule, regulation or code. In such event, the commissioner of such party state shall submit any Commission rule, regulation or code to the legislature as promptly as may be in lieu of administrative acceptance or rejection thereof by the party state.

(f) Except as otherwise specifically provided in or pursuant to subdivisions (e) and (g) of this Article, the appropriate motor vehicle agency of a party state shall in accordance with its constitution or procedural laws adopt the rule, regulation or code within six months of the sending of the notice, and, upon such adoption, the rule, regulation or code shall have the force and effect of law therein.

(g) The appropriate motor vehicle agency of a party state may decline to adopt a rule, regulation or code issued by the Commission pursuant to this Article if such agency specifically finds, after public hearing on due notice, that a variation from the Commission's rule, regulation or code is necessary to the public safety, and incorporates in such finding the reasons upon which it is based. Any such finding shall be subject to review by such procedure for review of administrative determinations as may be applicable pursuant to the laws of the

party state. Upon request, the Commission shall be furnished with a copy of the transcript of any hearings held pursuant to this subdivision.

#### ARTICLE VI—Finance

(a) The Commission shall submit to the executive head or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that party state for presentation to the legislature thereof.

(b) Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The total amount of appropriations under any such budget shall be apportioned among the party states as follows: one-third in equal shares; and the remainder in proportion to the number of motor vehicles registered in each party state. In determining the number of such registrations, the Commission may employ such source or sources of information as, in its judgment present the most equitable and accurate comparisons among the party states. Each of the Commission's budgets of estimated expenditures and requests for appropriations shall indicate the source or sources used in obtaining information concerning vehicular registrations.

(c) The Commission shall not pledge the credit of any party state. The Commission may meet any of its obligations in whole or in part with funds available to it under Article III (h) of this compact, provided that the Commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it under Article III (h) hereof, the Commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

(d) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its rules. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual reports of the Commission.

(e) The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the Commission.

(f) Nothing contained herein shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

#### ARTICLE VII—Conflict of Interest

(a) The Commission shall adopt rules and regulations with respect to conflict of interest for the commissioners of the party states, and their alternates, if any, and for the staff of the Commission and contractors with the Commission to the end that no member or employee or

contractor shall have a pecuniary or other incompatible interest in the manufacture, sale or distribution of motor vehicles or vehicular equipment or in any facility or enterprise employed by the Commission or on its behalf for testing, conduct of investigations or research. In addition to any penalty for violation of such rules and regulations as may be applicable under the laws of the violator's jurisdiction of residence, employment or business, any violation of a Commission rule or regulation adopted pursuant to this Article shall require the immediate discharge of any violating employee and the immediate vacating of membership, or relinquishing of status as a member on the Commission by any commissioner or alternate. In the case of a contractor, any violation of any such rule or regulation shall make any contract of the violator with the Commission subject to cancellation by the Commission.

(b) Nothing contained in this Article shall be deemed to prevent a contractor for the Commission from using any facilities subject to his control in the performance of the contract even though such facilities are not devoted solely to work of or done on behalf of the Commission; nor to prevent such a contractor from receiving remuneration or profit from the use of such facilities.

#### ARTICLE VIII—Advisory and Technical Committees

The Commission may establish such advisory and technical committees as it may deem necessary, membership on which may include private citizens and public officials, and may cooperate with and use the services of any such committees and the organizations which the members represent in furthering any of its activities.

#### ARTICLE IX—Entry Into Force and Withdrawal

(a) This compact shall enter into force when enacted into law by any six or more states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the executive head of the withdrawing state has given notice in writing of the withdrawal to the executive heads of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

#### ARTICLE X—Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the Constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating herein, the compact shall remain in full force and effect as to the remaining party states and



in full force and effect as to the state affected as to all severable matters. [1963 c 204 § 1.]

**46.38.020 Legislative findings.** The legislature finds that:

(1) The public safety necessitates the continuous development, modernization and implementation of standards and requirements of law relating to vehicle equipment, in accordance with expert knowledge and opinion.

(2) The public safety further requires that such standards and requirements be uniform from jurisdiction to jurisdiction, except to the extent that specific and compelling evidence supports variation.

(3) The state commission on equipment, acting upon recommendations of the vehicle equipment safety commission and pursuant to the vehicle equipment safety compact provides a just, equitable and orderly means of promoting the public safety in the manner and within the scope contemplated by this chapter. [1963 c 204 § 2.]

**46.38.030 Rules, etc., of vehicle safety equipment commission not effective until approved by legislature.** Pursuant to Article V(e) of the vehicle equipment safety compact it is the intention of this state and it is hereby provided that any rule, regulation, or code issued by the vehicle equipment safety commission in accordance with Article V of the compact shall take effect when issued in accordance with the Administrative Procedure Act by the state commission on equipment. [1967 ex.s. c 145 § 57; 1963 c 204 § 3.]

**Severability—1967 ex.s. c 145: See RCW 47.98.043.**

**46.38.040 Appointment of commissioner and alternate commissioner.** The commissioner of this state on the vehicle equipment safety commission shall be appointed by the members of the state commission on equipment to serve at their pleasure. The members of the state commission on equipment may also designate an alternate commissioner to serve whenever the commissioner of this state is unable to participate on the vehicle equipment safety commission. Subject to the provisions of the compact and bylaws of the vehicle equipment safety commission, the authority and responsibilities of such alternate shall be as determined by the state commission on equipment. [1963 c 204 § 4.]

**46.38.050 Cooperation of state agencies with vehicle equipment safety commission.** Within appropriations available therefor, the departments, agencies and officers of the government of this state may cooperate with and assist the vehicle equipment safety commission within the scope contemplated by Article III(h) of the compact. The departments, agencies and officers of the government of this state are authorized generally to cooperate with said commission. [1963 c 204 § 5.]

**46.38.060 State officers for the filing of documents and receipt of notices.** Filing of documents as required by Article III(j) of the compact shall be with the secretary of the state commission on equipment. Any and all

notices required by commission bylaws to be given pursuant to Article III(j) of the compact shall be given to the commissioner of this state, his alternate, if any, and the secretary of the state commission on equipment. [1963 c 204 § 6.]

**46.38.070 Vehicle equipment safety commission to submit budgets to budget director.** Pursuant to Article VI(a) of the compact, the vehicle equipment safety commission shall submit its budgets to the budget director. [1963 c 204 § 7.]

**46.38.080 State auditor to inspect accounts of vehicle equipment safety commission.** Pursuant to Article VI(e) of the compact, the state auditor is hereby empowered and authorized to inspect the accounts of the vehicle equipment safety commission. [1963 c 204 § 8.]

**46.38.090 Withdrawal from compact, "executive head" defined.** The term "executive head" as used in Article IX(b) of the compact shall, with reference to this state, mean the governor. [1963 c 204 § 9.]

## Chapter 46.44 SIZE, WEIGHT, LOAD

### Sections

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*Auto transportation companies: Chapter 81.68 RCW.*

**46.44.010 Outside width limit.** The total outside width of any vehicle or load thereon shall not exceed eight feet: *Provided*, That in any instance where it is necessary to extend a rear vision mirror beyond the extreme left or right of the body the same may be done despite the fact that this results in a width in excess of eight feet, but no rear vision mirror shall extend more than five inches beyond the extreme limits of the body: *Provided further*, That in those instances where it is necessary to install fenders on the rear wheels of vehicles to reduce wheel spray the same may be done despite the fact that this results in a width in excess of eight feet providing such fenders are made of rubber and do not extend more than two inches beyond either side of the body: *And provided further*, That a tolerance of two inches in width will be allowed on the tires of all vehicles where such overwidth is due entirely to the expansion of the tires: *Provided further, however*, That safety appliances such as clearance lights, rub rails, binder chains and appurtenances such as door handles, door hinges and turning signal brackets, may extend beyond the extreme left or right of the body despite the fact that this results in a width in excess of eight feet but no appliances or appurtenances can extend more than two inches beyond the extreme limits of the body. [1961 c 12 § 46.44.010. Prior: 1947 c 200 § 4; 1937 c 189 § 47; Rem. Supp. 1947 § 6360-47; 1923 c 181 § 4, part; RRS § 6362-8, part.]

**46.44.020 Maximum height—Impaired clearance signs.** It shall be unlawful for any vehicle unladen or with load to exceed a height of fourteen feet above the level surface upon which the vehicle stands: *Provided*, That this height limitation shall not apply to authorized emergency vehicles or repair equipment of a public utility engaged in reasonably necessary operation. The provisions of this section shall not relieve the owner or operator of a vehicle or combination of vehicles from the exercise of due care in determining that sufficient vertical clearance is provided upon the public highways where such vehicle or combination of vehicles is being operated; and no liability shall attach to the state or to any county, city, town, or other political subdivision by reason of any damage or injury to persons or property by reason of the existence of any structure over or across any public highway where the vertical clearance above the roadway is fourteen feet or more; or, where such vertical clearance is less than fourteen feet, if impaired clearance signs of a design approved by the Washington state highway commission are erected and maintained on the right side of any such public highway: In cities and towns at a distance of not less than two hundred feet and not more than three hundred feet; and in rural areas at a distance of not less than three hundred fifty feet and not more than five hundred feet, from each side of such structure. If any structure over or across any public highway is not owned by the state or by a county, city,

town, or other political subdivision, it shall be the duty of the owner thereof when billed therefor to reimburse the Washington state highway commission or the county, city, town, or other political subdivision having jurisdiction over such highway for the actual cost of erecting and maintaining such impaired clearance signs, but no liability shall attach to such owner by reason of any damage or injury to persons or property caused by impaired vertical clearance above the roadway. [1975-'76 2nd ex.s. c 64 § 7; 1971 ex.s. c 248 § 1; 1965 c 43 § 1; 1961 c 12 § 46.44.020. Prior: 1959 c 319 § 26; 1955 c 384 § 1; 1953 c 125 § 1; 1951 c 269 § 20; 1937 c 189 § 48; RRS § 6360-48.]

**Effective dates—Severability—1975-'76 2nd ex.s. c 64:** See notes following RCW 46.16.070.

**46.44.030 Maximum lengths.** It is unlawful for any person to operate upon the public highways of this state any vehicle other than a municipal transit vehicle having an overall length, with or without load, in excess of thirty-five feet: *Provided*, That an auto stage or school bus shall not exceed an overall length, inclusive of front and rear bumpers, of forty feet: *Provided further*, That any such school bus shall be equipped with three axles: *Provided further*, That the route of any such auto stage or school bus upon or across the public highways within the jurisdictional boundaries of any city or county shall be limited as determined by the state highway commission after consultation and agreement with the local legislative authority, and the operation of any such school bus upon the public highway shall be limited as determined by the superintendent of public instruction in the manner provided for in RCW 46.61.380.

It is unlawful for any person to operate on the highways of this state any combination of vehicles which contains a vehicle of which the permanent structure is in excess of forty-five feet.

It is unlawful for any person to operate upon the public highways of this state any combination consisting of a nonstinger steered tractor and semitrailer which has an overall length in excess of sixty-five feet.

It is unlawful for any person to operate on the highways of this state any combination consisting of a truck and trailer, or any lawful combination of three vehicles, with an overall length, with or without load, in excess of sixty-five feet, or a combination consisting of a tractor and a stinger steered semitrailer which has an overall length in excess of sixty-five feet without load or in excess of seventy feet with load.

"Stinger steered" as used in this section shall mean a tractor and semitrailer combination which has the coupling connecting the semitrailer to the tractor located to the rear of the center line of the rear axle of the tractor.

These length limitations shall not apply to vehicles transporting poles, pipe, machinery or other objects of a structural nature which cannot be dismembered and operated by a public utility when required for emergency repair of public service facilities or properties but in respect to night transportation every such vehicle and load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark

the dimensions of such load. [1975-'76 2nd ex.s. c 53 § 1; 1974 ex.s. c 76 § 2; 1971 ex.s. c 248 § 2; 1967 ex.s. c 145 § 61; 1963 ex.s. c 3 § 52; 1961 ex.s. c 21 § 36; 1961 c 12 § 46.44.030. Prior: 1959 c 319 § 25; 1957 c 273 § 14; 1951 c 269 § 22; prior: 1949 c 221 § 1, part; 1947 c 200 § 5, part; 1941 c 116 § 1, part; 1937 c 189 § 49, part; Rem. Supp. 1949 § 6360-49, part.]

**Severability**—1967 ex.s. c 145: See RCW 47.98.043.

**46.44.034 Maximum lengths**—**Front and rear protrusions.** The load, or any portion of any vehicle, operated alone upon the public highway of this state, or the load, or any portion of the front vehicle of a combination of vehicles, shall not extend more than three feet beyond the front wheels of such vehicle, or the front bumper, if equipped with front bumper.

No vehicle shall be operated upon the public highways with any part of the permanent structure or load extending in excess of fifteen feet beyond the center of the last axle of such vehicle. [1961 c 12 § 46.44.034. Prior: 1957 c 273 § 15; 1951 c 269 § 24; prior: 1949 c 221 § 1, part; 1947 c 200 § 5, part; 1941 c 116 § 1, part; 1937 c 189 § 49, part; Rem. Supp. 1949 § 6360-49, part.]

**46.44.036 Combination of units**—**Limitation.** Except as provided in RCW 46.44.037, it is unlawful for any person to operate upon the public highways of this state any combination of vehicles consisting of more than two vehicles. For the purposes of this section a truck tractor-semitrailer or pole trailer combination will be considered as two vehicles but the addition of another axle to the tractor of a truck tractor-semitrailer or pole trailer combination in such a way that it supports a proportional share of the load of the semitrailer or pole trailer shall not be deemed a separate vehicle but shall be considered a part of the truck tractor. For the purposes of this section a converter gear used in converting a semitrailer to a full trailer shall not be deemed a separate vehicle but shall be considered a part of the trailer. [1975-'76 2nd ex.s. c 64 § 8; 1961 c 12 § 46.44.036. Prior: 1955 c 384 § 2; 1951 c 269 § 23; prior: 1949 c 221 § 1, part; 1947 c 200 § 5, part; 1941 c 116 § 1, part; 1937 c 189 § 49, part; Rem. Supp. 1949 § 6360-49, part.]

**Effective dates**—**Severability**—1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

**46.44.037 Combination of units**—**Lawful operations.** Notwithstanding the provisions of RCW 46.44.036 and subject to such rules and regulations governing their operation as may be adopted by the state highway commission operation of the following combinations shall be lawful:

(1) A combination consisting of a truck tractor, a semitrailer, and a full trailer. In this connection a converter gear used to convert a semitrailer into a full trailer shall be considered to be a part of the full trailer and not a separate vehicle. A converter gear being pulled without load and not used to convert a semitrailer into a full trailer may be substituted in lieu of a full trailer or a semitrailer in any lawful combination;

(2) A combination consisting of three trucks or truck tractors used in driveaway service where two of the vehicles are towed by the third in double saddlemount position. [1975-'76 2nd ex.s. c 64 § 9; 1965 ex.s. c 170 § 37; 1963 ex.s. c 3 § 53; 1961 c 12 § 46.44.037. Prior: 1957 c 273 § 16; 1955 c 384 § 3.]

**Effective dates**—**Severability**—1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

**46.44.038 Width, height, length and combinations restrictions**—**Special permits to exceed authorized.** Subject to such terms and conditions as it shall consider proper and on such highways as it shall deem suitable, and when it finds it to be in the public interest, the state highway commission may by special permit authorize the operation of vehicles and combinations of vehicles other than school buses which exceed the restrictions set forth in RCW 46.44.010, 46.44.020, 46.44.030 and 46.44.036. The fee for such permits shall be those set forth in RCW 46.44.094, as amended. [1967 ex.s. c 145 § 62.]

**Severability**—1967 ex.s. c 145: See RCW 47.98.043.

**46.44.041 Maximum gross weights**—**Axle factor.** No vehicle or combination of vehicles shall operate upon the public highways of this state with a gross load on any single axle in excess of twenty thousand pounds, or upon any group of axles in excess of that set forth in the following table, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each, if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

Dis-  
tance  
in feet  
between  
the ex-  
tremes  
of any  
group  
of 2  
or more  
consecu-

Maximum load in pounds  
carried on any group of 2  
or more consecutive axles

\*(Maximum load in pounds carried  
on any group of 2 consecutive  
sets of tandem axles)

axles	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles
4	34,000							
5	34,000							
6	34,000							
7	34,000							
8	34,000	36,500						
9	39,000	38,000						
10	40,000	39,500						
11		41,000						
12		42,500	42,500					
13		44,000	44,000					
14		45,500	45,500					
15		47,000	47,000					
16		48,000	48,000	48,000				
17		48,500	48,500	49,000				
18		49,500	49,500	50,000				
19		50,000	50,000	51,000				
20		51,000	51,000	52,000	52,000			
21		51,500	51,500	53,000	53,000			
22		52,500	52,500	54,000	54,000			
23		53,000	53,000	55,000	55,000			
24		54,000	54,000	55,500	56,000	56,000		
25		54,500	55,000	56,500	57,000	57,000		
26		55,500	56,000	57,500	58,000	58,000		
27		56,000	57,000	58,500	59,000	59,000		
28		57,000	58,000	60,000	60,000	60,000	60,000	
29		57,500	(60,500)* 59,000	60,500	61,000	61,000	61,000	
30		58,500	(61,500)* 59,000	61,500	62,000	62,000	62,000	
31		59,000	(62,000)* 60,500	62,500	63,000	63,000	63,000	
32		60,000	(62,500)* 61,500	63,500	64,000	64,000	64,000	64,000
33			(63,500)* 62,500	64,500	65,000	65,000	65,000	65,000
34			(64,000)* 63,500	65,000	66,500	66,500	66,500	66,500
35			(64,500)* 64,500	66,500	67,500	67,500	67,500	67,500
36			(65,500)* 65,500	67,500	68,500	68,500	68,500	68,500
37			(68,000)* 66,500	68,500	69,500	69,500	69,500	69,500
38			67,500	69,000	70,500	70,500	70,500	70,500
39			68,000	70,000	71,500	71,500	71,500	71,500
40			68,500	71,000	72,500	72,500	72,500	72,500
41			69,500	72,000	73,500	73,500	73,500	73,500
42			70,000	73,000	74,500	74,500	74,500	74,500

Dis- tance in feet between the ex- tremes of any group of 2 or more consecu- tive axles	Maximum load in pounds carried on any group of 2 or more consecutive axles							
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles
	*(Maximum load in pounds carried on any group of 2 consecutive sets of tandem axles)							
43			70,500	74,000	75,500	75,500	75,500	75,500
44			71,500	75,000	76,500	76,500	76,500	76,500
45			72,000	76,000	78,000	78,000	78,000	78,000
46			72,500	76,500	79,000	79,000	79,000	79,000
47			73,500	77,500	80,000	80,000	80,000	80,000
48			74,000	78,000	81,000	81,000	81,000	81,000
49			74,500	78,500	82,000	82,000	82,000	82,000
50			75,500	79,000	83,000	83,000	83,000	83,000
51			76,000	80,000	84,000	84,000	84,000	84,000
52			76,500	80,500	85,000	85,000	85,000	85,000
53			77,500	81,000	86,000	86,000	87,000	87,000
54			78,000	81,500	86,500	87,500	89,000	89,000
55			78,500	82,500	87,000	88,000	91,000	91,000
56			79,500	83,000	87,500	90,000	93,000	93,000
57			80,000	83,500	88,000	91,000	95,000	95,000
58				84,000	89,000	92,500	97,000	97,000
59				85,000	89,500	93,500	99,000	99,000
60				85,500	90,000	95,000	100,500	100,500
61				86,000	90,500	95,500	101,000	102,500
62				86,500	91,000	96,000	101,500	104,000
63				87,500	92,000	96,500	102,000	105,500
64				88,000	92,500	97,000	102,500	105,500
65				88,500	93,000	98,000	103,000	105,500
66				89,000	93,500	98,500	103,500	105,500
67				90,000	94,000	99,000	104,000	105,500
68				90,500	94,500	99,500	104,500	105,500
69				91,000	95,500	100,000	105,500	105,500
70				91,500	96,000	101,000	105,500	105,500

When inches are involved: Under six inches take lower, six inches or over take higher. When wheelbase of a group of axles is less than the wheelbase required by the above table to attain maximum single axle and tandem axle allowance, no axle shall exceed any axle in such group by more than two thousand five hundred pounds in weight. For this purpose of determining equal axle weight distribution, the front axle of a unit supplying motive power shall not be included in the axle group.

The maximum axle and gross weights specified in this section are subject to the braking requirements set up for the service brakes upon any motor vehicle or combination of vehicles as provided by law.

It is unlawful to operate upon the public highways any single unit vehicle, supported upon three axles or more with a gross weight including load in excess of forty thousand pounds or any combination of vehicles having a gross weight in excess of eighty thousand pounds without first obtaining an additional tonnage permit as

provided for in RCW 46.44.095: *Provided*, That when a combination of vehicles has purchased license tonnage in excess of seventy-two thousand pounds as provided by RCW 46.16.070, such excess license tonnage may be applied to the power unit subject to limitations of RCW 46.44.042 and this section when such vehicle is operated without a trailer.

It is unlawful to operate any vehicle upon the public highways equipped with two axles spaced less than seven feet apart, unless the two axles are so constructed and mounted in such a manner as to provide oscillation between the two axles and that either one of the two axles will not at any one time carry more than the maximum gross weight allowed for one axle specified in this section. [1975-'76 2nd ex.s. c 64 § 22.]

Effective dates—Severability—1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

**46.44.042 Maximum gross weights—Tire factor.** Subject to the maximum gross weights specified in RCW 46.44.041, it is unlawful to operate any vehicle upon the public highways with a gross weight, including load, upon any tire concentrated upon the surface of the highway in excess of five hundred fifty pounds per inch width of such tire, up to a maximum width of twelve inches, and for a tire having a width of twelve inches or more there shall be allowed a twenty percent tolerance above five hundred fifty pounds per inch width of such tire. For the purpose of this section, the width of tire in case of solid rubber or hollow center cushion tires, so long as the use thereof may be permitted by the law, shall be measured between the flanges of the rim. For the purpose of this section, the width of tires in case of pneumatic tires shall be the maximum overall normal inflated width as stipulated by the manufacturer when inflated to the pressure specified and without load thereon. [1975-'76 2nd ex.s. c 64 § 10; 1961 c 12 § 46.44.042. Prior: 1959 c 319 § 27; 1951 c 269 § 27; prior: 1949 c 221 § 2, part; 1947 c 200 § 6, part; 1941 c 116 § 2, part; 1937 c 189 § 50, part; Rem. Supp. 1949 § 6360-50, part; 1929 c 180 § 3, part; 1927 c 309 § 8, part; 1923 c 181 § 4, part; 1921 c 96 § 20, part; RRS § 6362-8, part.]

**Effective dates—Severability—**1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

**46.44.047 Excess weight—Logging trucks—Special permits—County or city permits—Fees—Discretion of arresting officer.** A three axle truck tractor and a two axle pole trailer combination engaged in the operation of hauling logs may exceed by not more than six thousand eight hundred pounds the legal gross weight of the combination of vehicles when licensed, as permitted by law, for sixty-eight thousand pounds: *Provided*, That the distance between the first and last axle of the vehicles in combination shall have a total wheelbase of not less than thirty-seven feet, and the weight upon two axles spaced less than seven feet apart shall not exceed thirty-three thousand six hundred pounds.

Such additional allowances shall be permitted by a special permit to be issued by the state highway commission valid only on state primary or secondary highways authorized by the state highway commission and under such rules, regulations, terms, and conditions prescribed by the state highway commission. The fee for such special permit shall be fifty dollars for a twelve-month period beginning and ending on April 1st of each calendar year. Permits may be issued at any time, but if issued after July 1st of any year the fee shall be thirty-seven dollars and fifty cents. If issued on or after October 1st the fee shall be twenty-five dollars, and if issued on or after January 1st the fee shall be twelve dollars and fifty cents. A copy of such special permit covering the vehicle involved shall be carried in the cab of the vehicle at all times. Upon the third conviction within the duration of the permit for violation of the terms and conditions of the special permit, the special permit shall be canceled. The vehicle covered by such canceled special permit shall not be eligible for a new special permit until thirty days after the cancellation of the special

permit issued to said vehicle. The fee for such renewal shall be at the same rate as set forth in this section which covers the original issuance of such special permit. Each special permit shall be assigned to a three-axle truck tractor in combination with a two-axle pole trailer. When the highway commission issues a duplicate permit to replace a lost or destroyed permit and where the highway commission transfers a permit, a fee of five dollars shall be charged for each such duplicate issued or each such transfer.

All fees collected hereinabove shall be deposited with the state treasurer and credited to the motor vehicle fund.

Permits involving city streets or county roads or using city streets or county roads to reach or leave state highways, authorized for permit by the state highway department may be issued by the city or county or counties involved. A fee of five dollars for such city or county permit may be assessed by the city or by the board of county commissioners which shall be deposited in the city or county road fund. The special permit provided for herein shall be known as a "log tolerance permit" and shall designate the route or routes to be used, which shall first be approved by the city or county engineer involved. Authorization of additional route or routes may be made at the discretion of the city or county by amending the original permit or by issuing a new permit. Said permits shall be issued on a yearly basis expiring on March 31st of each calendar year. Any person, firm, or corporation who uses any city street or county road for the purpose of transporting logs with weights authorized by state highway log tolerance permits, to reach or leave a state highway route, without first obtaining a city or county permit when required by the city or board of county commissioners shall be subject to the penalties prescribed by RCW 46.44.105. For the purpose of determining gross weight the actual scale weight taken by the officer shall be prima facie evidence of such total gross weight. In the event the gross weight is in excess of the weight permitted by law, the officer may, within his discretion, permit the operator to proceed with his vehicles in combination.

The chief of the state patrol, with the advice of the state highway commission, may make reasonable rules and regulations to aid in the enforcement of the provisions of this section. [1975-'76 2nd ex.s. c 64 § 11; 1973 1st ex.s. c 150 § 2; 1971 ex.s. c 249 § 2; 1961 ex.s. c 21 § 35; 1961 c 12 § 46.44.047. Prior: 1955 c 384 § 19; 1953 c 254 § 10; 1951 c 269 § 31.]

**Effective dates—Severability—**1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

**46.44.049 Effect of weight on highways—Study authorized.** The highway commission is authorized to make and enter into agreements with the federal government or any state or group of states or agencies thereof, or any nonprofit association, on a joint or cooperative basis, to study, analyze or test the effects of weight on highway construction. Such studies or tests may be made either by designating existing highways or the construction of test strips including natural resource roads to the end that a proper solution of the many

problems connected with the imposition on highways of motor vehicle weights may be determined.

Such studies may include the determination of values to be assigned various highway-user groups according to their gross weight or use. [1961 c 12 § 46.44.049. Prior: 1951 c 269 § 47.]

**46.44.050 Minimum length of wheelbase.** It shall be unlawful to operate any vehicle upon public highways with a wheelbase between any two axles thereof of less than three feet, six inches when weight exceeds that allowed for one axle under RCW 46.44.042 or 46.44.041. It shall be unlawful to operate any motor vehicle upon the public highways of this state with a wheelbase between the frontmost axle and the rearmost axle of less than three feet, six inches.

For the purposes of this section, wheelbase shall be measured upon a straight line from center to center of the vehicle axles designated. [1975-'76 2nd ex.s. c 64 § 12; 1961 c 12 § 46.44.050. Prior: 1941 c 116 § 3; 1937 c 189 § 51; Rem. Supp. 1941 § 6360-51; 1929 c 180 § 3, part; 1927 c 309 § 8, part; 1923 c 181 § 4, part; RRS § 6362-8, part.]

**Effective dates—Severability—1975-'76 2nd ex.s. c 64:** See notes following RCW 46.16.070.

**46.44.060 Outside load limits for passenger vehicles.** No passenger type vehicle shall be operated on any public highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof. [1961 c 12 § 46.44.060. Prior: 1937 c 189 § 52; RRS § 6360-52; 1929 c 180 § 5, part; 1927 c 309 § 10, part; RRS § 6362-10, part.]

**46.44.070 Drawbar requirements—Trailer whipping or weaving—Towing flag.** The drawbar or other connection between vehicles in combination shall be of sufficient strength to hold the weight of the towed vehicle on any grade where operated. No trailer shall whip, weave or oscillate or fail to follow substantially in the course of the towing vehicle. When a disabled vehicle is being towed by means of bar, chain, rope, cable or similar means and the distance between the towed vehicle and the towing vehicle exceeds fifteen feet there shall be fastened on such connection in approximately the center thereof a white flag or cloth not less than twelve inches square. [1961 c 12 § 46.44.070. Prior: 1937 c 189 § 53; RRS § 6360-53; 1929 c 180 § 5, part; 1927 c 309 § 10, part; RRS § 6362-10, part; 1923 c 181 § 4, part.]

**46.44.080 Local regulations—State highway regulations.** Local authorities with respect to public highways under their jurisdiction may prohibit the operation thereon of motor trucks or other vehicles or may impose limits as to the weight thereof, or any other restrictions as may be deemed necessary, whenever any such public highway by reason of rain, snow, climatic or other conditions, will be seriously damaged or destroyed unless the operation of vehicles thereon be prohibited or restricted or the permissible weights thereof reduced:

*Provided,* That whenever a highway has been closed generally to vehicles or specified classes of vehicles, local authorities shall by general rule or by special permit authorize the operation thereon of school buses, emergency vehicles, and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under such weight and speed restrictions as the local authorities deem necessary to protect the highway from undue damage: *Provided further,* That the governing authorities of incorporated cities and towns shall not prohibit the use of any city street designated by the state highway commission as forming a part of the route of any primary state highway through any such incorporated city or town by vehicles or any class of vehicles or impose any restrictions or reductions in permissible weights unless such restriction, limitation, or prohibition, or reduction in permissible weights be first approved in writing by the highway commission.

The local authorities imposing any such restrictions or limitations, or prohibiting any use or reducing the permissible weights shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution in each end of the portion of any public highway affected thereby, and no such ordinance or resolution shall be effective unless and until such signs are erected and maintained.

The highway commission shall have the same authority as hereinabove granted to local authorities to prohibit or restrict the operation of vehicles upon state highways, which rules shall be administered by the department of highways. The department of highways shall give public notice of closure or restriction. The highway commission may further authorize the department of highways to issue special permits for the operation of school buses and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under specified weight and speed restrictions as may be necessary to protect any state highway from undue damage. [1973 2nd ex.s. c 15 § 1; 1961 c 12 § 46.44.080. Prior: 1937 c 189 § 54; RRS § 6360-54.]

**46.44.090 Special permits for oversize or overweight movements.** The state highway commission with respect to primary and secondary state highways and local authorities with respect to public highways under their jurisdiction may, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size, weight of vehicle, or load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter upon any public highway under the jurisdiction of the authority granting such permit and for the maintenance of which such authority is responsible. [1975-'76 2nd ex.s. c 64 § 13; 1961 c 12 § 46.44.090. Prior: 1951 c 269 § 34; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

**Effective dates—Severability—1975-'76 2nd ex.s. c 64:** See notes following RCW 46.16.070.

**46.44.091 Special permits for oversize or overweight movements—Gross weight limit.** (1) Except as otherwise provided in subsections (3) and (4) of this section, no special permit shall be issued for movement on any state highway or route of a state highway within the limits of any city or town where the gross weight, including load, exceeds the following limits:

(a) Twenty-two thousand pounds on a single axle or on dual axles with a wheelbase between the first and second axles of less than three feet six inches;

(b) Forty-three thousand pounds on dual axles having a wheelbase between the first and second axles of not less than three feet six inches but less than seven feet;

(c) On any group of axles or in the case of a vehicle employing two single axles with a wheel base between the first and last axle of not less than seven feet but less than ten feet, a weight in pounds determined by multiplying six thousand five hundred times the distance in feet between the center of the first axle and the center of the last axle of the group;

(d) On any group of axles with a wheel base between the first and last axle of not less than ten feet but less than thirty feet, a weight in pounds determined by multiplying two thousand two hundred times the sum of twenty and the distance in feet between the center of the first axle and the center of the last axle of the group;

(e) On any group of axles with a wheel base between the first and last axle of thirty feet or greater, a weight in pounds determined by multiplying one thousand six hundred times the sum of forty and the distance in feet between the center of the first axle and the center of the last axle of the group.

(2) The total weight of a vehicle or combination of vehicles allowable by special permit under subsection (1) of this section shall be governed by the lesser of the weights obtained by using the total number of axles as a group or any combination of axles as a group.

(3) The weight limitations pertaining to single axles may be exceeded to permit the movement of equipment operating upon single pneumatic tires having a rim width of twenty inches or more and a rim diameter of twenty-four inches or more or dual pneumatic tires having a rim width of sixteen inches or more and a rim diameter of twenty-four inches or more and specially designed vehicles manufactured and certified for special permits prior to July 1, 1975.

(4) Permits may be issued for weights in excess of the limitations contained in subsection (1) of this section on highways or sections of highways which have been designed and constructed for weights in excess of such limitations, or for any shipment duly certified as necessary by military officials, or by officials of public or private power facilities, or when in the opinion of the highway commission the movement or action is a necessary movement or action: *Provided*, That in the judgment of the highway commission the structures and highway surfaces on the routes involved are capable of sustaining weights in excess of such limitations and it is not reasonable for economic or operational considerations to transport such excess weights by rail or water for any substantial distance of the total mileage applied for.

(5) Application shall be made in writing on special forms provided by the highway commission and shall be submitted at least thirty-six hours in advance of the proposed movement. An application for a special permit for a gross weight of any combination of vehicles exceeding two hundred thousand pounds shall be submitted in writing to the highway commission at least thirty days in advance of the proposed movement. [1975-'76 2nd ex.s. c 64 § 14; 1975 1st ex.s. c 168 § 1; 1969 ex.s. c 281 § 30; 1961 c 12 § 46.44.091. Prior: 1959 c 319 § 28; 1953 c 254 § 12; 1951 c 269 § 35; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

**Effective dates—Severability—1975-'76 2nd ex.s. c 64:** See notes following RCW 46.16.070.

**Effective date—1975 1st ex.s. c 168:** "This 1973 [1975] amendatory 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, 1975." [1975 1st ex.s. c 168 § 4.]

**46.44.092 Special permits for oversize or overweight movements—Overall width limits—Application for permit.** No special permit shall be issued for movement on any two lane state highway outside the limits of any city or town where the overall width of load exceeds fourteen feet, or on any multiple lane state highway where the overall width of load exceeds thirty-two feet; except that on multiple lane state highways where a physical barrier serving as a median divider separates the oncoming and opposing traffic lanes, no special permit shall be issued for width in excess of twenty feet: *Provided*, That (1) in the case of buildings, the limitations referred to in this section for movement on any two lane state highway other than the national system of interstate and defense highways may be exceeded under the following conditions: (a) Controlled vehicular traffic shall be maintained in one direction at all times; (b) maximum distance of movement shall not exceed five miles; additional contiguous permits shall not be issued to exceed the five-mile limit: *Provided*, That when in the opinion of the highway commission a hardship would result, this limitation may be exceeded upon approval of the commission; (c) prior to issuing a permit a qualified highway department employee shall make a visual inspection of the building and route involved determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement of the building; (d) special escort or other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made; (2) permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for width in excess of such limitations; (3) these limitations may be rescinded when certification is made by military officials, or by officials of public or private power facilities, or when in the opinion of the highway commission the movement or action is a necessary movement or action:



*Provided further*, That in the judgment of the highway commission the structures and highway surfaces on the routes involved are capable of sustaining widths in excess of such limitation; (4) these limitations shall not apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed forty-five thousand pounds and the overall width of load does not exceed sixteen feet: *Provided*, That the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one per week), and conditions to assure safety of traffic may be prescribed by the highway commission or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation. [1975-'76 2nd ex.s. c 64 § 15; 1970 ex.s. c 9 § 1; 1969 ex.s. c 281 § 60; 1965 ex.s. c 170 § 39; 1963 ex.s. c 3 § 54; 1961 c 12 § 46.44.092. Prior: 1959 c 319 § 29; 1955 c 146 § 2; 1951 c 269 § 36; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

**Effective dates—Severability—**1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

**46.44.093 Special permits for oversize or overweight movements—Discretion of issuer—Conditions.** The highway commission or local authority is authorized to issue or withhold such special permit at his or its discretion; or, if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicle described may be operated on the public highways indicated, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles when necessary to assure against undue damage to the road foundation, surfaces or structures or safety of traffic and may require such undertaking or other security as may be deemed necessary to compensate for injury to any roadway or road structure. [1961 c 12 § 46.44.093. Prior: 1951 c 269 § 37; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

**46.44.0941 Special permits for oversize or overweight movements—Fees.** The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements under special permit made upon state highways. All funds collected shall be forwarded to the state treasury and shall be deposited in the motor vehicle fund:

- All overlegal loads, except overweight, single trip . . . . . \$ 5.00
- Continuous operation of overlegal loads having either overwidth or overheight features only for a period not to exceed thirty days . . \$ 20.00

- Continuous operations of overlegal loads having overlength only for a period not to exceed thirty days . . . . . \$ 10.00
- Continuous operation of a combination of vehicles not to exceed seventy-five feet overall length which may contain a permanent structure vehicle not in excess of forty-seven feet for a period of one year . . . \$ 60.00
- Continuous operation of a three-axle fixed load vehicle having less than 65,000 pounds gross weight for a period not to exceed thirty days . . . . . \$ 50.00
- Continuous operation of overlegal loads having nonreducible features not to exceed eighty-five feet in length and fourteen feet in width for a period of one year . . . . . \$150.00
- Continuous operation of farm implements under a permit issued as authorized by RCW 46.44.140 by:
  - (1) Farmers in the course of farming activities for any three-month period . . . . . \$ 10.00
  - (2) Farmers in the course of farming activities for a period not to exceed one year . . . \$ 25.00
  - (3) Persons engaged in the business of the sale, repair, or maintenance of such farm implements for any three-month period . . . . . \$ 25.00
  - (4) Persons engaged in the business of the sale, repair, or maintenance of such farm implements for a period not to exceed one year . . . . . \$100.00

**Overweight Fee Schedule**

Weight over total registered gross weight plus additional gross weight purchased under provisions of RCW 46.44.095 or 46.44.047 as now or hereafter amended, or any other statute authorizing state highway commission to issue annual overweight permits.	Fee per mile on state highways
1- 5,999 pounds . . . . .	\$ .05
6,000-11,999 pounds . . . . .	\$ .10
12,000-17,999 pounds . . . . .	\$ .15
18,000-23,999 pounds . . . . .	\$ .25
24,000-29,999 pounds . . . . .	\$ .35
30,000-35,999 pounds . . . . .	\$ .45
36,000-41,999 pounds . . . . .	\$ .60
42,000-47,999 pounds . . . . .	\$ .75
48,000-53,999 pounds . . . . .	\$ .90
54,000-59,999 pounds . . . . .	\$ 1.05
60,000-65,999 pounds . . . . .	\$ 1.20
66,000-71,999 pounds . . . . .	\$ 1.45
72,000-77,999 pounds . . . . .	\$ 1.70
80,000 pounds or more . . . . .	\$ 2.00

*Provided:* (1) the minimum fee for any overweight permit shall be \$5.00, (2) the fee for issuance of a duplicate permit shall be \$5.00, (3) when computing overweight fees which result in an amount less than even dollars the fee shall be carried to the next full dollar if fifty cents or

over and shall be reduced to the next full dollar if forty-nine cents or under. [1975-'76 2nd ex.s. c 64 § 16; 1975 1st ex.s. c 168 § 2; 1973 1st ex.s. c 1 § 3; 1971 ex.s. c 248 § 3; 1967 c 174 § 8; 1965 c 137 § 2.]

**Effective dates—Severability—1975-'76 2nd ex.s. c 64:** See notes following RCW 46.16.070.

**Effective date—1975 1st ex.s. c 168:** See note following RCW 46.44.091.

**46.44.095 Annual additional tonnage permits—Fees.** Until December 31, 1976, a combination of vehicles lawfully licensed to a total gross weight of seventy-two thousand pounds, and a three or more axle single unit vehicle lawfully licensed to a total gross weight of forty thousand pounds, and on January 1, 1977, and thereafter, when a combination of vehicles has been lawfully licensed to a total gross weight of eighty thousand pounds and when a three or more axle single unit vehicle has been lawfully licensed to a total gross weight of forty thousand pounds pursuant to provisions of RCW 46.44.041, a permit for additional gross weight may be issued by the state highway commission upon the payment of thirty-seven dollars and fifty cents per year for each one thousand pounds or fraction thereof of such additional gross weight: *Provided*, That the tire limits specified in RCW 46.44.042 shall apply, and the gross weight on any single axle shall not exceed twenty thousand pounds, and the gross load on any group of axles shall not exceed the limits set forth in RCW 46.44.041: *Provided further*, That an additional two thousand pounds may be purchased for an amount not to exceed thirty dollars per thousand for the rear axle of a two-axle garbage truck. Such additional weight shall not be valid or permitted on any part of the federal interstate highway system where the maximum single axle load shall not exceed twenty thousand pounds.

The annual additional tonnage permits provided for in this section shall be issued under such rules and regulations and upon such terms and conditions as may be prescribed by the state highway commission. Such permits shall entitle the permittee to carry such additional load in such an amount and upon such highways or sections of highways as may be determined by the state highway commission to be capable of withstanding such increased gross load without undue injury to the highway: *Provided*, That the permits shall not be valid on any highway where the use of such permits would deprive this state of federal funds for highway purposes.

The annual additional tonnage permits provided for in this section shall commence on the first of January of each year. The permits may be purchased at any time, and if they are purchased for less than a full year, the fee shall be one-twelfth of the full fee multiplied by the number of months, including any fraction thereof, covered by the permit. When the department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit from one vehicle to another a fee of five dollars shall be charged for each such duplicate issued or each such transfer. The state highway commission shall issue such permits on a temporary basis for periods not less than five days at one

dollar per day for each two thousands pounds or fraction thereof.

The fees levied in RCW 46.44.0941 and this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the state or any city or town or metropolitan municipal corporation within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.85 RCW the fees provided for in this section shall be computed by the state highway commission by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter 46.85 RCW to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

The state highway commission shall prorate the fees provided in this section only if the name of the operator or owner is submitted on official listings of authorized fleet operators furnished by the department of motor vehicles. Listings furnished shall also include the percentage of mileage operated in Washington, which shall be the same percentage as determined by the department of motor vehicles, for purposes of prorating license fees. [1975-'76 2nd ex.s. c 64 § 17; 1974 ex.s. c 76 § 1; 1973 1st ex.s. c 150 § 3; 1969 ex.s. c 281 § 55; 1967 ex.s. c 94 § 15; 1967 c 32 § 51; 1965 ex.s. c 170 § 38; 1961 ex.s. c 7 § 15; 1961 c 12 § 46.44.095. Prior: 1959 c 319 § 31; 1957 c 273 § 18; 1955 c 185 § 1; 1953 c 254 § 13; 1951 c 269 § 39; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

**Effective dates—Severability—1975-'76 2nd ex.s. c 64:** See notes following RCW 46.16.070.

*Single cab card in lieu of special weight permit: RCW 46.86.040.*

**46.44.096 Special permits for oversize or overweight movements—Determining fee—To whom paid.** In determining fees according to RCW 46.44.0941, mileage on state primary and secondary highways shall be determined from the planning survey records of the department of highways and the gross weight of the vehicle or vehicles, including load, shall be declared by the applicant. Overweight on which fees shall be paid will be gross loadings in excess of loadings authorized by law or axle loadings in excess of loadings authorized by law, whichever is the greater. Loads which are overweight and oversize shall be charged the fee for the overweight permit without additional fees being assessed for the oversize features.

Fees established in RCW 46.44.0941 shall be paid to the political body issuing the permit if the entire movement is to be confined to roads, streets, or highways for which that political body is responsible; when a movement involves a combination of state highways, county roads, and/or city streets the fee shall be paid to the state highway commission. When a movement is confined within the city limits of a city or town upon city streets, including routes of state highways on city streets, all fees shall be paid to the city or town involved. A permit will not be required from city or town authorities for

a move involving a combination of city or town streets and state highways when the move through a city or town is being confined to the route of the state highway. When a move involves a combination of county roads and city streets the fee shall be paid to the county authorities, but the fee shall not be collected nor the county permit issued until valid permits are presented showing the city or town authorities approve of the move in question. When the movement involves only county roads the fees collected shall be paid to the county involved. Fees established shall be paid to the political body issuing the permit if the entire use of the vehicle during the period covered by the permit shall be confined to the roads, streets, or highways for which that political body is responsible.

If, pursuant to RCW 46.44.090, cities or counties issue additional tonnage permits similar to those provided for issuance by the state highway commission in RCW 46.44.095, the state highway commission shall authorize the use of such additional tonnage permits on state highways subject to the following conditions:

(1) The owner of the vehicle covered by such permit shall establish to the satisfaction of the state highway department that the primary use of the vehicle is on the streets or roads of the city or county issuing the additional tonnage permit;

(2) That the fees paid for such additional tonnage are not less than those established in RCW 46.44.095;

(3) That the city or county issuing such permit shall allow the use of permits issued by the state pursuant to RCW 46.44.095 on the streets or roads under its jurisdiction;

(4) That all of the provisions of RCW 46.44.042 and 46.44.041 shall be observed.

When the department of highways is satisfied that the above conditions have been complied with the state highway department by suitable endorsement on the permit shall authorize its use on such highways as the state highway commission has authorized for such permits pursuant to RCW 46.44.095, and all such use of such highways shall be subject to whatever rules and regulations the state highway commission has adopted for such permits. [1975-'76 2nd ex.s. c 64 § 18; 1971 ex.s. c 248 § 4; 1969 ex.s. c 281 § 31; 1961 c 12 § 46.44.096. Prior: 1955 c 185 § 2; 1951 c 269 § 40; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

**Effective dates—Severability—1975-'76 2nd ex.s. c 64:** See notes following RCW 46.16.070.

**46.44.098 Increase in federal limits on sizes and weights—Commission authorized to allow increases.** In the event the congress of the United States further amends section 127, Title 23 of the United States Code, authorizing increased sizes and weights, the Washington state highway commission may authorize the operation of vehicles and combinations of vehicles upon completed portions of the interstate highway system and other designated state highways as the commission may authorize if determined to be capable of accommodating

the increased sizes and weights in excess of those prescribed in RCW 46.44.041, or as provided in RCW 46.44.010 and 46.44.037. Such permitted increases shall not in any way exceed the federal limits which would jeopardize the state's allotment of federal funds. [1975-'76 2nd ex.s. c 64 § 19; 1965 c 38 § 1.]

**Effective dates—Severability—1975-'76 2nd ex.s. c 64:** See notes following RCW 46.16.070.

**46.44.100 Enforcement—Weighing and lightening.** Any police officer is authorized to require the driver of any vehicle or combination of vehicles to stop and submit to a weighing of the same either by means of a portable or stationary scale and may require that such vehicle be driven to the nearest public scale.

Whenever a police officer, upon weighing a vehicle and load, as above provided, determines that the weight is unlawful, such officer may, in addition to any other penalty provided, require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under this chapter: *Provided*, That in the event such vehicle is loaded with grain or other perishable commodities, the driver shall be permitted to proceed without removing any of such load, unless the gross weight of the vehicle and load exceeds by more than ten percent the limit permitted by this chapter. All materials unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

It shall be unlawful for any driver of a vehicle to fail or refuse to stop and submit the vehicle and load to a weighing, or to fail or refuse, when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section. [1971 ex.s. c 148 § 2; 1967 c 32 § 52; 1961 c 12 § 46.44.100. Prior: 1937 c 189 § 56; RRS § 6360-56.]

**46.44.105 Enforcement provisions—Fines, penalties, suspensions and forfeitures—Jurisdiction—Disposition of fines—Confiscation, revocation and cancellation of permits—Rules.** (1) Any person violating any of the provisions of RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, and 46.44.041, or who fails to obtain a permit as provided by RCW 46.44.090 and 46.44.095, or misrepresents the size or weight of any load or does not follow the requirements and conditions of a permit issued hereunder shall be guilty of a misdemeanor, and upon first conviction thereof shall be fined a basic fine of not less than fifty dollars; and upon second conviction thereof shall be fined a basic fine of not less than seventy-five dollars; and upon a third or subsequent conviction shall be fined a basic fine of not less than one hundred dollars.

(2) In addition to the fines levied in subsection (1) of this section any person violating RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, or 46.44.041 shall be fined three cents for each pound of excess weight: *Provided*, That upon a first violation in any calendar year, the court may suspend the fine for five hundred pounds of excess weight for each axle on any vehicle or combination of vehicles, not to exceed a two

thousand pound suspension. In no case shall the basic fine levied in subsection (1) of this section be suspended.

(3) Whenever any vehicle or combination of vehicles is involved in two violations of RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, or 46.44.041 during any twelve month period, the court may suspend the certificate of license registration of the vehicle or combination of vehicles for not less than thirty days. Upon a third or succeeding violation in any twelve month period, the court shall suspend the certificate of license registration for not less than thirty days. For purposes of this section, bail forfeiture shall be given the same effect as a conviction. Whenever the certificate of license registration is suspended, the court shall secure such certificate and immediately forward the same to the director with information concerning the suspension.

(4) Any person convicted of violating any posted limitations of a highway or section of highway shall be fined not less than one hundred and fifty dollars, and the court shall in addition thereto upon second violation within a twelve month period involving the same power unit, suspend the certificate of license registration for not less than thirty days.

(5) Any police officer is authorized to require the driver of any vehicle or combination of vehicles to stop and submit to a weighing either by means of a portable or stationary scale and may require that such vehicle be driven to the nearest public scale. Whenever a police officer, upon weighing a vehicle and load, determines that the weight is unlawful, such officer may require the driver to stop the vehicle in a suitable location and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to such limit as permitted by law.

Any vehicle whose driver or owner represents that the vehicle is disabled or otherwise unable to proceed to a weighing location shall have its load sealed or otherwise marked by any police officer. The owner or driver shall be directed that upon completion of repairs, the vehicle shall submit to weighing with the load and markings and/or seal intact and undisturbed. Failure to report for weighing, appearing for weighing with the seal broken or the markings disturbed, or removal of any cargo prior to weighing shall be unlawful. Any person so convicted shall be fined five hundred dollars, and in addition the certificate of license registration shall be suspended for not less than thirty days.

(6) Any other provision of law to the contrary notwithstanding, justice courts having venue shall have concurrent jurisdiction with the superior courts for the imposition of any penalties authorized under this section.

(7) For the purpose of determining additional fines as provided by subsection (2) of this section, "excess weight" shall mean the poundage in excess of the maximum gross weight prescribed by RCW 46.44.042 and 46.44.041 plus the weights allowed by RCW 46.44.047, 46.44.091, and 46.44.095.

(8) The basic fine provided in subsection (1) of this section shall be distributed as prescribed in RCW 46.68.050: *Provided*, That all fees, fines, forfeitures, and penalties collected or assessed by a justice court because

of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as it now exists or is later amended. For the purpose of computing the basic fines and additional fines to be imposed under the provisions of subsections (1) and (2) of this section the convictions shall be on the same vehicle or combination of vehicles within a twelve month period under the same ownership.

(9) The additional fine for excess poundage provided in subsection (2) of this section shall be transmitted by the court to the county treasurer and by him transmitted to the state treasurer for deposit in the motor vehicle fund: *Provided*, That all fees, fines, forfeitures, and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as it now exists or is later amended. It shall then be allocated annually on or before June 30th of each year in the amounts prescribed in RCW 46.68.100 as now or hereafter amended.

(10) Any state patrol officer or any weight control officer who shall find any person operating a vehicle or a combination of vehicles in violation of the conditions of a permit issued under RCW 46.44.037, 46.44.090, and 46.44.095 may confiscate such permit and forward the same to the state highway commission which may return it to the permittee or revoke, cancel, or suspend it without refund. The state highway commission shall keep a record of all action taken upon permits so confiscated, and if a permit shall be returned to the permittee the action taken by the commission shall be endorsed thereon. Any permittee whose permit is suspended or revoked may upon request receive a hearing before the commission or person designated by the commission. The commission after such hearing may reinstate any permit or revise its previous action.

Every permit issued as provided for in this chapter shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any law enforcement officer or authorized agent of any authority granting such a permit.

Upon the third conviction within a calendar year for violation of the requirements and conditions of a permit issued under RCW 46.44.095 as now or hereafter amended, the permit shall be canceled, and the canceled permit shall be immediately transmitted by the court or the arresting officer to the department of highways, and for the purposes of this section bail forfeiture shall be considered to be a conviction. The vehicle covered by such canceled permit shall not be eligible for a new permit for a period of thirty days.

(11) For the purposes of determining gross weights the actual scale weight taken by the arresting officer shall be prima facie evidence of such total gross weight.

The chief of the state patrol, with the advice of the state highway commission, may adopt reasonable rules to aid in the enforcement of the provisions of this section. [1975-'76 2nd ex.s. c 64 § 23.]

**Effective dates—Severability—**1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

**46.44.110 Liability for damage to highways, bridges, etc.** Any person operating any vehicle or moving any object or conveyance upon any public highway in this

state or upon any bridge or elevated structure which is a part of any such public highway shall be liable for all damages which said public highway, bridge or elevated structure may sustain as a result of any illegal operation of such vehicle or the moving of any such object or conveyance or as a result of the operation or moving of any vehicle, object or conveyance weighing in excess of the legal weight limits allowed by law. This section shall apply to any person operating any vehicle or moving any object or contrivance in any illegal or negligent manner or without a special permit as by law provided for vehicles, objects or contrivances of overweight, overwidth, overheight or overlength. Any person operating any vehicle shall be liable for any damage to any public highway, bridge or elevated structure sustained as the result of any negligent operation thereof. When such operator is not the owner of such vehicle, object or contrivance but is so operating or moving the same with the express or implied permission of the owner thereof, then said owner and the operator shall be jointly and severally liable for any such damage. Such damage to any state highway or structure may be recovered in a civil action instituted in the name of the state of Washington by the state highway commission. Any measure of damage to any public highway determined by the state highway commission by reason of this section shall be prima facie the amount of damage caused thereby and shall be presumed to be the amount recoverable in any civil action therefor. [1961 c 12 § 46.44.110. Prior: 1937 c 189 § 57; RRS 6360-57.]

**46.44.120 Liability of owner, others, for violations.** Whenever an act or omission is declared to be unlawful in chapter 46.44 RCW, the owner of any motor vehicle involved in such act or omission shall be responsible therefor. Any person operating such vehicle, and any persons knowingly and intentionally participating in creating an unlawful condition of use, shall also be subject to the penalties provided in this chapter for such unlawful act or omission. [1971 ex.s. c 148 § 1; 1969 ex.s. c 69 § 1.]

**46.44.130 Farm implements—Gross weight and size limitation exception—Penalty.** The limitations of RCW 46.44.010, 46.44.020, 46.44.030, and 46.44.041 shall not apply to the movement of farm implements of less than forty-five thousand pounds gross weight, a total length of seventy feet or less, and a total outside width of fourteen feet or less when being moved while patrolled, flagged, lighted, signed and at a time of day in accordance with rules hereby authorized to be adopted by the highway commission and the statutes. Violation of a rule adopted by the highway commission as authorized by this section or a term of this section is a misdemeanor. [1975-'76 2nd ex.s. c 64 § 20; 1975 1st ex.s. c 168 § 3; 1973 1st ex.s. c 1 § 1.]

**Effective dates—Severability—1975-'76 2nd ex.s. c 64:** See notes following RCW 46.16.070.

**Effective date—1975 1st ex.s. c 168:** See note following RCW 46.44.091.

**46.44.140 Farm implements—Special permits—Penalty.** In addition to any other special permits authorized by law, special permits may be issued by the highway commission for a quarterly or annual period upon such terms and conditions as it shall find proper for the movement of (1) farm implements used for the cutting or threshing of mature crops; or (2) other farm implements as may be identified by rule of the highway commission. Any farm implement moved under this section must have a gross weight less than forty-five thousand pounds and a total outside width of less than twenty feet while being moved and such movement must be patrolled, flagged, lighted, signed, at a time of day and otherwise in accordance with rules hereby authorized to be adopted by the highway commission for the control of such movements.

Applications for and permits issued under this section shall provide for a description of the farm implements to be moved, the approximate dates of movement and the routes of movement so far as they are reasonably known to the applicant at the time of application, but the permit shall not be limited to these circumstances but shall be general in its application except as limited by the statutes and rules adopted by the highway commission.

A copy of the governing permit shall be carried on the farm implement being moved during the period of its movement. The highway commission shall collect a fee as provided in RCW 46.44.0941.

Violation of a term or condition under which a permit was issued, or a rule adopted by the highway commission as authorized by this section or a term of this section is a misdemeanor. [1973 1st ex.s. c 1 § 2.]

**46.44.150 Highway improvement vehicles—Gross weight limit excesses authorized—Limitations.** The state, county or city authority having responsibility for the reconstruction or improvement of any public highway may, subject to prescribed conditions and limitations, authorize vehicles employed in such highway reconstruction or improvement to exceed the gross weight limitations contained in RCW 46.44.040, 46.44.042 and 46.44.044 without a special permit or additional fees as prescribed by chapter 46.44 RCW, but only while operating within the boundaries of project limits as defined in the public works contract or plans. [1975 1st ex.s. c 63 § 1.]

**46.44.160 Seasonal vehicles—Quarterly permits for additional tonnage.** In the case of seasonal vehicles for which licensed tonnage has been purchased on a quarterly basis pursuant to RCW 46.16.135, then the additional tonnage provided for in RCW 46.44.095 may be purchased on a quarterly basis: *Provided*, That the total additional tonnage purchased under each section or both sections combined is not less than six thousand pounds. The fee for such a quarterly permit shall be one-fourth the amount charged for a corresponding twelve month permit, and shall further be reduced by one-twelfth for each full calendar month of the quarter that shall have elapsed at the time the quarterly permit is purchased. In addition, a fee of five dollars shall be charged for each quarterly permit issued hereunder.

The quarterly periods covered by this section shall be registration quarters consisting of three registration months. The first quarter shall commence with registration month one.

"Seasonal vehicles" as used in this section shall mean vehicles or a combination of vehicles engaged exclusively in end or belly dump truck service, transportation of logs, transportation of specialized underwater exploration equipment for hydroelectric projects, transportation of unprocessed agricultural commodities from farm to place of first processing, and transportation of farm and orchard supplies. [1975-'76 2nd ex.s. c 64 § 21; 1975 1st ex.s. c 196 § 1.]

**Effective dates—Severability—1975-'76 2nd ex.s. c 64:** See notes following RCW 46.16.070.

### Chapter 46.48 SAFETY

#### Sections

#### EXPLOSIVES AND FLAMMABLES

- 46.48.170 State patrol jurisdiction over safety in transport of dangerous articles—Rules and regulations.  
46.48.175 State patrol jurisdiction over safety in transport of dangerous articles—Violation of rules, misdemeanor.  
46.48.180 State patrol jurisdiction over safety in transport of dangerous articles—Study directed to insure uniformity of regulations.  
46.48.190 Advisory committee to be created.

#### EXPLOSIVES AND FLAMMABLES

**46.48.170 State patrol jurisdiction over safety in transport of dangerous articles—Rules and regulations.** The Washington state patrol acting by and through the chief of the Washington state patrol, together with the committee created by RCW 46.48.190 shall have jurisdiction over the safety in the transportation of explosives, flammable materials, corrosives, compressed gases, poisons, oxidizing materials and other dangerous articles upon the public highways of this state and shall have power to make rules and regulations pertaining thereto, sufficient to protect persons and property from unreasonable risk of harm or damage. No such rules or regulations shall be inconsistent with the rules and regulations of the interstate commerce commission issued under authority of the "Transportation of Explosives act" (62 Stat. 738, 18 U.S.C.A., pp. 831-835). The chief of the Washington state patrol shall appoint the necessary qualified personnel to carry out the provisions of RCW 46.48.170 through 46.48.190. [1961 c 12 § 46.48.170. Prior: 1951 c 102 § 1; 1949 c 101 § 1; Rem. Supp. 1949 § 6360-63a.]

**46.48.175 State patrol jurisdiction over safety in transport of dangerous articles—Violation of rules, misdemeanor.** Each violation of any rules and/or regulations made pursuant to RCW 46.48.170 shall be a misdemeanor. [1961 c 12 § 46.48.175. Prior: 1951 c 102 § 2.]

**46.48.180 State patrol jurisdiction over safety in transport of dangerous articles—Study directed to**

**insure uniformity of regulations.** It shall be the duty of the Washington state patrol to make a study of the interstate commerce commission regulations pertaining to the transportation of the materials described in RCW 46.48.170, and the laws of this state pertaining to the same subject in order that the chief of the Washington state patrol may make necessary and proper recommendations to the legislature and state departments from time to time to bring about uniformity between the laws and regulations of the federal government and this state in regard to the transportation of such materials. [1961 c 12 § 46.48.180. Prior: 1949 c 101 § 2; Rem. Supp. 1949 § 6360-63b.]

**46.48.190 Advisory committee to be created.** The chief of the Washington state patrol shall appoint a committee to serve in a purely technical advisory capacity to aid in the study and evaluation of proposed regulations concerning safety in the transportation of materials described in RCW 46.48.170. The technical advisory committee shall consist of five citizens of the state employed in the following designated enterprises: One appointed each from the explosive industry, the petroleum industry, the chemical industry, the trucking industry and a representative appointed by the Washington state association of fire chiefs. [1961 c 12 § 46.48.190. Prior: 1949 c 101 § 3; Rem. Supp. 1949 § 6360-63c.]

### Chapter 46.52 ACCIDENTS—REPORTS—ABANDONED VEHICLES

#### Sections

- 46.52.010 Duty on striking unattended car or other property.  
46.52.020 Duty in case of injury to or death of person or damage to attended vehicle or other property.  
46.52.030 Accident reports.  
46.52.035 Accident reports—Suspension of license or permit for failure to make report.  
46.52.040 Accident reports—Report when operator disabled.  
46.52.050 Coroner's reports to sheriff and state patrol.  
46.52.060 Tabulation and analysis of reports—Availability for use.  
46.52.065 Coroners to submit blood samples to state toxicologist—Analysis—Utilization of reports.  
46.52.070 Police officer's report.  
46.52.080 Confidentiality of reports—Information required to be disclosed—Evidence.  
46.52.083 Confidentiality of reports—Availability of factual data to interested parties.  
46.52.085 Confidentiality of reports—Fee for written information.  
46.52.088 Reports—False information.  
46.52.090 Reports by repairmen, storage men and appraisers—Violations, penalties.  
46.52.100 Record of traffic charges—Reports of convictions by courts—Venue in justice courts—Driving under influence of liquor or drugs, penalty.  
46.52.102 Definitions.  
46.52.104 Registered owner transferring vehicle relieved of liability upon compliance with section.  
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46.52.110 Stolen and abandoned vehicles—Reports of—Notice—Disposition.

- 46.52.111 Removal and storage of vehicle or hulk—Lien—Notices—Contents.
- 46.52.112 Sale of unclaimed vehicle or hulk—Procedure—Proceeds—Deficiency.
- 46.52.113 Vehicle left in garage for storage—When deemed abandoned—Notices—Disposal.
- 46.52.114 Tow truck operator's lien—Unclaimed vehicle deemed abandoned.
- 46.52.115 Rules and regulations of department of motor vehicles—Establishment.
- 46.52.116 City or county ordinances for disposition of abandoned vehicles authorized—When vehicles deemed abandoned—Procedure.
- 46.52.117 City or county ordinances for abatement and removal of abandoned vehicles or hulks on private property authorized—Contents.
- 46.52.118 Removal of abandoned vehicle or hulk from real property—Disposal.
- 46.52.119 Unauthorized vehicles—Removal from family residential property.
- 46.52.1192 Unauthorized vehicles—Removal from other private property—Posting requirements.
- 46.52.1194 Unauthorized vehicles—Removal from private property—Duties required of towing firm—Lien—Penalty for noncompliance.
- 46.52.1196 Unauthorized vehicles—Removal from private property—Must be released, when—Penalty for defrauding towing firm.
- 46.52.1198 Disturbing vehicle left on private property—Liability.
- 46.52.120 Case record of convictions—Cross reference to accident reports.
- 46.52.130 Abstract of driving record to be furnished insurance company, employers—Confidentiality—Fees—Penalty.
- 46.52.145 Abandoned junk motor vehicles—Definitions.
- 46.52.150 Abandoned junk motor vehicles—Authorizing disposal of—Record—Disposition of moneys from.
- 46.52.160 Abandoned junk motor vehicles—Violations constituting abandoning—Evidence—Penalty.

*Hulk haulers' or scrap processors' licenses: Chapter 46.79 RCW.*

*Motor vehicle wreckers: Chapter 46.80 RCW.*

**46.52.010 Duty on striking unattended car or other property.** The operator of any vehicle which collided with any other vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the operator and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice, giving the name and address of the operator and of the owner of the vehicle striking such other vehicle.

The driver of any vehicle involved in an accident resulting only in damage to property fixed or placed upon or adjacent to any public highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of the name and address of the operator and owner of the vehicle striking such property, or shall leave in a conspicuous place upon the property struck a written notice, giving the name and address of the operator and of the owner of the vehicle so striking the property, and such person shall further make report of such accident as in the case of other accidents upon the public highways of this state. [1961 c 12 § 46.52.010. Prior: 1937 c 189 § 133; RRS § 6360-133; 1927 c 309 § 50, part; RRS § 6362-50, part.]

**46.52.020 Duty in case of injury to or death of person or damage to attended vehicle or other property.** (1) A driver of any vehicle involved in an accident resulting

in the injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to, and in every event remain at, the scene of such accident until he has fulfilled the requirements of subdivision (3) of this section; every such stop shall be made without obstructing traffic more than is necessary;

(2) The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person or damage to other property shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall forthwith return to, and in any event shall remain at, the scene of such accident until he has fulfilled the requirements of subdivision (3) of this section; every such stop shall be made without obstructing traffic more than is necessary;

(3) Unless otherwise provided in subsection (6) of this section the driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person or damage to other property shall give his name, address and vehicle license number and shall exhibit his vehicle driver's license to any person struck or injured or the driver or any occupant of, or any person attending, any such vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for the carrying of such person to a physician or hospital for medical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person or on his behalf. Under no circumstances shall the rendering of assistance or other compliance with the provisions of this subsection be evidence of the liability of any driver for such accident;

(4) Any person failing to stop or to comply with any of the requirements of subdivision (3) of this section under said circumstances shall, upon conviction, be punished by imprisonment for not less than thirty days nor more than one year or by a fine of not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment: *Provided*, That this provision shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying herewith;

(5) The license or permit to drive of any nonresident privilege to drive of any person convicted under this section or any local ordinance consisting of substantially the same language as this section of failure to stop and give information or render aid following an accident with any vehicle driven or attended by any person shall be revoked by the department;

(6) In the event that none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subsection (3) of this section, and no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of subsections (1) and (3) of this section insofar as possible on his part to be performed, shall forthwith report such accident to the nearest office of the duly authorized police authority and submit thereto the information specified in subsection (3) of this section.

[1975-'76 2nd ex.s. c 18 § 1. Prior: 1975 1st ex.s. c 210 § 1; 1975 c 62 § 14; 1967 c 32 § 53; 1961 c 12 § 46.52-.020; prior: 1937 c 189 § 134; RRS § 6360-134; 1927 c 309 § 50, part; RRS § 6362-50, part.]

**Severability**—1975 c 62: See note following RCW 36.75.010.

**46.52.030 Accident reports.** The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to the property of any one person to an apparent extent of one hundred dollars or more, shall, within twenty-four hours after such accident, make a written report of such accident to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff or state patrol if such accident occurred outside incorporated cities and towns, the original of such report to be immediately forwarded by the authority receiving such report to the chief of the Washington state patrol at Olympia, Washington, and the second copy of such report to be forwarded to the department of motor vehicles at Olympia, Washington. The chief of the Washington state patrol may require any driver of any vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report in his opinion is insufficient and may likewise require witnesses of any such accident to render reports. For this purpose, the chief of the Washington state patrol shall prepare and, upon request, supply to any police department, coroner, sheriff and any other suitable agency or individual, sample forms of accident reports required hereunder, which reports shall be upon a form devised by the chief of the Washington state patrol and shall call for sufficiently detailed information to disclose all material facts with reference to the accident to be reported thereon, including the location, the cause, the conditions then existing, and the persons and vehicles involved, personal injury or death, if any, the amounts of property damage claimed, the total number of vehicles involved, whether the vehicles were legally parked or moving, and whether such vehicles were occupied at the time of the accident. Every required accident report shall be made on a form prescribed by the chief of the Washington state patrol and each authority charged with the duty of receiving such reports shall provide sufficient report forms in compliance with the form devised. The report forms shall be designated so as to provide that a copy may be retained by the reporting person. [1969 ex.s. c 40 § 2; 1967 c 32 § 54; 1965 ex.s. c 119 § 1; 1961 c 12 § 46.52.030. Prior: 1943 c 154 § 1; 1937 c 189 § 135; RRS § 6360-135.]

**46.52.035 Accident reports—Suspension of license or permit for failure to make report.** The director shall suspend the license or permit to drive and any nonresident operating privileges of any person failing to report an accident as provided in RCW 46.52.030 until such report has been filed. [1965 ex.s. c 119 § 2.]

**46.52.040 Accident reports—Report when operator disabled.** Whenever the driver of the vehicle involved in any accident, concerning which accident report is required, is physically incapable of making the required

accident report and there is another occupant other than a passenger for hire therein, in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be made such report. Upon recovery such driver shall make such report in the manner required by law. [1967 c 32 § 55; 1961 c 12 § 46.52.040. Prior: 1937 c 189 § 136; RRS § 6360-136.]

**46.52.050 Coroner's reports to sheriff and state patrol.** Every coroner or other official performing like functions shall on or before the tenth day of each month, report in writing to the sheriff of the county in which he holds office and to the chief of the Washington state patrol the death of any person within his jurisdiction during the preceding calendar month as a result of an accident involving any vehicle, together with the circumstances of such accident. [1961 c 12 § 46.52.050. Prior: 1937 c 189 § 137; RRS § 6360-137.]

**46.52.060 Tabulation and analysis of reports—Availability for use.** It shall be the duty of the chief of the Washington state patrol to file, tabulate and analyze all accident reports and to publish annually, immediately following the close of each calendar year, and monthly during the course of the calendar year, statistical information based thereon showing the number of accidents, the location, the frequency and circumstances thereof and other statistical information which may prove of assistance in determining the cause of vehicular accidents.

Such accident reports and analysis or reports thereof shall be available to the director of motor vehicles, the highway commission, the utilities and transportation commission, or their duly authorized representatives, for further tabulation and analysis for pertinent data relating to the regulation of highway traffic, highway construction, vehicle operators and all other purposes, and to publish information so derived as may be deemed of publication value. [1967 c 32 § 56; 1961 c 12 § 46.52-.060. Prior: 1937 c 189 § 138; RRS § 6360-138.]

**46.52.065 Coroners to submit blood samples to state toxicologist—Analysis—Utilization of reports.** Every coroner or other official performing like functions shall submit to the state toxicologist a blood sample taken from all drivers and all pedestrians age fifteen years and older who are killed in any traffic accident where the death occurred within four hours after the accident. Blood samples shall be taken and submitted in the manner prescribed by the state toxicologist. The state toxicologist shall analyze these blood samples to determine the concentration of alcohol and, where feasible, the presence of drugs or other toxic substances. The reports and records of the state toxicologist relating to analyses made pursuant to this section shall be confidential, and shall not be utilized as evidence in any civil or criminal action, except that the results of these analyses shall be reported to the state patrol, and may be made available to the prosecuting attorney or law enforcement agencies having jurisdiction in any case in which an autopsy or post mortem is performed. [1971 ex.s. c 270 § 1.]



**46.52.070 Police officer's report.** Any police officer of the state of Washington or of any county, city, town or other political subdivision, present at the scene of any accident or in possession of any facts concerning any accident whether by way of official investigation or otherwise shall make report thereof in the same manner as required of the parties to such accident and as fully as the facts in his possession concerning such accident will permit. [1967 c 32 § 57; 1961 c 12 § 46.52.070. Prior: 1937 c 189 § 139; RRS § 6360-139.]

**46.52.080 Confidentiality of reports—Information required to be disclosed—Evidence.** All required accident reports and supplemental reports and copies thereof shall be without prejudice to the individual so reporting and shall be for the confidential use of the county prosecuting attorney and chief of police or county sheriff, as the case may be, and the director of motor vehicles and the chief of the Washington state patrol, and other officer or commission as authorized by law, except that any such officer shall disclose the names and addresses of persons reported as involved in an accident or as witnesses thereto, the vehicle license plate numbers and descriptions of vehicles involved, and the date, time and location of an accident, to any person who may have a proper interest therein, including the driver or drivers involved, or the legal guardian thereof, the parent of a minor driver, any person injured therein, the owner of vehicles or property damaged thereby, or any authorized representative of such an interested party, or the attorney or insurer thereof. No such accident report or copy thereof shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that any officer above named for receiving accident reports shall furnish, upon demand of any person who has, or who claims to have, made such a report, or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the chief of the Washington state patrol solely to prove a compliance or a failure to comply with the requirement that such a report be made in the manner required by law: *Provided*, That the reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of RCW 46.52.088. [1975 c 62 § 15; 1967 c 32 § 58; 1965 ex.s. c 119 § 3; 1961 c 12 § 46.52.080. Prior: 1937 c 189 § 140; RRS § 6360-140.]

**Severability—1975 c 62:** See note following RCW 36.75.010.

**46.52.083 Confidentiality of reports—Availability of factual data to interested parties.** All of the factual data submitted in report form by the officers, together with the signed statements of all witnesses, except the reports signed by the drivers involved in the accident, shall be made available upon request to the interested parties named in RCW 46.52.080. [1965 ex.s. c 119 § 4.]

**46.52.085 Confidentiality of reports—Fee for written information.** Any information authorized for release under RCW 46.52.080 and 46.52.083 may be furnished in written form for a fee of two dollars. All fees received by the Washington state patrol for such copies shall be

deposited in the motor vehicle fund. [1971 ex.s. c 91 § 5; 1965 ex.s. c 119 § 5.]

**46.52.088 Reports—False information.** A person shall not give information in oral or written reports as required in chapter 46.52 RCW knowing that such information is false. [1975 c 62 § 16.]

**Severability—1975 c 62:** See note following RCW 36.75.010.

**46.52.090 Reports by repairmen, storage men and appraisers—Violations, penalties.** Any person, firm, corporation or association engaged in the business of repair to motor vehicles or any person, firm, corporation or association which may at any time engage in the repair of any motor vehicle or other vehicle owned by any other person, firm, corporation, or association, shall be and is hereby required to maintain a complete record of any and all vehicles repaired, the nature of the repair to which indicates the damage or injury could have been caused by collision with any person or property. Such report shall be made out and kept posted currently in duplicate, showing the name of the person for whom such repair is done, the date of such repair, the motor number of the vehicle if it be a motor vehicle, or the serial number of the vehicle if it be a trailer or semi-trailer, the license number of the vehicle, a brief statement of the nature of such repair and the cost thereof. Such report should be certified by the person or a duly authorized representative of the firm, corporation or association performing such repairs, such certification stating that the foregoing report is a true and accurate report of all such repairs, performed during the period covered by said report and in any wise indicating that the injury or damage to such vehicle could have been caused by collision with any person or property. Any person, firm, corporation or association failing to submit such report shall be guilty of a gross misdemeanor and any person certifying to any such report containing fraudulent or untrue information or omitting any required information in any material respect shall be guilty of forgery. Such report shall be submitted on Monday of each week for the preceding calendar week, to the local authority to whom accident reports are required to be made. When such local authority shall have checked such reports for their own informational purposes, such reports shall be forwarded to the chief of the Washington state patrol, and such reports shall be forwarded within a period of ten days from the date of submission to such local authority. The person, firm, corporation or association performing such repairs shall retain the duplicate copy of such report in their permanent files and the same shall be open to inspection during business hours by any police officer or any person authorized by the chief of the Washington state patrol. Such report shall also be made by persons, firms or corporations providing storage or furnishing appraisals and shall contain the same record as required above of any such vehicles brought in for appraisal or storage. Forms for such records shall be prescribed by the chief of the Washington state patrol and may be obtained from the local authority to whom accident reports are made.

It shall be unlawful for any person to destroy or conceal any evidence of damage to a vehicle indicating that such damage could be the result of collision with any person or property without adequate record thereof and any person so doing shall be guilty of a gross misdemeanor. [1967 c 32 § 59; 1961 c 12 § 46.52.090. Prior: 1937 c 189 § 141; RRS § 6360-141.]

**46.52.100 Record of traffic charges—Reports of convictions by courts—Venue in justice courts—Driving under influence of liquor or drugs, penalty.** Every justice of the peace, police judge and clerk of superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation or other legal form of traffic charge deposited with or presented to said justice of the peace, police judge, superior court or a traffic violations bureau, and shall keep a record of every official action by said court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal and the amount of fine or forfeiture resulting from every said traffic complaint or citation deposited with or presented to the justice of the peace, police judge, superior court or traffic violations bureau.

The Monday following the conviction or forfeiture of bail of a person upon a charge of violating any provisions of this chapter or other law regulating the operating of vehicles on highways, every said magistrate of the court or clerk of the court of record in which such conviction was had or bail was forfeited shall prepare and immediately forward to the director of motor vehicles at Olympia an abstract of the record of said court covering the case in which said person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any conviction involving the illegal parking or standing of a vehicle.

Said abstract must be made upon a form furnished by the director and shall include the name and address of the party charged, the number, if any, of his driver's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail forfeited and the amount of the fine or forfeiture as the case may be.

Every court of record shall also forward a like report to the director upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

The director shall keep all abstracts received hereunder at his office in Olympia and the same shall be open to public inspection during reasonable business hours.

Venue in all justice courts shall be before one of the two nearest justices of the peace in incorporated cities and towns nearest to the point the violation allegedly occurred: *Provided*, That in counties of class A and of the first class such cases may be tried in the county seat at the request of the defendant.

It shall be the duty of the officer, prosecuting attorney or city attorney signing the charge or information in any case involving a charge of driving under the influence of intoxicating liquor or any narcotic drug immediately to make request to the director for an abstract of convictions and forfeitures which the director shall furnish.

If a driver has a record of two or more convictions or forfeitures of the offense of operating a vehicle under the influence of or affected by the use of intoxicating liquor or any narcotic drug within a five year period, he shall, upon conviction, be fined not less than one hundred dollars and not more than one thousand dollars, and shall be sentenced to not less than thirty days and not more than one year in the county jail and neither fine nor sentence shall be suspended; and the court shall revoke the driver's license.

If the driver at the time of the offense charged was without a driver's license because of a previous suspension or revocation, the minimum mandatory jail sentence and fine shall be ninety days in the county jail and a two hundred dollar fine. The penalty so imposed shall not be suspended. [1967 c 32 § 60; 1961 c 12 § 46.52.100. Prior: 1955 c 393 § 2; 1949 c 196 § 15; 1937 c 189 § 142; Rem. Supp. 1949 § 6360-142.]

**46.52.102 Definitions.** An "abandoned vehicle" for the purposes of this chapter shall mean any vehicle left within the limits of any highway or upon the property of another without the consent of the owner of such property for a period of twenty-four hours, or longer except that a vehicle shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance. An "abandoned automobile hulk" for the purposes of this chapter shall mean the abandoned remnant or remains of a motor vehicle which is inoperative and cannot be made mechanically operative without the addition of vital parts or mechanisms and the application of a substantial amount of labor to effect repairs. [1969 ex.s. c 42 § 3.]

**46.52.104 Registered owner transferring vehicle relieved of liability upon compliance with section.** A registered owner transferring a motor vehicle shall be relieved from personal liability under RCW 46.52.106, 46.52.111, 46.52.112 and 46.52.117 if within five days of the transfer he transmits to the department of motor vehicles, on a form prescribed by the director of motor vehicles, notice that he has transferred his interest in the vehicle, the name of the transferee, and the date on which the transaction was made. [1969 ex.s. c 281 § 39.]

**46.52.106 Owner of record presumed liable for costs when vehicle abandoned—Exception.** The abandonment of any vehicle or automobile hulk shall constitute a prima facie presumption that the last owner of record is responsible for such abandonment and thus liable for any costs incurred in removing, storing and disposing of such motor vehicle or automobile hulk. A registered owner who has complied with the requirements of RCW 46.52.104 in the transfer of ownership of the vehicle or

hulk shall be relieved of liability under this section. [1969 ex.s. c 281 § 40; 1969 ex.s. c 42 § 4.]

**46.52.108 Appointment of tow truck operator to dispose of vehicles and hulks—Bond—Compliance required.** The director of the department of motor vehicles may appoint any tow truck operator engaged in removing and storing of abandoned motor vehicles for the purpose of disposing of certain abandoned vehicles and automobile hulks. Each such appointment shall be contingent upon the submission of an application to the director and the making of subsequent reports in such form and frequency as may be required by rule and regulation and upon the posting of a surety bond in the amount of three thousand dollars to ensure compliance with RCW 46.52.111 and to compensate the owner of any vehicle that has been unlawfully sold as a result of any negligence or misconduct of the tow truck operator.

Any appointment may be canceled by the director upon evidence that the appointed tow truck operator is not complying with all laws, rules and regulations relative to the handling and disposition of abandoned motor vehicles.

Any tow truck operator under contract to a city or county for the impounding of vehicles shall comply with such administrative regulations relative to the handling and disposing of vehicles as may be promulgated by such city or county and as hereinafter set forth. [1969 ex.s. c 281 § 44; 1969 ex.s. c 42 § 5.]

**46.52.110 Stolen and abandoned vehicles—Reports of—Notice—Disposition.** It shall be the duty of the sheriff of every county, the chief of police or chief police officer of every incorporated city and town of this state, constables and members of the Washington state patrol to report immediately to the chief of the Washington state patrol all motor vehicles reported to them as stolen or recovered, upon forms to be provided by the chief of the Washington state patrol.

In the event that any motor vehicle reported as stolen has been recovered, the person so reporting the same as stolen shall be guilty of a misdemeanor unless he shall report the recovery thereof to the sheriff, chief of police, or other chief police officer to whom such motor vehicle was reported as stolen.

Upon receipt of such information the chief of the Washington state patrol shall file the same in a "stolen vehicle index". He shall also file any reports of vehicles stolen in other states and reported to him as such. It shall be the duty of the chief of the Washington state patrol to keep a file record of all vehicles reported to him as recovered.

The chief of the Washington state patrol shall publish at least once a month a list of all vehicles reported as stolen and not reported as having been recovered and all abandoned vehicles and forward a copy of such list to every sheriff in this state, the chief of police or chief police officer of every incorporated city and town with a population in excess of three thousand inhabitants, each member of the Washington state patrol and the cognizant state officer of each state in the United States.

Such information shall be provided by the chief of the Washington state patrol for the use of the director of motor vehicles as will permit the director to check the motor or serial number set forth in any application for certificate of ownership or certificate of license registration against such "stolen vehicle index" and no such certificates shall be issued upon any vehicle recorded as stolen and the director shall immediately inform the chief of the Washington state patrol of any application upon any such vehicle.

It shall be the duty of the sheriff of every county, the chief of police or chief police officer of each incorporated city and town, members of the Washington state patrol and constables to report to the chief of the Washington state patrol all vehicles or automobile hulks found abandoned on a public highway or at any other place and the same shall thereafter, at the direction of such law enforcement officer, be placed in the custody of a tow truck operator. [1969 ex.s. c 42 § 6; 1967 c 32 § 61; 1965 ex.s. c 23 § 2; 1963 c 44 § 1; 1961 c 12 § 46.52-.110. Prior: 1937 c 189 § 143; RRS § 6360-143.]

**46.52.111 Removal and storage of vehicle or hulk—Lien—Notices—Contents.** Such tow truck operator shall take custody of such abandoned vehicle or automobile hulk, remove the same to the established place of business of the tow truck operator where the same shall be stored, and such tow truck operator shall have a lien upon such vehicle or hulk for services provided in the towing and storage of the same, and shall also have a claim against the last registered owner of such vehicle or hulk for services provided in the towing and storage of the same, not to exceed the sum of one hundred dollars. A registered owner who has complied with RCW 46.52.104 in the transfer of ownership of the vehicle or hulk shall be relieved of liability under this section.

Within five days after receiving custody of such abandoned vehicle or automobile hulk, the tow truck operator shall give notice of his custody to the department of motor vehicles and the chief of the Washington state patrol and within five days after having received the name and address of the owner, he shall notify the registered and legal owner of the same with copies of such notice being sent to the chief of the Washington state patrol and to the department of motor vehicles. The notice to the registered and legal owner shall be sent by the tow truck operator to the last known address of said owner appearing on the records of the department of motor vehicles, and such notice shall be sent to the registered and legal owner by certified or registered mail with a five-day return receipt requested. Such notice shall contain a description of the vehicle or hulk including its license number and/or motor number if obtainable, and shall state the amount due the tow truck operator for services in the towing and storage of the same and the time and place of public sale if the amount remains unpaid.

The department of motor vehicles shall supply the last known names and addresses of registered and legal owners of abandoned vehicles or automobile hulks appearing on the records of the department to tow truck operators

on request without charge. [1969 ex.s. c 281 § 41; 1969 ex.s. c 42 § 7.]

**46.52.112 Sale of unclaimed vehicle or hulk—Procedure—Proceeds—Deficiency.** If, after the expiration of fifteen days from the date of mailing of notice to the registered and legal owner, the vehicle or automobile hulk remains unclaimed and has not been listed as a stolen or recovered vehicle, then the tow truck operator having custody of such vehicle or hulk shall conduct a sale of the same at public auction after having first published a notice of the date, place and time of such auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days before the date of such auction.

Such abandoned vehicle or automobile hulk shall be sold at such auction to the highest bidder. The proceeds of such sale, after deducting the towing and storage charges due the tow truck operator, including the cost of sale, which shall be computed as in a public auction sale of personal property by the sheriff, shall be certified one-half to the county treasurer of the county in which the vehicle is located to be credited to the county current expense fund, and one-half to the state treasurer to be credited to the highway safety fund. If the amount bid at the auction is insufficient to compensate the tow truck operator for his towing and storage charges and the cost of sale, such tow truck operator shall be entitled to assert a claim for any deficiency, not to exceed one hundred dollars less the amount bid at the auction, against the last registered owner of such vehicle or automobile hulk. A registered owner who has complied with RCW 46.52.104 in the transfer of ownership of the vehicle or hulk shall be relieved of liability under this section.

After the public auction and sale of any abandoned vehicle or automobile hulk as in this section provided, and after an application for certificate of title accompanied by applicable fees and taxes and supported by an appropriate affidavit reciting compliance with the procedures of this chapter has been submitted, the director of the department of motor vehicles shall issue a certificate of title showing ownership of the vehicle or automobile hulk in the name of the successful bidder at such auction. The issuance of such certificate of title by the director of the department of motor vehicles shall terminate any and all rights or claims of prior lienholders and all rights of former owners in and to such vehicle or automobile hulk.

The director of the department of motor vehicles shall establish such additional administrative rules and regulations, not inconsistent with the provisions of this chapter, as may be necessary to facilitate the disposition of abandoned vehicles and automobile hulks in those instances where the ownership of such a vehicle or hulk is not known. [1969 ex.s. c 281 § 42; 1969 ex.s. c 42 § 8.]

**46.52.113 Vehicle left in garage for storage—When deemed abandoned—Notices—Disposal.** Any vehicle left in a garage for storage more than five days where the same has not been left by the registered owner under a contract of storage and has not during such

period been removed by a person leaving the same shall be an abandoned vehicle and notice shall be given to the registered and legal owner and to the chief of the Washington state patrol and to the department of motor vehicles of the existence of such abandoned vehicle. Any garage keeper failing to report such fact to the chief of the Washington state patrol and the department of motor vehicles within ten days after the commencement of such storage shall forfeit any claim for the storage of such vehicle. All such vehicles considered abandoned by being left in a garage shall be disposed of by the garage keeper in accordance with the procedure prescribed in RCW 46.52.111 and 46.52.112.

Except for the forfeiture of claim for storage as set forth herein for failure to report vehicles left in excess of five days, nothing in this section shall be construed to impair any lien for storage accruing to a garage keeper under other law of this state. [1969 ex.s. c 42 § 9.]

**46.52.114 Tow truck operator's lien—Unclaimed vehicle deemed abandoned.** A tow truck operator bonded in accordance with RCW 46.52.108 who shall tow, transport or store any vehicle whether by contract or at the direction of any public officer, shall have a lien upon such vehicle so long as the same remains in his possession, for the charges for such towing, transportation or storage. If such a vehicle remains unclaimed for five days, it may be deemed abandoned and subject to the provisions of RCW 46.52.111 and 46.52.112. [1969 ex.s. c 42 § 10.]

**46.52.115 Rules and regulations of department of motor vehicles—Establishment.** The director of the department of motor vehicles, in cooperation with the chief of the Washington state patrol and other law enforcement agencies throughout this state, after appropriate notice and hearing, shall establish from time to time rules and regulations for the disposition of abandoned vehicles and abandoned automobile hulks not inconsistent with the provisions of this chapter. [1969 ex.s. c 281 § 45; 1969 ex.s. c 42 § 2.]

**46.52.116 City or county ordinances for disposition of abandoned vehicles authorized—When vehicles deemed abandoned—Procedure.** A city or county may adopt an ordinance or resolution establishing procedures for the disposition of abandoned vehicles. Any vehicle impounded pursuant to an ordinance or resolution of any city or county and left unclaimed for a period of fifteen days shall be deemed to be an abandoned vehicle, and at the expiration of such period said vehicle shall be deemed to be in the custody of the sheriff of the county where said vehicle is located and the sheriff of the county shall deliver the vehicle to a tow truck operator who shall dispose of such vehicle in the manner provided in RCW 46.52.111 and 46.52.112: *Provided*, That if the vehicle is of a model year ten or more years prior to the calendar year in which such vehicle is stored, the sheriff may be authorized to declare that such vehicle is a public nuisance, and may dispose of such vehicle without notice of sale, and in such case, the director of motor vehicles shall issue an appropriate bill of sale to the tow

truck operator to dispose of the vehicle as he may determine. [1969 ex.s. c 42 § 11.]

**46.52.117 City or county ordinances for abatement and removal of abandoned vehicles or hulks on private property authorized—Contents.** Notwithstanding any other provision of law, a city, town, or county may adopt an ordinance establishing procedures for the abatement and removal as public nuisances of abandoned, wrecked, dismantled, or inoperative vehicles or automobile hulks or parts thereof from private property not including highways. Costs of removal may be assessed against the last registered owner of the vehicle or automobile hulk if the identity of such owner can be determined, unless such owner in the transfer of ownership of such vehicle or automobile hulk has complied with RCW 46.52.104, or the costs may be assessed against the owner of the property on which the vehicle is stored.

Such ordinance shall contain:

(1) A provision requiring notice to the last registered owner of record and the property owner of record that a public hearing may be requested before the governing body of the city, town or county as designated by the governing body, and that if no hearing is requested, the vehicle or automobile hulk will be removed.

(2) A provision requiring that if a request for a hearing is received, a notice giving the time, location and date of such hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified or registered mail, with a five-day return requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership.

(3) A provision that the ordinance shall not apply to (a) a vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (b) a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, fenced according to the provisions of RCW 46.80.130.

(4) A provision that the owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such cost from the owner.

(5) A provision that after notice has been given of the intent of the city, town or county to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof, shall be removed, at the request of a law enforcement officer, and disposed of to a licensed auto wrecker with notice to the Washington

state patrol and the department of motor vehicles that the vehicle has been wrecked. The city, town or county may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or may transfer such vehicle or parts to another governmental body provided such disposal shall be only as scrap. [1969 ex.s. c 281 § 43; 1969 ex.s. c 42 § 12.]

**46.52.118 Removal of abandoned vehicle or hulk from real property—Disposal.** Any person having possession or control of real property who finds an abandoned vehicle or abandoned vehicle hulk as defined in RCW 46.52.102 standing upon that property is authorized to have such vehicle or hulk removed by a person properly registered pursuant to RCW 46.52.108. Such vehicle shall be disposed of in accordance with the procedure prescribed in RCW 46.52.111 and 46.52.112. [1975 1st ex.s. c 281 § 1.]

**Severability—1975 1st ex.s. c 281:** "If any provision of this 1975 amendatory 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." [1975 1st ex.s. c 281 § 8.] This applies to RCW 46.52.118, to the amendment of RCW 46.52.119, and to RCW 46.52.1192 through 46.52.1198.

**46.52.119 Unauthorized vehicles—Removal from family residential property.** Whenever any owner or person having possession or control of family residential property finds a vehicle other than an abandoned vehicle as defined in RCW 46.52.102 standing upon such property without his consent, he is authorized to have such vehicle removed from such property and stored or held for its owner. [1975 1st ex.s. c 281 § 2; 1969 ex.s. c 208 § 1.]

**Severability—1975 1st ex.s. c 281:** See note following RCW 46.52.118.

**46.52.1192 Unauthorized vehicles—Removal from other private property—Posting requirements.** No person shall have the right to tow, remove, impound or otherwise disturb any motor vehicle other than an abandoned vehicle as defined in RCW 46.52.102, which may be parked, stalled or otherwise left on private property, other than family residential property, owned or controlled by such person, unless there is posted on or near the property in a clearly conspicuous location a sign or notice in compliance with rules and regulations of the director of the department of motor vehicles providing for, without limitation, specifications for signs and posting thereof by persons intending to have unauthorized vehicles removed from property other than family residential property. Such regulations shall provide for notification to any person of the intent of the property holder to remove any unauthorized vehicles and sufficient information to assist in the prompt recovery of any vehicle removed. Such regulations shall require as a minimum that the language on any such sign provide:

- (1) Notice that unauthorized vehicles will be removed;
- (2) The name, telephone number and location of the towing firm authorized to remove vehicles. [1975 1st ex.s. c 281 § 3.]

**Severability**—1975 1st ex.s. c 281: See note following RCW 46.52.118.

**46.52.1194 Unauthorized vehicles—Removal from private property—Duties required of towing firm—Lien—Penalty for noncompliance.** (1) Any towing firm removing vehicles from private property pursuant to RCW 46.52.119 or 46.52.1192 shall:

(a) File with the department a detailed schedule of all fees charged incident to the removal and storage of vehicles pursuant to RCW 46.52.119 or 46.52.1192;

(b) Post a copy of the schedule of fees on file with the department in a prominent place at the business location where vehicles are released from storage;

(c) Maintain personnel able and authorized to release any vehicle to its owner on a twenty-four hour basis;

(d) After removing a vehicle from private property pursuant to RCW 46.52.119 or 46.52.1192, report the fact of removal together with the license number, vehicle identification number, make, year and place of impoundment to the law enforcement agency with jurisdiction over the place of impoundment, which agency shall maintain a log of such reports: *Provided*, That the reporting required in this subsection shall include an immediate radio or telephone call to, and a written notification, within twenty-four hours, to such local law enforcement agency;

(e) If any vehicle removed pursuant to RCW 46.52.119 or 46.52.1192 remains unclaimed after twenty-four hours, send to the registered owner of the vehicle by the end of the next business day a notice by certified mail, return receipt requested, advising that person of the name, location and twenty-four hour telephone number of the person, tow truck operator, or operator of any storage facility who is empowered or authorized to return custody of any such towed, removed, or impounded motor vehicle. The notification shall also contain an estimate of the costs of towing, storage, or other services rendered during the course of removing, impounding, or storing any such motor vehicle. For the purpose of sending such notice, the law enforcement agency to which the report was made shall provide the name and address of the registered owner, as it appears on the records of the department, to the towing firm removing a vehicle under the provisions of RCW 46.52.118 through 46.52.1198: *Provided*, That in the event such certified letter has been refused or returned to sender unclaimed the notification to the law enforcement agency as provided in subsection (1)(d) of this section shall constitute actual notice to the registered and legal owner: *Provided further*, That the effect of other laws notwithstanding, the costs of towing, storage or other services rendered during the course of removing, impounding or storing any such motor vehicle shall not constitute a lien upon the legal ownership of such motor vehicle until forty-eight hours after the notice as provided in this subsection has been received by the local law enforcement agency or owner of the vehicle, at which time the lien may be enforced as otherwise provided by law for the enforcement of towing or storage liens or liens generally: *And provided further*, That if the

towing firm assesses a fee according to the miles a vehicle is towed, the lien shall be, and the towing firm shall attempt to recover, no more than the fees that would accrue for towing to the nearest storage location of any towing firm.

(2) A failure to comply with the provisions of this section in regard to any vehicle waives the lien on that vehicle, constitutes a bar to recovery of the charges accrued on that vehicle, and is grounds for the suspension or revocation of the registration of any towing firm registered under RCW 46.52.108 to dispose of the abandoned vehicle: *Provided*, That no storage charges shall accrue in any event until written notice as provided in this section shall have been received by the local law enforcement agency or owner of the vehicle. [1975 1st ex.s. c 281 § 4.]

**Severability**—1975 1st ex.s. c 281: See note following RCW 46.52.118.

**46.52.1196 Unauthorized vehicles—Removal from private property—Must be released, when—Penalty for defrauding towing firm.** Any towing firm removing vehicles from private property pursuant to RCW 46.52.119 or 46.52.1192 shall release such vehicle to the owner, operator, driver, or authorized designee thereof upon the presentation to any person having custody of such vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage or other services rendered during the course of towing, removing, impounding or storing any such motor vehicle, such commercially reasonable tender to include, without limitation, cash, personal checks drawn on local banks with proper identification, and valid and appropriate credit cards: *Provided however*, That any person who stops payment on a personal check with intent to defraud a towing firm which has provided a service pursuant to this section, or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees: *Provided further*, That every towing firm providing service pursuant to this section shall post a true copy of this section in a conspicuous place upon its business premises: *Provided further*, That if the owner, operator, driver or authorized designee thereof, shall provide adequate proof of his financial responsibility, employment and residence in the community to any person having custody of any towed, removed, impounded or stored motor vehicle, then the motor vehicle shall be released without payment, with the understanding that such costs shall be paid within thirty days, or shall be recoverable through an action by law. [1975 1st ex.s. c 281 § 5.]

**Severability**—1975 1st ex.s. c 281: See note following RCW 46.52.118.

**46.52.1198 Disturbing vehicle left on private property—Liability.** Any person acting to tow, remove or otherwise disturb any motor vehicle parked, stalled or otherwise left on privately owned or controlled property, and any person owning or controlling such private property, or either of them, shall be liable to the owner,

operator or driver of a motor vehicle, or each of them, for consequential and incidental damages arising from any interference with the ownership or use of such motor vehicle which does not comply with the requirements of RCW 46.52.1192, 46.52.1194, and 46.52.1196. [1975 1st ex.s. c 281 § 6.]

**Severability**—1975 1st ex.s. c 281: See note following RCW 46.52.118.

**46.52.120 Case record of convictions—Cross reference to accident reports.** It shall be the duty of the director to keep a case record on every motor vehicle driver licensed under the laws of this state, together with information on each, showing all the convictions certified by the courts and an index cross reference record of each accident reported relating to such individuals with a brief statement of the cause of such accident, which index cross reference record shall be furnished to the director by the chief of the Washington state patrol, with reference to each driver involved in the reported accidents. Such records shall be for the confidential use of the director and the chief of the Washington state patrol and for such police officers or other cognizant public officials as may be designated by law. Such case records shall not be offered as evidence in any court except in case appeal is taken from the order of director, suspending, revoking, canceling, or refusing vehicle driver's license. It shall be the duty of the director to tabulate and analyze vehicle driver's case records and to suspend, revoke, cancel, or refuse any vehicle driver's license to any person when it is deemed from facts contained in the case record of such person that it is for the best interest of public safety that such person be denied the privilege of operating a motor vehicle. Whenever the director may order the vehicle driver's license of any such person suspended, revoked, or canceled, or shall refuse the issuance of vehicle driver's license, such suspension, revocation, cancellation, or refusal shall be final and effective unless appeal from the decision of the director shall be taken as provided by law. [1967 c 32 § 62; 1961 c 12 § 46.52.120. Prior: 1937 c 189 § 144; RRS § 6360-144.]

**46.52.130 Abstract of driving record to be furnished insurance company, employers—Confidentiality—Fees—Penalty.** The director shall upon request furnish any insurance company or its agent, having or considering the issuance of a policy of insurance and any employer or prospective employer of persons who drive commercial motor vehicles or school buses a certified abstract of the driving record of any person, covering a period of not more than three years last past, whenever possible, which abstract shall include an enumeration of motor vehicle accidents in which such person has been involved. Such abstract shall indicate the total number of vehicles involved; whether the vehicles were legally parked or moving; whether such vehicles were occupied at the time of the accident; and any reported convictions or forfeitures of bail of such person upon a charge of violating any motor vehicle law. Such enumeration shall include any reports of failure to appear in response to a traffic citation served upon such person by an arresting

officer. In addition thereto the director shall furnish such record to the person whose driving record is involved, upon such person's request: *Provided*, That the abstract herein provided to the insurance company shall have excluded therefrom any information pertaining to any occupational driver's license when the same is issued to any person employed by another or self-employed as a motor vehicle driver who during the five years preceding the request has been issued such a license by reason of a conviction of a motor vehicle offense outside the scope of his principal employment, and who has during such period been principally employed as a motor vehicle driver deriving the major portion of his income therefrom.

The director shall collect for each such abstract the sum of one dollar fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving such certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information therein contained to a third party: *Provided*, That no policy of insurance shall be canceled on the basis of such information unless the policyholder was determined to be at fault: *Provided further*, That no insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles shall use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment.

Any employer or prospective employer receiving such certified abstract shall use it exclusively for his own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information therein contained to a third party.

Any violation of this section shall be a gross misdemeanor. [1973 1st ex.s. c 37 § 1; 1969 ex.s. c 40 § 3; 1967 c 174 § 2; 1967 c 32 § 63; 1963 c 169 § 65; 1961 ex.s. c 21 § 27.]

*Abstract of driving record to be furnished: RCW 46.29.050.*

*Use of highway safety fund to defray cost of furnishing and maintaining driving records: RCW 46.68.060.*

**46.52.145 Abandoned junk motor vehicles—Definitions.** For the purposes of RCW 46.52.145 through 46.52.160, unless a different meaning is plainly required:

(1) "Abandoned junk motor vehicle" means any motor vehicle substantially meeting the following requirements:

(a) Left on private property for more than seventy-two hours without the permission of the person having right to the possession of the property, or a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right of way of any road or highway, for forty-eight hours or longer;

(b) Three years old, or older;

(c) Extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, missing wheels, tires, motor, or transmission;

(d) Apparently inoperable;

(e) Without a valid, current registration plate;  
 (f) Having a fair market value of fifty dollars or less.  
 (2) "Motor vehicle wrecker" means every person, firm, partnership, association, or corporation engaged in the business of buying, selling, or dealing in vehicles of a type required to be licensed under the laws of this state, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of any motor vehicle, or who buys or sells integral secondhand parts of component material thereof, in whole or in part, and deals in secondhand motor vehicle parts.  
 (3) "Scrap processor" means a licensed establishment that maintains a hydraulic baler and shears, or a shredder for recycling automobile salvage. [1971 ex.s. c 111 § 1.]

**46.52.150 Abandoned junk motor vehicles—**  
**Authorizing disposal of—Record—Disposition of moneys from.** Notwithstanding any other provision of law, any law enforcement officer having jurisdiction or any person authorized by the director of motor vehicles shall inspect and may authorize the disposal of an abandoned junk motor vehicle. The officer or authorized person shall record the make of such motor vehicle, the serial number if available, and shall also detail the damage or missing equipment to substantiate the value at fifty dollars or less.

Any moneys arising from the disposal of abandoned junk motor vehicle shall be deposited in the county general fund. [1971 ex.s. c 111 § 2.]

**46.52.160 Abandoned junk motor vehicles—**  
**Violations constituting abandoning—Evidence—Penalty.** No person shall wilfully leave an abandoned junk motor vehicle on private property for more than seventy-two hours without the permission of the person having the right to possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking or upon or within the right of way of any road or highway, for forty-eight hours or longer without notification to the sheriff of the county or to the chief of police of a city or town of the reasons for leaving the motor vehicle in such a place.

For the purposes of this section, the fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment.

Any person convicted of abandoning a motor vehicle shall be fined not less than fifty nor more than one hundred dollars and shall also be assessed any costs incurred by the county in disposing of such abandoned junk motor vehicles, less any moneys accruing to the county from such disposal. [1971 ex.s. c 111 § 3.]

**Chapter 46.61**  
**RULES OF THE ROAD**

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*Abandoned junk motor vehicles: RCW 46.52.145 through 46.52.160.*

## OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

**46.61.005 Provisions of chapter refer to vehicles upon the highways—Exceptions.** The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

(1) Where a different place is specifically referred to in a given section.

(2) The provisions of RCW 46.52.010 through 46.52-.090 and 46.61.500 through 46.61.520 shall apply upon highways and elsewhere throughout the state. [1965 ex.s. c 155 § 1.]

**Reviser's note:** RCW 46.52.010 through 46.52.090 relate to accident reports. Chapter 119, Laws of 1965 ex.s. being "AN ACT Relating to motor vehicle accident reports" amended RCW 46.52.030 and 46.52-.080 and expressly added to chapter 46.52 RCW three new sections which are codified (in the order of their appearance in said chapter 119) as RCW 46.52.035, 46.52.083 and 46.52.085.

**46.61.010 Required obedience to traffic laws—Penalties.** Failure to perform any act required in this chapter or performance of any act forbidden by this chapter or violation of any local ordinance relating to traffic, parking, standing, stopping, and pedestrian offenses is a misdemeanor. A misdemeanor under this chapter shall be punishable by imposition of a fine not to exceed two hundred fifty dollars, and shall not be punishable by confinement in any jail or correctional institution: *Provided*, That offenses described in the following sections of RCW shall be classified and punishable as prescribed

by this title and where the offense is classified as a misdemeanor and no specific penalty is prescribed shall be punishable by imprisonment in the county jail for a maximum term of not more than ninety days or by a fine of not more than five hundred dollars or by both such imprisonment and fine:

- RCW 46.20.342 Relating to driving while license suspended or revoked;
- RCW 46.52.010 Relating to duty on striking unattended car or other property;
- RCW 46.52.020 Relating to duty in case of injury to or death of person or damage to attended vehicle;
- RCW 46.61.500 Relating to reckless driving;
- RCW 46.61.506 Relating to persons under influence of intoxicating liquor or drugs;
- RCW 46.61.520 Relating to negligent homicide by motor vehicle—Penalty;
- RCW 46.61.530 Relating to racing of vehicles on highways—Reckless driving;
- RCW 46.61.535 Relating to advertising of unlawful speed attained—Reckless driving.

[1975-'76 2nd ex.s. c 95 § 1; 1965 ex.s. c 155 § 2.]

**46.61.015 Obedience to police officers, flagmen, or fire fighters.** No person shall wilfully fail or refuse to comply with any lawful order or direction of any duly authorized flagman or any police officer or fire fighter invested by law with authority to direct, control, or regulate traffic. [1975 c 62 § 17; 1965 ex.s. c 155 § 3.]

**Severability**—1975 c 62: See note following RCW 36.75.010.

**46.61.020 Refusal to give information to or cooperate with officer.** It shall be unlawful for any person while operating or in charge of any vehicle to refuse when requested by a police officer to give his name and address and the name and address of the owner of such vehicle, or for such person to give a false name and address, and it shall likewise be unlawful for any such person to refuse or neglect to stop when signaled to stop by any police officer or to refuse upon demand of such police officer to produce his certificate of license registration of such vehicle or his vehicle driver's license or to refuse to permit such officer to take any such license or certificate for the purpose of examination thereof or to refuse to permit the examination of any equipment of such vehicle or the weighing of such vehicle or to refuse or neglect to produce the certificate of license registration of such vehicle or his vehicle driver's license when requested by any court. Any police officer shall on request produce evidence of his authorization as such. [1967 c 32 § 65; 1961 c 12 § 46.56.190. Prior: 1937 c 189 § 126; RRS § 6360-126; 1927 c 309 § 38; RRS § 6362-38. Formerly RCW 46.56.190.]

**46.61.025 Persons riding animals or driving animal-drawn vehicles.** Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the

duties applicable to the driver of a vehicle by this chapter except those provisions of this chapter which by their very nature can have no application. [1965 ex.s. c 155 § 4.]

**46.61.030 Persons working on highway right of way—Exceptions.** Unless specifically made applicable, the provisions of this chapter except those contained in RCW 46.61.500 through 46.61.520 shall not apply to persons, motor vehicles and other equipment while engaged in work within the right of way of any highway but shall apply to such persons and vehicles when traveling to or from such work. [1969 c 76 § 1; 1965 ex.s. c 155 § 5.]

**46.61.035 Authorized emergency vehicles.** (1) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may:

(a) Park or stand, irrespective of the provisions of this chapter;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the maximum speed limits so long as he does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of visual signals meeting the requirements of RCW 46.37.190, except that: (a) An authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle; (b) authorized emergency vehicles shall use audible signals when necessary to warn others of the emergency nature of the situation but in no case shall they be required to use audible signals while parked or standing.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. [1969 c 23 § 1; 1965 ex.s. c 155 § 6.]

## TRAFFIC SIGNS, SIGNALS AND MARKINGS

**46.61.050 Obedience to and required traffic control devices.** (1) The driver of any vehicle, every bicyclist, and every pedestrian shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exception granted the driver of an authorized emergency vehicle in this chapter.

(2) No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible or visible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

(3) Whenever official traffic control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(4) Any official traffic control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence. [1975 c 62 § 18; 1965 ex.s. c 155 § 7.]

**Severability**—1975 c 62: See note following RCW 36.75.010.

**46.61.055 Traffic control signal legend.** Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication

(a) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(c) Unless otherwise directed by a pedestrian control signal, as provided in RCW 46.61.060 as now or hereafter amended, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow indication

(a) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(b) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian control signal as provided in RCW 46.61.060 as now or hereafter amended, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) Steady red indication

(a) Vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown: *Provided*, That such traffic may, after stopping cautiously proceed to make a right turn from a one-way or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement; but vehicular traffic making such turns shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Unless otherwise directed by a pedestrian control signal as provided in RCW 46.61.060 as now or hereafter amended, pedestrians facing a steady circular red signal alone shall not enter the roadway.

(c) Vehicular traffic facing a steady red arrow indication may not enter the intersection to make the movement indicated by such arrow, and unless entering the intersection to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line, but if none, before entering a crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to make the movement indicated by such arrow is shown: *Provided*, That such traffic may, after stopping cautiously proceed to make a right turn from a one-way or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way street or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement; but vehicular traffic making such turns shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(d) Unless otherwise directed by a pedestrian signal, pedestrians facing a steady red arrow signal indication shall not enter the roadway.

(4) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal. [1975 c 62 § 19; 1965 ex.s. c 155 § 8.]

**Severability**—1975 c 62: See note following RCW 36.75.010.

**46.61.060 Pedestrian control signals.** Whenever special pedestrian control signals exhibiting the words "Walk" or "Don't Walk" are in place such signals shall indicate as follows:

(1) **WALK**—Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

(2) **STEADY DON'T WALK** or **FLASHING DON'T WALK**—No pedestrian shall start to cross the roadway in the direction of either such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the don't walk signal is showing.

(3) Pedestrian control signals having the "Wait" legend in use on August 6, 1965, shall be deemed authorized signals and shall indicate the same as the "Don't Walk" legend. Whenever such pedestrian control signals are replaced the legend "Wait" shall be replaced by the legend "Don't Walk". [1975 c 62 § 20; 1965 ex.s. c 155 § 9.]

**Severability**—1975 c 62: See note following RCW 36.75.010.

**46.61.065 Flashing signals.** (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(a) **FLASHING RED (STOP SIGNAL).** When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) **FLASHING YELLOW (CAUTION SIGNAL).** When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in RCW 46.61.340. [1975 c 62 § 21; 1965 ex.s. c 155 § 10.]

**Severability**—1975 c 62: See note following RCW 36.75.010.

**46.61.070 Lane-direction-control signals.** When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown. [1965 ex.s. c 155 § 11.]

**46.61.072 Lane direction control signals—Legend.** Whenever special traffic control signals exhibit a downward green arrow, a yellow X, or a red X indication, such signal indication shall have the following meaning:

(1) A steady downward green arrow means that a driver is permitted to drive in the lane over which the arrow signal is located.

(2) A steady yellow X or flashing red X means that a driver should prepare to vacate, in a safe manner, the lane over which the signal is located because a lane control change is being made, and to avoid occupying that lane when a steady red X is displayed.

(3) A flashing yellow X means that a driver is permitted to use a lane over which the signal is located for a left turn, using proper caution.

(4) A steady red X means that a driver shall not drive in the lane over which the signal is located, and that this indication shall modify accordingly the meaning of all other traffic controls present. The driver shall obey all other traffic controls and follow normal safe driving practices. [1975 c 62 § 49.]

**Severability**—1975 c 62: See note following RCW 36.75.010.

**46.61.075 Display of unauthorized signs, signals or markings.** (1) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device or any railroad sign or signal.

(2) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(3) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(4) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice. [1965 ex.s. c 155 § 12.]

**46.61.080 Interference with official traffic-control devices or railroad signs or signals.** No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof. [1965 ex.s. c 155 § 13.]

*Interference with traffic-control signals or railroad signs or signals: RCW 47.36.130.*

**46.61.085 Traffic control signals or devices upon city streets forming part of state highways—Approval by commission required.** No traffic control signal or device shall be erected or maintained upon any city street designated as forming a part of the route of a primary state highway or secondary state highway unless first approved by the state highway commission. [1965 ex.s. c 155 § 14.]

*Local authorities to provide stop signs at intersections with increased speed highways: RCW 46.61.435.*

**DRIVING ON RIGHT SIDE OF ROADWAY—  
OVERTAKING AND PASSING—USE OF  
ROADWAY**

**46.61.100 Drive on right side of roadway—**  
**Exceptions.** (1) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(b) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(c) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

(d) Upon a roadway restricted to one-way traffic.

(2) Upon all roadways any vehicle proceeding slower than the legal maximum speed or at a speed slower than necessary for safe operation at the time and place and under the conditions then existing, shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection, exit, or into a private road or driveway when such left turn is legally permitted.

(3) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (1)(b) hereof. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway. [1972 ex.s. c 33 § 1; 1969 ex.s. c 281 § 46; 1967 ex.s. c 145 § 58; 1965 ex.s. c 155 § 15.]

**46.61.105 Passing vehicles proceeding in opposite directions.** Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible. [1975 c 62 § 22; 1965 ex.s. c 155 § 16.]

**Severability—1975 c 62:** See note following RCW 36.75.010.

**46.61.110 Overtaking a vehicle on the left.** The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the

right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. [1965 ex.s. c 155 § 17.]

**46.61.115 When overtaking on the right is permitted.**

(1) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the vehicle overtaken is making or about to make a left turn;

(b) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway. [1975 c 62 § 23; 1965 ex.s. c 155 § 18.]

**Severability—1975 c 62:** See note following RCW 36.75.010.

**46.61.120 Limitations on overtaking on the left.** No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of RCW 46.61.100 through 46.61.160 and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet of any approaching vehicle. [1965 ex.s. c 155 § 19.]

**46.61.125 Further limitations on driving to left of center of roadway.** (1) No vehicle shall be driven on the left side of the roadway under the following conditions:

(a) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(b) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing;

(c) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct or tunnel.

(2) The foregoing limitations shall not apply upon a one-way roadway, nor under the conditions described in RCW 46.61.100(1)(b), nor to the driver of a vehicle turning left into or from an alley, private road or driveway. [1972 ex.s. c 33 § 2; 1965 ex.s. c 155 § 20.]

**46.61.130 No-passing zones.** (1) The state highway commission and local authorities are hereby authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(2) Where signs or markings are in place to define a no-passing zone as set forth in subsection (1) above no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

(3) This section does not apply under the conditions described in RCW 46.61.100(1)(b), nor to the driver of a vehicle turning left into or from an alley, private road or driveway. [1972 ex.s. c 33 § 3; 1965 ex.s. c 155 § 21.]

**46.61.135 One-way roadways and rotary traffic islands.** (1) The state highway commission and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic control devices.

(2) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic control devices.

(3) A vehicle passing around a rotary traffic island shall be driven only to the right of such island. [1975 c 62 § 24; 1965 ex.s. c 155 § 22.]

**Severability—1975 c 62:** See note following RCW 36.75.010.

**46.61.140 Driving on roadways laned for traffic.** Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(2) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

(3) Official traffic-control devices may be erected directing slow moving or other specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device.

(4) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device. [1965 ex.s. c 155 § 23.]

**46.61.145 Following too closely.** (1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(2) The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

(3) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions. [1965 ex.s. c 155 § 24.]

**46.61.150 Driving on divided highways.** Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section or by a median island not less than eighteen inches wide formed either by solid yellow pavement markings or by a yellow crosshatching between two solid yellow lines so installed as to control vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, or median island, except through an opening in such physical barrier or dividing section or space or median island, or at a crossover or intersection established by public authority. [1972 ex.s. c 33 § 4; 1965 ex.s. c 155 § 25.]

**46.61.155 Restricted access.** No person shall drive a vehicle onto or from any limited access roadway except at such entrances and exits as are established by public authority. [1965 ex.s. c 155 § 26.]

**46.61.160 Restrictions on use of controlled-access roadway.** The state highway commission may by resolution or order, and local authorities may by ordinance or resolution, with respect to any limited access roadway under their respective jurisdictions prohibit the use of any such roadway by funeral processions, or by parades, pedestrians, bicycles or other nonmotorized traffic, or by any person operating a motor-driven cycle.

The state highway commission or the local authority adopting any such prohibitory regulation shall erect and

maintain official traffic control devices on the limited access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such devices. [1975 c 62 § 25; 1965 ex.s. c 155 § 27.]

**Severability**—1975 c 62: See note following RCW 36.75.010.

**46.61.165 Reservation of portion of highway for use by public transportation vehicles, etc.** The state highway commission and local authorities are authorized to reserve all or any portion of any highway under their respective jurisdictions, including any designated lane or ramp, for the exclusive or preferential use of public transportation vehicles or private motor vehicles carrying not less than a specified number of passengers when such limitation will increase the efficient utilization of the highway or will aid in the conservation of energy resources. Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all times or at specified times of day or on specified days. [1974 ex.s. c 133 § 2.]

#### RIGHT OF WAY

**46.61.180 Vehicle approaching intersection.** (1) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

(2) The right of way rule declared in subsection (1) of this section is modified at arterial highways and otherwise as stated in this chapter. [1975 c 62 § 26; 1965 ex.s. c 155 § 28.]

**Severability**—1975 c 62: See note following RCW 36.75.010.

**46.61.185 Vehicle turning left.** The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. [1965 ex.s. c 155 § 29.]

**46.61.190 Vehicle entering stop or yield intersection.** (1) Preferential right of way may be indicated by stop signs or yield signs as authorized in RCW 47.36.110.

(2) Except when directed to proceed by a duly authorized flagman, or a police officer, or a fire fighter vested by law with authority to direct, control, or regulate traffic, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the roadway, and after having stopped shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.

(3) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the roadway, and then after slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways: *Provided*, That if such a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right of way. [1975 c 62 § 27; 1965 ex.s. c 155 § 30.]

**Severability**—1975 c 62: See note following RCW 36.75.010.

**46.61.195 Arterial highways designated—Stopping on entering.** All state highways are hereby declared to be arterial highways as respects all other public highways or private ways except that the Washington state highway commission shall have the authority to designate any county road or city street as an arterial having preference over the traffic on the state highway if traffic conditions will be improved by such action.

Those city streets designated by the Washington state highway commission as forming a part of the routes of state highways through incorporated cities and towns are hereby declared to be arterial highways as respects all other city streets or private ways.

The governing authorities of incorporated cities and towns may designate any street as an arterial having preference over the traffic on a state highway if such change is first approved in writing by the Washington state highway commission. The local authorities making such a change in arterial designation shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained standard stop signs, or "Yield" signs, to accomplish this change in arterial designation.

The operator of any vehicle entering upon any arterial highway from any other public highway or private way shall come to a complete stop before entering such arterial highway when stop signs are erected as provided by law. [1963 ex.s. c 3 § 48; 1961 c 12 § 46.60.330. Prior: 1955 c 146 § 5; 1947 c 200 § 14; 1937 c 189 § 105; Rem. Supp. 1947 § 6360-105. Formerly RCW 46.60.330.]

*City streets subject to increased speed, designation as arterials: RCW 46.61.435.*

**46.61.200 Stop intersections other than arterial may be designated.** In addition to the points of intersection of any public highway with any arterial public highway which is constituted by law or by any proper authorities of this state or any city or town of this state, the state highway commission with respect to state highways, and the proper authorities with respect to any other public

highways, shall have the power to determine and designate any particular intersection, or any particular highways, roads or streets or portions thereof, at any intersection with which vehicles shall be required to stop before entering such intersection; and upon the determination and designation of such points at which vehicles will be required to come to a stop before entering such intersection, the proper authorities so determining and designating shall cause to be posted and maintained proper signs of the standard design adopted by the state highway commission indicating that such intersection has been so determined and designated and that vehicles entering the same are required to stop. It shall be unlawful for any person operating any vehicle when entering any intersection determined, designated and bearing the sign aforesaid, to fail and neglect to bring such vehicle to a complete stop before entering such intersection. [1961 c 12 § 46.60.340. Prior: 1937 c 189 § 106; RRS § 6360-106; 1927 c 284 § 1; RRS § 6362-41a. Formerly RCW 46.60.340.]

**46.61.202 Stopping when traffic obstructed.** No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains notwithstanding any traffic control signal indications to proceed. [1975 c 62 § 48.]

**Severability—1975 c 62:** See note following RCW 36.75.010.

**46.61.205 Vehicle entering highway from private road or driveway.** The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right of way to all vehicles approaching on said highway. [1965 ex.s. c 155 § 31.]

**46.61.210 Operation of vehicles on approach of authorized emergency vehicles.** (1) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of RCW 46.37.190, or of a police vehicle properly and lawfully making use of an audible signal only the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(2) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. [1965 ex.s. c 155 § 32.]

**46.61.215 Highway construction and maintenance.** (1) The driver of a vehicle shall yield the right of way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway construction or maintenance area indicated by official traffic control devices.

(2) The driver of a vehicle shall yield the right of way to any authorized vehicle obviously and actually engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of RCW 46.37.300. [1975 c 62 § 40.]

**Severability—1975 c 62:** See note following RCW 36.75.010.

## PEDESTRIANS' RIGHTS AND DUTIES

**46.61.230 Pedestrians subject to traffic regulations.** Pedestrians shall be subject to traffic-control signals at intersections as provided in RCW 46.61.060, and at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter. [1965 ex.s. c 155 § 33.]

**46.61.235 Pedestrians' right of way in crosswalks.** (1) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(2) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(3) Subsection (1) above shall not apply under the conditions stated in RCW 46.61.240 subsection (2).

(4) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. [1965 ex.s. c 155 § 34.]

**46.61.240 Crossing at other than crosswalks.** (1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(2) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

(3) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(4) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

(5) No pedestrian shall cross a roadway at an unmarked crosswalk where an official sign prohibits such crossing. [1965 ex.s. c 155 § 35.]

**46.61.245 Drivers to exercise care.** Notwithstanding the foregoing provisions of this chapter every driver of a



vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway. [1965 ex.s. c 155 § 36.]

*Blind pedestrians: Chapter 70.84 RCW.*

**46.61.250 Pedestrians on roadways.** (1) Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(2) Where sidewalks are not provided any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction and upon meeting an oncoming vehicle shall step clear of the roadway. [1965 ex.s. c 155 § 37.]

**46.61.255 Pedestrians soliciting rides or business.** (1) No person shall stand in or on a public roadway or alongside thereof at any place where a motor vehicle cannot safely stop off the main traveled portion thereof for the purpose of soliciting a ride for himself or for another from the occupant of any vehicle.

(2) It shall be unlawful for any person to solicit a ride for himself or another from within the right of way of any limited access facility except in such areas where permission to do so is given and posted by the highway authority of the state, county, city or town having jurisdiction over the highway.

(3) The provisions of subsections (1) and (2) above shall not be construed to prevent a person upon a public highway from soliciting, or a driver of a vehicle from giving a ride where an emergency actually exists, nor to prevent a person from signaling or requesting transportation from a passenger carrier for the purpose of becoming a passenger thereon for hire.

(4) No person shall stand in a roadway for the purpose of soliciting employment or business from the occupant of any vehicle.

(5) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

(6) It is the intent of the legislature that this section preempt the field of the regulation of hitchhiking in any form, and no county, city, town, municipality, or political subdivision thereof shall take any action in conflict with the provisions of this section. [1972 ex.s. c 38 § 1; 1965 ex.s. c 155 § 38.]

**46.61.260 Driving through safety zone prohibited.** No vehicle shall at any time be driven through or within a safety zone. [1965 ex.s. c 155 § 39.]

**46.61.261 Pedestrians' right of way on sidewalk.** The driver of a vehicle shall yield the right of way to any pedestrian on a sidewalk. [1975 c 62 § 41.]

**Severability—**—1975 c 62: See note following RCW 36.75.010.

**46.61.264 Pedestrians yield to emergency vehicles.** (1) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of RCW 46.37.380 subsection (4) and visual signals meeting the requirements of RCW 46.37.190, or of a police vehicle meeting the requirements of RCW 46.61.035 subsection (3), every pedestrian shall yield the right of way to the authorized emergency vehicle.

(2) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian. [1975 c 62 § 42.]

**Severability—**—1975 c 62: See note following RCW 36.75.010.

**46.61.266 Pedestrians under the influence of alcohol or drugs.** A pedestrian who is under the influence of alcohol or any drug to a degree which renders himself a hazard shall not walk or be upon a highway except on a sidewalk or, where there is no sidewalk, then off the main traveled portion of the highway. [1975 c 62 § 43.]

**Severability—**—1975 c 62: See note following RCW 36.75.010.

**46.61.269 Passing beyond bridge or grade crossing barrier prohibited.** (1) No pedestrian shall enter or remain upon any bridge or approach thereto beyond a bridge signal gate, or barrier indicating a bridge is closed to through traffic, after a bridge operation signal indication has been given.

(2) No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed. [1975 c 62 § 44.]

**Severability—**—1975 c 62: See note following RCW 36.75.010.

#### TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

**46.61.290 Required position and method of turning at intersections.** The driver of a vehicle intending to turn shall do so as follows:

(1) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) Left turns. The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable the left turn shall be made to the left of the center of the intersection and so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.

(3) Two-way left turn lanes.

(a) The department of highways and local authorities in their respective jurisdictions may designate a two-way left turn lane on a roadway. A two-way left turn lane is near the center of the roadway set aside for use by vehicles making left turns in both directions from or into the roadway.

(b) Two-way left turn lanes shall be designated by distinctive uniform roadway markings. The department of highways shall determine and prescribe standards and specifications governing type, length, width, and positioning of the distinctive permanent markings. The standards and specifications developed shall be filed with the code reviser in accordance with the procedures set forth in the administrative procedure act, chapter 34.04 RCW. On and after July 1, 1971, permanent markings designating a two-way left turn lane shall conform to such standards and specifications.

(c) Upon a roadway where a center lane has been provided by distinctive pavement markings for the use of vehicles turning left from both directions, no vehicles shall turn left from any other lane. A vehicle shall not be driven in this center lane for the purpose of overtaking or passing another vehicle proceeding in the same direction. A signal, either electric or manual, for indicating a left turn movement, shall be made at least one hundred feet before the actual left turn movement is made. Any maneuver other than a left turn from or into this center lane will be deemed a violation of this section.

(4) The state highway commission and local authorities in their respective jurisdictions may cause official traffic control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles, and when such devices are so placed no driver of a vehicle shall turn a vehicle other than as directed and required by such devices. [1975 c 62 § 28; 1969 ex.s. c 281 § 61; 1965 ex.s. c 155 § 40.]

**Severability**—1975 c 62: See note following RCW 36.75.010.

**46.61.295 "U" turns.** (1) The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic.

(2) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet. [1975 c 62 § 29; 1965 ex.s. c 155 § 41.]

**Severability**—1975 c 62: See note following RCW 36.75.010.

**46.61.300 Starting parked vehicle.** No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety. [1965 ex.s. c 155 § 42.]

**46.61.305 Turning, stopping, moving right or left—Signals required—Improper use prohibited.** (1) No person shall turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety nor without giving an appropriate signal in the manner hereinafter provided.

(2) A signal of intention to turn or move right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.

(3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(4) The signals provided for in RCW 46.61.310 subsection (2), shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section. [1975 c 62 § 30; 1965 ex.s. c 155 § 43.]

**Severability**—1975 c 62: See note following RCW 36.75.010.

**46.61.310 Signals by hand and arm or signal lamps.**

(1) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection (2) hereof.

(2) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurements shall apply to any single vehicle, also to any combination of vehicles. [1965 ex.s. c 155 § 44.]

**46.61.315 Method of giving hand and arm signals.**

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

(1) Left turn. Hand and arm extended horizontally.

(2) Right turn. Hand and arm extended upward.

(3) Stop or decrease speed. Hand and arm extended downward. [1965 ex.s. c 155 § 45.]

**SPECIAL STOPS REQUIRED**

**46.61.340 Obedience to signal indicating approach of train.**

(1) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(b) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

(c) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(2) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. [1965 ex.s. c 155 § 46.]

**46.61.345 All vehicles must stop at certain railroad grade crossings.** The state highway commission and local authorities within their respective jurisdictions are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad and shall proceed only upon exercising due care. [1965 ex.s. c 155 § 47.]

**46.61.350 Certain vehicles must stop at all railroad grade crossings—Exceptions.** (1) The driver of any motor vehicle carrying passengers for hire, other than a passenger car, or of any school bus or private carrier bus carrying any school child, or other passenger, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.

(2) This section shall not apply at:

(a) Any railroad grade crossing at which traffic is controlled by a police officer or a duly authorized flagman;

(b) Any railroad grade crossing at which traffic is regulated by a traffic control signal;

(c) Any railroad grade crossing protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train;

(d) Any railroad grade crossing at which an official traffic control device gives notice that the stopping requirement imposed by this section does not apply. [1975 c 62 § 31; 1970 ex.s. c 100 § 7; 1965 ex.s. c 155 § 48.]

**Severability—1975 c 62:** See note following RCW 36.75.010.

**46.61.355 Moving heavy equipment at railroad grade crossings—Notice of intended crossing.** (1) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(2) Notice of any such intended crossing shall be given to the station agent of such railroad located nearest the intended crossing sufficiently in advance to allow

such railroad a reasonable time to prescribe proper protection for such crossing.

(3) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen feet nor more than fifty feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(4) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction. [1975 c 62 § 32; 1965 ex.s. c 155 § 49.]

**Severability—1975 c 62:** See note following RCW 36.75.010.

**46.61.365 Emerging from alley, driveway or building.** The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway. [1965 ex.s. c 155 § 51.]

**46.61.370 Overtaking and passing school bus.** (1) The driver of a vehicle upon overtaking or meeting from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on said school bus a visual signal as specified in RCW 46.37.190 and said driver shall not proceed until such school bus resumes motion or is signaled by the school bus driver to proceed or the visual signals are no longer activated.

(2) Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height, and in addition shall be equipped with visual signals meeting the requirements of RCW 46.37.190 which shall be actuated by the driver of said school bus whenever but only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging school children, except:

(a) When school children do not have to cross a highway and the bus is stopped completely off the main traveled portion of the roadway; or

(b) When the bus is stopped at an intersection or place where traffic is controlled by a traffic officer or official traffic control signal; or

(c) When the bus is stopped at school for the purpose of receiving or discharging school children and school children are not required to cross the roadway.

(3) The driver of a vehicle upon a highway divided into separate roadways as provided in RCW 46.61.150, need not stop upon meeting or passing a school bus which is on a separate roadway or when upon a limited

access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway. [1965 ex.s. c 155 § 52.]

**46.61.375 Overtaking or meeting private carrier bus—Signs.** (1) The driver of a vehicle upon overtaking or meeting from either direction any private carrier bus which has stopped on the highway for the purpose of receiving or discharging any passenger shall stop the vehicle before reaching such private carrier bus when there is in operation on said bus a visual signal as specified in RCW 46.37.190 and said driver shall not proceed until such bus resumes motion or is signaled by the bus driver to proceed or the visual signals are no longer activated.

(2) Every private carrier bus shall bear upon the front and rear thereof plainly visible signs containing the words "PRIVATE CARRIER BUS" in letters not less than eight inches in height, and in addition shall be equipped with visual signals meeting the requirements of RCW 46.37.190 which shall be actuated by the driver of said private carrier bus whenever but only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging passengers, except:

(a) When the passengers boarding or alighting do not have to cross a highway and the bus is stopped completely off the main traveled portion of the roadway; or

(b) When the bus is stopped at an intersection or place where traffic is controlled by a traffic officer or official traffic control signal.

(3) The driver of a vehicle upon a highway divided into separate roadways as provided in RCW 46.61.150, need not stop upon meeting or passing a private carrier bus which is on a separate roadway or when upon a limited access highway and the private carrier bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway. [1970 ex.s. c 100 § 8.]

**46.61.380 Regulations as to design, marking and mode of operating school buses.** The state superintendent of public instruction, by and with the advice of the state highway commission and the chief of the Washington state patrol, shall adopt and enforce regulations not inconsistent with the law of this state to govern the design, marking and mode of operation of all school buses owned and operated by any school district or privately owned and operated under contract or otherwise with any school district in this state for the transportation of school children and such regulation shall by reference be made a part of any such contract or other agreement with the school district. Every school district, its officers and employees, and every person employed under contract or otherwise by a school district shall be subject to such regulations. It shall be unlawful for any officer or employee of any school district or for any person operating any school bus under contract with any school district to violate any of the provisions of such regulations. [1961 c 12 § 46.48.150. Prior: 1937 c 189 § 131; RRS § 6360-131. Formerly RCW 46.48.150.]

*Design and markings of school buses: RCW 46.37.190.*

**46.61.385 School patrol—Appointment—Authority—Finance—Insurance.** The superintendent of public instruction, through the superintendent of schools of any school district, or other officer or board performing like functions with respect to the schools of any other educational administrative district, may cause to be appointed voluntary adult recruits as supervisors and, from the student body of any public or private school or institution of learning, students, who shall be known as members of the "school patrol" and who shall serve without compensation and at the pleasure of the authority making the appointment.

The members of such school patrol shall wear an appropriate designation or insignia identifying them as members of the school patrol when in performance of their duties, and they may display "stop" or other proper traffic directional signs or signals at school crossings or other points where school children are crossing or about to cross a public highway, but members of the school patrol and their supervisors shall be subordinate to and obey the orders of any peace officer present and having jurisdiction.

School districts, at their discretion, may hire sufficient numbers of adults to serve as supervisors. Such adults shall be subordinate to and obey the orders of any peace officer present and having jurisdiction.

Any school district having a school patrol may purchase uniforms and other appropriate insignia, traffic signs and other appropriate materials, all to be used by members of such school patrol while in performance of their duties, and may pay for the same out of the general fund of the district.

It shall be unlawful for the operator of any vehicle to fail to stop his vehicle when directed to do so by a school patrol sign or signal displayed by a member of the school patrol engaged in the performance of his duty and wearing or displaying appropriate insignia, and it shall further be unlawful for the operator of a vehicle to disregard any other reasonable directions of a member of the school patrol when acting in performance of his duties as such.

School districts may expend funds from the general fund of the district to pay premiums for life and accident policies covering the members of the school patrol in their district while engaged in the performance of their school patrol duties.

Members of the school patrol shall be considered as employees for the purposes of RCW 28A.58.425, as now or hereafter amended. [1974 ex.s. c 47 § 1; 1961 c 12 § 46.48.160. Prior: 1953 c 278 § 1; 1937 c 189 § 130; RRS § 6360-130; 1927 c 309 § 42; RRS § 6362-42. Formerly RCW 46.48.160.]

## SPEED RESTRICTIONS

**46.61.400 Basic rule and maximum limits.** (1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering

the highway in compliance with legal requirements and the duty of all persons to use due care.

(2) Except when a special hazard exists that requires lower speed for compliance with subsection (1) of this section, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits.

(a) Twenty-five miles per hour on city and town streets;

(b) Fifty miles per hour on county roads;

(c) Sixty miles per hour on state highways.

The maximum speed limits set forth in this section may be altered as authorized in RCW 46.61.405, 46.61.410, and 46.61.415.

(3) The driver of every vehicle shall, consistent with the requirements of subsection (1) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions. [1965 ex.s. c 155 § 54; 1963 c 16 § 1. Formerly RCW 46.48.011.]

**Saving of existing orders, etc., establishing speed limits—1963 c 16.** "This act shall not repeal or invalidate existing orders and resolutions of the state highway commission or existing resolutions and ordinances of local authorities establishing speed limits within their respective jurisdictions." [1963 c 16 § 7. Formerly RCW 46.48.016.] "This act" [1963 c 16], as amended, is codified as RCW 46.61.400 through 46.61.415, 46.61.425 and 46.61.440.

**46.61.405 Decreases by state highway commission.** Whenever the state highway commission shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater than is reasonable or safe with respect to a state highway under the conditions found to exist at any intersection or upon any other part of the state highway system or at state ferry terminals, or that a general reduction of any maximum speed hereinbefore set forth would aid in the conservation of energy resources, said commission may determine and declare a lower maximum limit for any state highway, the entire state highway system, or any portion thereof, which shall be effective when appropriate signs giving notice thereof are erected. The commission may also fix and regulate the speed of vehicles on any state highway within the maximum speed limit allowed by this chapter for special occasions including, but not limited to, local parades and other special events. Any such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective (a) when posted upon appropriate fixed or variable signs or (b) if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of RCW 46.61.410.

[1974 ex.s. c 103 § 1; 1970 ex.s. c 100 § 2; 1967 c 25 § 1; 1963 c 16 § 2. Formerly RCW 46.48.012.]

**46.61.410 Increases by state highway commission—Maximum speed limit for trucks—Auto stages—Signs and notices.** (1) Subject to subsection (2) below the state highway commission may increase the maximum speed limit on any highway or portion thereof to not more than seventy miles per hour in accordance with the design speed thereof (taking into account all safety elements included therein), or whenever said commission determines upon the basis of an engineering and traffic investigation that such greater speed is reasonable and safe under the circumstances existing on such part of the highway. The greater maximum limit so determined shall be effective, when appropriate signs giving notice thereof are erected, or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon said signs or in the case of auto stages, as indicated in said written notice; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

(2) The maximum speed limit for vehicles over ten thousand pounds gross weight and vehicles in combination except auto stages shall not exceed sixty miles per hour and may be established at a lower limit by the state highway commission as provided in RCW 46.61.405.

(3) The word "trucks" used by the state highway commission on signs giving notice of maximum speed limits shall mean vehicles over ten thousand pounds gross weight and all vehicles in combination except auto stages.

(4) Whenever the state highway commission shall establish maximum speed limits for auto stages lower than the maximum limits for automobiles, the secretary of the state highway commission shall mail notice thereof to each auto transportation company holding a certificate of public convenience and necessity issued by the Washington utilities and transportation commission. The notice shall be mailed to the chief place of business within the state of Washington of each auto transportation company or if none then its chief place of business without the state of Washington. [1974 ex.s. c 103 § 2; 1970 ex.s. c 100 § 1; 1969 ex.s. c 12 § 1; 1965 ex.s. c 155 § 55; 1963 c 16 § 3. Formerly RCW 46.48.013.]

**46.61.415 When local authorities may alter maximum limits.** (1) Whenever local authorities in their respective jurisdictions determine on the basis of an

engineering and traffic investigation that the maximum speed permitted under \*this act is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which

- (a) Decreases the limit at intersections; or
- (b) Increases the limit but not to more than sixty miles per hour; or
- (c) Decreases the limit but not to less than twenty miles per hour.

(2) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under RCW 46.61.400(2) but shall not exceed sixty miles per hour.

(3) The state highway commission is authorized to establish speed limits on county roads and city and town streets as shall be necessary to conform with any federal requirements which are a prescribed condition for the allocation of federal funds to the state.

(4) Any altered limit established as hereinbefore authorized shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon such signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(5) Any alteration of maximum limits on state highways within incorporated cities or towns by local authorities shall not be effective until such alteration has been approved by the state highway commission. [1974 ex.s. c 103 § 3; 1963 c 16 § 4. Formerly RCW 46.48.014.]

\*Reviser's note: "this act" [1963 c 16], as amended, is codified as RCW 46.61.400-46.61.415, 46.61.425 and 46.61.440.

**46.61.425 Minimum speed regulation.** (1) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law: *Provided*, That a person following a vehicle driving at less than the legal maximum speed and desiring to pass such vehicle may exceed the speed limit, subject to the provisions of RCW 46.61-.120 on highways having only one lane of traffic in each direction, at only such a speed and for only such a distance as is necessary to complete the pass with a reasonable margin of safety.

(2) Whenever the state highway commission or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway unreasonably impede the normal movement of traffic, the commission or such local authority may determine and declare a minimum speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected.

No person shall drive a vehicle slower than such minimum speed limit except when necessary for safe operation or in compliance with law. [1969 c 135 § 1; 1967 c 25 § 2; 1963 c 16 § 6. Formerly RCW 46.48.015.]

**46.61.427 Slow moving vehicle to pull off roadway.** On a two-lane highway where passing is unsafe because of traffic in the opposite direction or other conditions, a slow moving vehicle, behind which five or more vehicles are formed in a line, shall turn off the roadway wherever sufficient area for a safe turn-out exists, in order to permit the vehicles following to proceed. As used in this section a slow moving vehicle is one which is proceeding at a rate of speed less than the normal flow of traffic at the particular time and place. [1973 c 88 § 1.]

**46.61.430 Authority of state highway commission to fix speed limits on limited access facilities exclusive—Local regulations.** Notwithstanding any law to the contrary or inconsistent herewith, the Washington state highway commission shall have the power and the duty to fix and regulate the speed of vehicles within the maximum speed limit allowed by law for state highways, designated as limited access facilities, regardless of whether a portion of said highway is within the corporate limits of a city or town. No governing body or authority of such city or town or other political subdivision may have the power to pass or enforce any ordinance, rule or regulation requiring a different rate of speed and all such ordinances, rules and regulations contrary to or inconsistent therewith now in force are void and of no effect. [1974 ex.s. c 103 § 4; 1961 c 12 § 46.48.041. Prior: 1955 c 177 § 5. Formerly RCW 46.48.041.]

**46.61.435 Local authorities to provide "stop" or "yield" signs at intersections with increased speed highways—Designated as arterials.** The governing body or authority of any such city or town or political subdivision shall place and maintain upon each and every highway intersecting a highway where an increased speed is permitted, as provided in this chapter, appropriate stop or yield signs, sufficient to be read at any time by any person upon approaching and entering the highway upon which such increased speed is permitted and such city street or such portion thereof as is subject to the increased speed shall be an arterial highway. [1975 c 62 § 33; 1961 c 12 § 46.48.046. Prior: 1951 c 28 § 4; prior: 1937 c 189 § 66, part; RRS § 6360-66, part; 1927 c 309 § 5, part; 1921 c 96 § 41, part; 1919 c 59 § 13, part; 1917 c 155 § 20, part; 1915 c 142 § 34, part; RRS § 6362-5, part. Formerly RCW 46.48.046.]

**Severability—1975 c 62:** See note following RCW 36.75.010.

*Designation of city streets as arterials, stopping on entering:* RCW 46.61.195.

*Traffic control signals or devices upon city streets forming part of state highways:* RCW 46.61.085.

**46.61.440 Maximum speed limit when passing school or playground crosswalks.** Subject to RCW 46.61.400(1), and except in those instances where a lower maximum lawful speed is provided by this chapter

or otherwise, it shall be unlawful for the operator of any vehicle to operate the same at a speed in excess of twenty miles per hour when operating any vehicle upon a highway either inside or outside an incorporated city or town when passing any marked school or playground crosswalk when such marked crosswalk is fully posted with standard school speed limit signs or standard playground speed limit signs. The speed zone at the crosswalk shall extend three hundred feet in either direction from the marked crosswalk. [1975 c 62 § 34; 1963 c 16 § 5; 1961 c 12 § 46.48.023. Prior: 1951 c 28 § 9; 1949 c 196 § 6, part; 1947 c 200 § 8, part; 1937 c 189 § 64, part; Rem. Supp. 1949 § 6360-64, part; 1927 c 309 § 3, part; 1923 c 181 § 6, part; 1921 c 96 § 27, part; 1917 c 155 § 16, part; 1915 c 142 § 24, part; RRS § 6362-3, part; 1909 c 249 § 279, part; Rem. & Bal. § 2531, part. Formerly RCW 46.48.023.]

**Severability**—1975 c 62: See note following RCW 36.75.010.

**46.61.445 Due care required.** Compliance with speed requirements of this chapter under the circumstances hereinabove set forth shall not relieve the operator of any vehicle from the further exercise of due care and caution as further circumstances shall require. [1961 c 12 § 46.48.025. Prior: 1951 c 28 § 11; 1949 c 196 § 6, part; 1947 c 200 § 8, part; 1937 c 189 § 64, part; Rem. Supp. 1949 § 6360-64, part; 1927 c 309 § 3, part; 1923 c 181 § 6, part; 1921 c 96 § 27, part; 1917 c 155 § 16, part; 1915 c 142 § 24, part; RRS § 6362-3, part; 1909 c 249 § 279, part; Rem. & Bal. 2531, part. Formerly RCW 46.48.025.]

*Duty to use due care: RCW 46.61.400(1).*

**46.61.450 Maximum speed, weight or size in traversing bridges, elevated structures, tunnels, underpasses—Posting limits.** It shall be unlawful for any person to operate a vehicle or any combination of vehicles over any bridge or other elevated structure or through any tunnel or underpass constituting a part of any public highway at a rate of speed or with a gross weight or of a size which is greater at any time than the maximum speed or maximum weight or size which can be maintained or carried with safety over any such bridge or structure or through any such tunnel or underpass when such bridge, structure, tunnel or underpass is sign posted as hereinafter provided. The state highway commission, if it be a bridge, structure, tunnel or underpass upon a state highway, or the governing body or authorities of any county, city or town, if it be upon roads or streets under their jurisdiction, may restrict the speed which may be maintained or the gross weight or size which may be operated upon or over any such bridge or elevated structure or through any such tunnel or underpass with safety thereto. The state highway commission or the governing body or authorities of any county, city or town having jurisdiction shall determine and declare the maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel or underpass can withstand or accommodate and shall cause suitable signs stating such maximum speed or maximum gross weight, or size, or either, to be erected and maintained on the

right hand side of such highway, road or street and at a distance of not less than one hundred feet from each end of such bridge, structure, tunnel or underpass and on the approach thereto: *Provided*, That in the event that any such bridge, elevated structure, tunnel or underpass is upon a city street designated by the state highway commission as forming a part of the route of any state highway through any such incorporated city or town the determination of any maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel or underpass can withstand or accommodate shall not be enforceable at any speed, weight or size less than the maximum allowed by law, unless with the approval in writing of the state highway commission. Upon the trial of any person charged with a violation of this section, proof of either violation of maximum speed or maximum weight, or size, or either, and the distance and location of such signs as are required, shall constitute conclusive evidence of the maximum speed or maximum weight, or size, or either, which can be maintained or carried with safety over such bridge or elevated structure or through such tunnel or underpass. [1961 c 12 § 46.48.080. Prior: 1937 c 189 § 70; RRS § 6360-70. Formerly RCW 46.48.080.]

**46.61.455 Vehicles with solid or hollow cushion tires.** It shall be unlawful to operate any vehicle equipped or partly equipped with solid rubber tires or hollow center cushion tires, or to operate any combination of vehicles any part of which is equipped or partly equipped with solid rubber tires or hollow center cushion tires, so long as solid rubber tires or hollow center cushion tires may be used under the provisions of this title, upon any public highway of this state at a greater rate of speed than ten miles per hour. [1961 c 12 § 46.48.110. Prior: 1947 c 200 § 11; 1937 c 189 § 73; Rem. Supp. 1947 § 6360-73. Formerly RCW 46.48.110.]

**46.61.460 Special speed limitation on motor-driven cycle.** No person shall operate any motor-driven cycle at any time mentioned in RCW 46.37.020 at a speed greater than thirty-five miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of three hundred feet ahead. [1965 ex.s. c 155 § 57.]

**46.61.465 Exceeding speed limit evidence of reckless driving.** The unlawful operation of a vehicle in excess of the maximum lawful speeds provided in this chapter at the point of operation and under the circumstances described shall be prima facie evidence of the operation of a motor vehicle in a reckless manner by the operator thereof. [1961 c 12 § 46.48.026. Prior: 1951 c 28 § 12; 1949 c 196 § 6, part; 1947 c 200 § 8, part; 1937 c 189 § 64, part; Rem. Supp. 1949 § 6360-64, part; 1927 c 309 § 3, part; 1923 c 181 § 6, part; 1921 c 96 § 27, part; 1917 c 155 § 16, part; 1915 c 142 § 24, part; RRS § 6362-3, part; 1909 c 249 § 279, part; Rem. & Bal. § 2531, part. Formerly RCW 46.48.026.]

**46.61.470 Speed traps outlawed—Measured courses.** No evidence as to the speed of any vehicle operated upon a public highway by any person arrested for violation of any of the laws of this state regarding speed or of any orders, rules or regulations of any city or town or other political subdivision relating thereto shall be admitted in evidence in any court at a subsequent trial of such person in case such evidence relates to or is based upon the maintenance or use of a speed trap. A "speed trap," within the meaning of this section, is a particular section of or distance on any public highway, the length of which has been or is measured off or otherwise designated or determined, and the limits of which are within the vision of any officer or officers who calculate the speed of a vehicle passing through such speed trap by using the lapsed time during which such vehicle travels between the entrance and exit of such speed trap: *Provided*, That evidence shall be admissible against any person arrested for violation of any of the laws of this state or of any orders, rules or regulations of any city or town or other political subdivision regarding speed if the same is determined by a particular section of or distance on a public highway, the length of which has been accurately measured off or otherwise designated or determined and the limits of which are controlled by a mechanical, electrical or other device capable of measuring or recording the speed of a vehicle passing within such limits within an error of not to exceed five percent using the lapsed time during which such vehicle travels between such limits: *Provided further*, That such limits shall not be closer than one-fourth mile. [1961 c 12 § 46.48.120. Prior: 1937 c 189 § 74; RRS § 6360-74; 1927 c 309 § 7; RRS § 6362-7. Formerly RCW 46.48.120.]

**46.61.475 Charging violations of speed regulations.**

(1) In every charge of violation of any speed regulation in this chapter the complaint, also the summons or notice to appear, shall specify the approximate speed at which the defendant is alleged to have driven, also the maximum speed applicable within the district or at the location. [1965 ex.s. c 155 § 58.]

**RECKLESS DRIVING, DRIVING WHILE INTOXICATED AND NEGLIGENT HOMICIDE BY VEHICLE**

**46.61.500 Reckless driving.** (1) Any person who drives any vehicle in wilful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(2) The license or permit to drive or any nonresident privilege of any person convicted of reckless driving shall be suspended by the department for not less than thirty days. [1967 c 32 § 67; 1965 ex.s. c 155 § 59.]

*Embracing another while driving as reckless driving: RCW 46.61.665.*  
*Excess speed as prima facie evidence of reckless driving: RCW 46.61.465.*

*Racing of vehicles on public highways, reckless driving: RCW 46.61.530.*

*Revocation of license, reckless driving: RCW 46.20.285.*

**46.61.506 Persons under influence of intoxicating liquor or drug—Presumptions—Evidence—Chemical tests—Information concerning tests.** (1) It is unlawful for any person who is under the influence of or affected by the use of intoxicating liquor or of any drug to drive or be in actual physical control of a vehicle within this state.

(2) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of his blood, breath or other bodily substance shall give rise to the following presumptions:

(a) If there was at that time 0.05 percent or less by weight of alcohol in the person's blood, it shall be presumed that he was not under the influence of intoxicating liquor.

(b) If there was at that time in excess of 0.05 percent but less than 0.10 percent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor.

(c) If there was at that time 0.10 percent or more by weight of alcohol in the person's blood, it shall be presumed that he was under the influence of intoxicating liquor.

(d) Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per one hundred cubic centimeters of blood.

(e) The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor.

(3) Chemical analysis of the person's blood or breath to be considered valid under the provisions of this section shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.

(4) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its alcoholic content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath specimens.

(5) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the



test or tests taken at the direction of a law enforcement officer.

(6) Upon the request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney. [1975 1st ex.s. c 287 § 1; 1969 c 1 § 3 (Initiative Measure No. 242 § 3).]

**Severability**—1969 c 1: See RCW 46.20.911.

**46.61.515 Driving while under the influence of intoxicating liquor or drugs—Penalties—Penalty assessments in addition to fines, etc.—Suspension or revocation of license—Appeal.** (1) Every person who is convicted of a violation of (a) driving a motor vehicle while under the influence of intoxicating liquor or (b) driving a motor vehicle while under the influence of a drug to a degree which renders the driver incapable of safely driving a motor vehicle shall be punished by imprisonment for not less than five days nor more than one year, and by a fine of not less than fifty dollars nor more than five hundred dollars.

On a second or subsequent conviction of either offense within a five year period he shall be punished by imprisonment for not less than thirty days nor more than one year and by a fine not less than one hundred dollars nor more than one thousand dollars, and neither the jail sentence nor the fine shall be suspended: *Provided*, That the court may, for a defendant who has not previously had a jail sentence suspended on such second or subsequent conviction, suspend such sentence and/or fine only on the condition that the defendant participate in and successfully complete a court approved alcohol treatment program: *Provided, further*, That the suspension shall be set aside upon the failure of the defendant to provide proof of successful completion of said treatment program within a time certain to be established by the court. If such person at the time of a second or subsequent conviction is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be ninety days in jail and a two hundred dollar fine. The penalty so imposed shall not be suspended.

(2) There shall be levied and paid into the highway safety fund of the state treasury a penalty assessment in the minimum amount of twenty-five percent of, and which shall be in addition to, any fine, bail forfeiture, or costs on all offenses involving a violation of any state statute or city or county ordinance relating to driving a motor vehicle while under the influence of intoxicating liquor or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor: *Provided*, That all funds derived from such penalty assessment shall be in addition to and exclusive of assessments made under RCW 46.81.030 and shall be for the exclusive use of the department for driver services programs and for a state-wide alcohol safety action program, or other similar programs designed primarily for the rehabilitation or control of traffic offenders. Such penalty assessment shall be included in any bail schedule and shall be included by the court in any pronouncement of sentence.

(3) Notwithstanding the provisions contained in chapters 3.16, 3.46, 3.50, 3.62 or 35.20 RCW, or any other section, the penalty assessment provided for in subsection (2) of this section shall not be suspended, waived, modified, or deferred in any respect and all moneys derived from such penalty assessments shall be forwarded to the highway safety fund to be used exclusively for the purposes set forth in subsection (2) of this section.

(4) The license or permit to drive or any nonresident privilege of any person convicted of either of the offenses named in subsection (1) above shall:

(a) Be suspended by the department for not less than thirty days;

(b) On a second conviction under either such offense within a five year period, be suspended by the department for not less than sixty days after the termination of such person's jail sentence;

(c) On a third or subsequent conviction under either such offense within a five year period, be revoked by the department.

(5) In any case provided for in this section, where a driver's license is to be revoked or suspended, such revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case such conviction is sustained on appeal such revocation or suspension shall take effect as of the date that the conviction becomes effective for other purposes. [1975 1st ex.s. c 287 § 2; 1974 ex.s. c 130 § 1; 1971 ex.s. c 284 § 1; 1967 c 32 § 68; 1965 ex.s. c 155 § 62.]

**Severability**—1971 ex.s. c 284: See note following RCW 46.65.010.

*Highway safety fund: RCW 46.68.060.*

*Revocation of license for driving under the influence of intoxicating liquor or drugs: RCW 46.20.285.*

**46.61.518 Penalty assessments—Disposition of gross proceeds.** The gross proceeds of the penalty assessments provided for in RCW 46.61.515(2) shall be separately accounted for and transmitted to the city or county treasurer, as the case may be, by the court collecting the same, in the manner and at the times that fines and bail forfeitures are transmitted to such treasurers. The city and county treasurers shall also separately account for such moneys, place them in a separate fund, and shall transmit to the state treasurer monthly and without deduction the gross amount of such penalty assessments received, which shall be credited forthwith to the highway safety fund of the state treasury. [1974 ex.s. c 130 § 3.]

**46.61.520 Negligent homicide by motor vehicle—Penalty.** (1) When the death of any person shall ensue within three years as a proximate result of injury received by the driving of any vehicle by any person while under the influence of or affected by intoxicating liquor or drugs, or by the operation of any vehicle in a reckless manner or with disregard for the safety of others, the person so operating such vehicle shall be guilty of negligent homicide by means of a motor vehicle.

(2) Any person convicted of negligent homicide by means of a motor vehicle shall be punished by imprisonment in the state penitentiary for not more than ten years, or by imprisonment in the county jail for not more than one year, or by fine of not more than one thousand dollars, or by both fine and imprisonment. [1975 1st ex.s. c 287 § 3; 1973 2nd ex.s. c 38 § 2; 1970 ex.s. c 49 § 5; 1965 ex.s. c 155 § 63; 1961 c 12 § 46.56.040. Prior: 1937 c 189 § 120; RRS § 6360-120. Formerly RCW 46.56.040.]

**Severability**—1970 ex.s. c 49: See note following RCW 9.69.100.

*Suspension or revocation of license upon conviction of manslaughter or negligent homicide resulting from operation of motor vehicle: RCW 46.20.285, 46.20.291.*

**46.61.525 Operating motor vehicle in a negligent manner.** It shall be unlawful for any person to operate a motor vehicle in a negligent manner over and along the public highways of this state. For the purpose of this section to "operate in a negligent manner" shall be construed to mean the operation of a vehicle upon the public highways of this state in such a manner as to endanger or be likely to endanger any persons or property.

The offense of operating a vehicle in a negligent manner shall be considered to be a lesser offense than, but included in, the offense of operating a vehicle in a reckless manner, and any person charged with operating a vehicle in a reckless manner may be convicted of the lesser offense of operating a vehicle in a negligent manner. Any person violating the provisions of this section will be guilty of a misdemeanor: *Provided*, That the director shall not revoke any license under this section. [1967 c 32 § 69; 1961 c 12 § 46.56.030. Prior: 1939 c 154 § 1; RRS § 6360-118 1/2. Formerly RCW 46.56.030.]

**46.61.530 Racing of vehicles on highways—Reckless driving.** No person or persons shall race any motor vehicle or motor vehicles upon any public highway of this state. Any person or persons guilty of comparing or contesting relative speeds by simultaneous operations shall be guilty of reckless driving whether or not such speed is in excess of the maximum speed prescribed by law. [1961 c 12 § 46.48.050. Prior: 1937 c 189 § 67; RRS § 6360-67; 1921 c 96 § 32; 1915 c 142 § 25; RRS § 6344. Formerly RCW 46.48.050.]

**46.61.535 Advertising of unlawful speed attained—Reckless driving.** It shall be unlawful for any manufacturer, dealer, distributor or any person, firm or corporation to publish or advertise or offer for publication or advertisement, or to consent or cause to be published or advertised, the time consumed or speed attained by a vehicle between given points or over given or designated distances upon any public highways of this state when such published or advertised time consumed or speed attained shall indicate an average rate of speed between given points or over a given or designated distance in excess of the maximum rate of speed allowed between such points or at a rate of speed which would constitute reckless driving between such points. Conviction for a

violation of any of the provisions of this section shall be prima facie evidence of reckless driving and shall subject such person, firm, or corporation to the penalties in such cases provided. [1961 c 12 § 46.48.060. Prior: 1937 c 189 § 68; RRS § 6360-68. Formerly RCW 46.48.060.]

**46.61.540 "Drugs", what included.** The word "drugs", as used in RCW 46.61.500 through 46.61.535, shall include but not be limited to those drugs and substances regulated by chapters 69.41 and 69.50 RCW. [1975 1st ex.s. c 287 § 5.]

## STOPPING, STANDING, AND PARKING

**46.61.560 Stopping, standing or parking outside of business or residence districts.** (1) Upon any highway outside of incorporated cities and towns no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the main-traveled part of the highway.

(2) This section shall not apply to the driver of any vehicle which is disabled while on the main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position. [1965 ex.s. c 155 § 64.]

*Rules on leaving motor vehicle unattended: RCW 46.61.600.*

**46.61.565 Officers authorized to remove illegally stopped vehicle.** (1) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of RCW 46.61.560, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the main-traveled part of such highway.

(2) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

(3) The charge for removal of a vehicle as authorized in subsections (1) and (2) above shall be fixed by the governmental agency having traffic law enforcement jurisdiction over the portion of highway where such vehicle was found. Such governmental agency may perform the removal service directly or through a private firm. A private firm providing such removal services shall post the authorized charges therefor prominently at its place of business. The costs incurred in the removal of such a vehicle shall be paid by the vehicle's owner and shall be a lien upon the vehicle until paid. [1965 ex.s. c 155 § 65.]

**46.61.570 Stopping, standing, or parking prohibited in specified places—Reserving portion of highway prohibited.** (1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

(a) Stop, stand, or park a vehicle:

(i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(ii) On a sidewalk or street planting strip;

(iii) Within an intersection;

(iv) On a crosswalk;

(v) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless official signs or markings indicate a different no-parking area opposite the ends of a safety zone;

(vi) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(vii) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(viii) On any railroad tracks;

(ix) In the area between roadways of a divided highway including crossovers; or

(x) At any place where official signs prohibit stopping.

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(i) In front of a public or private driveway or within five feet of the end of the curb radius leading thereto;

(ii) Within fifteen feet of a fire hydrant;

(iii) Within twenty feet of a crosswalk;

(iv) Within thirty feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;

(v) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly signposted; or

(vi) At any place where official signs prohibit standing.

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:

(i) Within fifty feet of the nearest rail of a railroad crossing; or

(ii) At any place where official signs prohibit parking.

(2) Parking or standing shall be permitted in the manner provided by law at all other places except a time limit may be imposed or parking restricted at other places but such limitation and restriction shall be by city ordinance or county resolution or order of the state highway commission upon highways under their respective jurisdictions.

(3) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

(4) It shall be unlawful for any person to reserve or attempt to reserve any portion of a highway for the purpose of stopping, standing, or parking to the exclusion of any other like person, nor shall any person be granted such right. [1975 c 62 § 35; 1965 ex.s. c 155 § 66.]

**Severability**—1975 c 62: See note following RCW 36.75.010.

**46.61.575 Additional parking regulations.** (1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to

and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(3) Local authorities may by ordinance or resolution permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the state highway commission has determined by resolution or order that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) The state highway commission with respect to highways under its jurisdiction may place official traffic control devices prohibiting, limiting, or restricting the stopping, standing, or parking of vehicles on any highway where in its opinion, as evidenced by resolution or order, such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices. [1975 c 62 § 36; 1965 ex.s. c 155 § 67.]

**Severability**—1975 c 62: See note following RCW 36.75.010.

**46.61.580 Special parking privileges for certain disabled persons—Display of card or decal—Prohibited areas.** Any person who has lost both of his or her lower extremities, or who has lost the normal or full use thereof, or who is so severely disabled as to be unable to move without the aid of crutches or a wheelchair, or who has lost both hands, shall be allowed to park a vehicle being used to transport such person for unlimited periods of time in parking zones or areas which are otherwise restricted as to the length of time parking is permitted. This section shall have no application to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. Such person shall not be permitted the foregoing privilege unless he obtains and displays a distinguishing card or decal as provided in RCW 46.16-.380. [1975-'76 2nd ex.s. c 102 § 2; 1975 1st ex.s. c 297 § 2; 1961 c 128 § 2. Formerly RCW 46.48.340.]

**46.61.585 Winter recreational parking areas—Special permit required.** Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall park a vehicle in an area designated by an official sign that it is a winter recreational parking area unless such vehicle displays, in accordance with regulations adopted by the parks and recreation

commission, a special winter recreational area parking permit. [1975 1st ex.s. c 209 § 5.]

**Severability**—1975 1st ex.s. c 209: See note following RCW 43.51.290.

*Winter recreational parking areas: RCW 43.51.290–43.51.340.*

**46.61.587 Winter recreational parking areas**—**Penalty.** Any violation of RCW 43.51.320 or 46.61.585 or any rule promulgated by the parks and recreation commission to enforce the provisions thereof shall be a misdemeanor. [1975 1st ex.s. c 209 § 6.]

**Severability**—1975 1st ex.s. c 209: See note following RCW 43.51.290.

### MISCELLANEOUS RULES

**46.61.600 Unattended motor vehicle.** No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake thereon and, when standing upon any perceptible grade, turning the front wheels to the curb or side of the highway. [1965 ex.s. c 155 § 68.]

**46.61.605 Limitations on backing.** (1) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(2) The driver of a vehicle shall not back the same upon any shoulder or roadway of any limited access highway. [1965 ex.s. c 155 § 69.]

**46.61.606 Driving on sidewalk prohibited**—**Exception.** No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. [1975 c 62 § 45.]

**Severability**—1975 c 62: See note following RCW 36.75.010.

**46.61.608 Operating motorcycles on roadways laned for traffic.** (1) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

(2) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(3) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(4) Motorcycles shall not be operated more than two abreast in a single lane.

(5) Subsections (2) and (3) of this section shall not apply to police officers in the performance of their official duties. [1975 c 62 § 46.]

**Severability**—1975 c 62: See note following RCW 36.75.010.

**46.61.610 Riding on motorcycles.** A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person

ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator: *Provided, however,* That the motorcycle must contain foot pegs, of a type approved by the equipment commission, for each person such motorcycle is designed to carry. [1975 c 62 § 37; 1967 c 232 § 5; 1965 ex.s. c 155 § 70.]

**Severability**—1975 c 62: See note following RCW 36.75.010.

*Equipment regulations for motorcycles: RCW 46.37.530, 46.37.535.*

**46.61.611 Riding on motorcycles**—**Maximum height for handlebars.** No person shall operate on a public highway a motorcycle in which the handlebars or grips are more than fifteen inches higher than the seat or saddle for the operator. [1967 c 232 § 6.]

**46.61.612 Riding on motorcycles**—**Both feet not to be on same side.** No person shall ride a motorcycle in a position where both feet are placed on the same side of the motorcycle. [1967 c 232 § 7.]

**46.61.613 Riding on motorcycles**—**Temporary suspension of restrictions for parades or public demonstrations.** The provisions of RCW 46.37.530 and 46.61.610 through 46.61.612 may be temporarily suspended by the chief of the Washington state patrol, or his designee, with respect to the operation of motorcycles within their respective jurisdictions in connection with a parade or public demonstration. [1967 c 232 § 8.]

**46.61.614 Riding on motorcycles**—**Clinging to other vehicles.** No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a roadway. [1975 c 62 § 47.]

**Severability**—1975 c 62: See note following RCW 36.75.010.

**46.61.615 Obstructions to driver's view or driving mechanism.** (1) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(2) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle. [1965 ex.s. c 155 § 71.]

**46.61.620 Opening and closing vehicle doors.** No person shall open the door of a motor vehicle on the side adjacent to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle adjacent to moving traffic for a period of time longer than necessary to load or unload passengers. [1965 ex.s. c 155 § 72.]

**46.61.625 Riding in trailers.** No person or persons shall occupy any trailer while it is being moved upon a

public highway, except a person occupying a proper position for steering a trailer designed to be steered from a rear-end position. [1965 ex.s. c 155 § 73.]

**46.61.630 Coasting prohibited.** (1) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.

(2) The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged. [1965 ex.s. c 155 § 74.]

**46.61.635 Following fire apparatus prohibited.** The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or stop such vehicle within five hundred feet of any fire apparatus stopped in answer to a fire alarm. [1975 c 62 § 38; 1965 ex.s. c 155 § 75.]

**Severability—1975 c 62:** See note following RCW 36.75.010.

**46.61.640 Crossing fire hose.** No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command. [1965 ex.s. c 155 § 76.]

**46.61.645 Throwing or depositing glass, etc., on highway prohibited—Removal.** (1) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway.

(2) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(3) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle. [1965 ex.s. c 155 § 77.]

**46.61.655 Permitting escape of load materials.** No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in the cleaning or maintaining of such roadway by public authority having jurisdiction. Any person operating a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway shall immediately cause the public highway to be cleaned of all such glass or objects and shall pay any costs therefor. [1971 ex.s. c 307 § 22; 1965 ex.s. c 52 § 1; 1961 c 12 § 46.56.135. Prior: 1947 c 200 § 3, part; 1937 c 189 § 44, part; Rem. Supp. 1947 § 6360-44, part. Formerly RCW 46.56.135.]

**Severability—1971 ex.s. c 307:** See RCW 70.93.900.

**46.61.660 Carrying persons or animals on outside part of vehicle.** It shall be unlawful for any person to transport any living animal on the running board, fenders, hood, or other outside part of any vehicle unless suitable harness, cage or enclosure be provided and so attached as to protect such animal from falling or being thrown therefrom. It shall be unlawful for any person to transport any persons upon the running board, fenders, hood or other outside part of any vehicle, except that this provision shall not apply to authorized emergency vehicles. [1961 c 12 § 46.56.070. Prior: 1937 c 189 § 115; RRS § 6360-115. Formerly RCW 46.56.070.]

**46.61.665 Embracing another while driving.** It shall be unlawful for any person to operate a motor vehicle upon the highways of this state when such person has in his or her embrace another person which prevents the free and unhampered operation of such vehicle. Any person so doing shall be deemed guilty of reckless driving. [1961 c 12 § 46.56.100. Prior: 1937 c 189 § 117; RRS § 6360-117; 1927 c 309 § 49; RRS § 6362-49. Formerly RCW 46.56.100.]

**46.61.670 Driving with wheels off roadway.** It shall be unlawful to operate or drive any vehicle or combination of vehicles over or along any pavement or gravel or crushed rock surface on a public highway with one wheel or all of the wheels off the roadway thereof, except for the purpose of stopping off such roadway, or having stopped thereat, for proceeding back onto the pavement, gravel or crushed rock surface thereof. [1961 c 12 § 46.56.130. Prior: 1937 c 189 § 96; RRS § 6360-96. Formerly RCW 46.36.130, (second, third, fourth paragraphs). Formerly RCW 46.56.130.]

**46.61.675 Causing or permitting vehicle to be unlawfully operated.** It shall be unlawful for the owner, or any other person, in employing or otherwise directing the operator of any vehicle to require or knowingly to permit the operation of such vehicle upon any public highway in any manner contrary to the law. [1961 c 12 § 46.56.200. Prior: 1937 c 189 § 148; RRS § 6360-148. Formerly RCW 46.56.200.]

**46.61.680 Lowering passenger motor vehicle below legal clearance—Penalty.** It is unlawful to operate any passenger motor vehicle which has been modified from the original design so that any portion of such passenger vehicle other than the wheels has less clearance from the surface of a level roadway than the clearance between the roadway and the lowermost portion of any rim of any wheel the tire on which is in contact with such roadway.

Any person violating the provisions of this section shall be guilty of a misdemeanor. [1961 c 151 § 1. Formerly RCW 46.56.220.]

**46.61.685 Leaving children unattended in standing vehicle with motor running—Penalty.** It shall be unlawful for any person, while operating or in charge of a vehicle, to park or wilfully allow such vehicle to stand upon a public highway or in a public place with its

motor running, leaving a minor child or children under the age of sixteen years unattended therein.

Any person violating the provisions of this section shall be guilty of a misdemeanor. Upon a second or subsequent conviction for a violation of the provisions of this section, the court shall, in addition to such fine or imprisonment as provided by law, revoke the operator's license of such person. [1961 c 151 § 2. Formerly RCW 46.56.230.]

*Leaving children unattended in parked automobile while entering tavern, etc.: RCW 9.91.060.*

**46.61.690 Violations relating to toll facilities.** Any person who operates a motor vehicle over a toll bridge, toll tunnel, toll road, or toll ferry, and the approaches thereto, operated by the state of Washington, the Washington toll bridge authority or any political subdivision or municipal corporation empowered to operate toll facilities, at the entrance to which appropriate signs have been erected to notify traffic that it is entering a toll facility or its approaches and is subject to the payment of tolls at the designated station for collecting tolls, shall be guilty of a misdemeanor if:

(1) He refuses to pay, evades, or attempts to evade the payment of such tolls, or who shall use or attempt to use any spurious or counterfeit tickets, coupons or tokens for payment of any such tolls, or

(2) he turns, or attempts to turn, the vehicle around in the bridge, tunnel, loading terminal, approach or toll plaza where signs have been erected forbidding such turns, or

(3) he refuses to pass through the toll gates after having come within the area where signs have been erected notifying traffic that it is entering the area where toll is collectible or where vehicles may not turn around and where vehicles are required to pass through the toll gates for the purpose of collecting tolls. [1961 c 259 § 1. Formerly RCW 46.56.240.]

**Severability—1961 c 259:** "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." [1961 c 259 § 2.] This applies to RCW 46.61.690.

**46.61.700 Parent or guardian shall not authorize or permit violation by a child or ward.** The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter. [1965 ex.s. c 155 § 78.]

**Reviser's note:** This section was enacted just prior to sections pertaining to operation of bicycles and play vehicles and is accordingly so codified. The section appears in the Uniform Vehicle Code (1962) as part of the first section of Article XII—Operation of Bicycles and Play Vehicles.

*Captions used herein, not part of the law: RCW 46.61.990.*

*Unlawful to allow unauthorized child or ward to drive: RCW 46.20.343.*

[Title 46—p 146]

## OPERATION OF BICYCLES AND PLAY VEHICLES

**46.61.750 Effect of regulations—Penalty.** (1) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in RCW 46.61.750 through 46.61.780.

(2) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein. [1965 ex.s. c 155 § 79.]

*Bicycle defined: RCW 46.04.071.*

**46.61.755 Traffic laws apply to persons riding bicycles.** Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except as to special regulations in RCW 46.61.750 through 46.61.780 and except as to those provisions of this chapter which by their nature can have no application. [1965 ex.s. c 155 § 80.]

**46.61.760 Riding on bicycles.** (1) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(2) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. [1965 ex.s. c 155 § 81.]

**46.61.765 Clinging to vehicles.** No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway. [1965 ex.s. c 155 § 82.]

**46.61.770 Riding on roadways and bicycle paths.** (1) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable and may utilize the shoulder of the roadway or any specially designated bicycle lane if such exists, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(2) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(3) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. [1974 ex.s. c 141 § 14; 1965 ex.s. c 155 § 83.]

**46.61.775 Carrying articles.** No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handle bars. [1965 ex.s. c 155 § 84.]

**46.61.780 Lamps and other equipment on bicycles.** (1) Every bicycle when in use during the hours of darkness as defined in RCW 46.37.020 shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the state commission on equipment which

shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

(2) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement. [1975 c 62 § 39; 1965 ex.s. c 155 § 85.]

**Severability**—1975 c 62: See note following RCW 36.75.010.

**46.61.990 Recodification of sections—Organization of chapter—Construction.** Sections 1 through 52 and 54 through 86 of this amendatory act are added to chapter 12, Laws of 1961 and shall constitute a new chapter in Title 46 of the Revised Code of Washington and sections 54, 55 and 63 as herein amended and RCW 46.48.012, 46.48.014, 46.48.015, 46.48.016, 46.48.023, 46.48.025, 46.48.026, 46.48.041, 46.48.046, 46.48.050, 46.48.060, 46.48.080, 46.48.110, 46.48.120, 46.48.150, 46.48.160, 46.48.340, 46.56.030, 46.56.070, 46.56.100, 46.56.130, 46.56.135, 46.56.190, 46.56.200, 46.56.210, 46.56.220, 46.56.230, 46.56.240, 46.60.260, 46.60.270, 46.60.330, 46.60.340 shall be recodified as and be a part of said chapter. The sections of the new chapter shall be organized under the following captions: "OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS", "TRAFFIC SIGNS, SIGNALS AND MARKINGS", "DRIVING ON RIGHT SIDE OF ROADWAY—OVERTAKING AND PASSING—USE OF ROADWAY", "RIGHT OF WAY", "PEDESTRIANS' RIGHTS AND DUTIES", "TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING", "SPECIAL STOPS REQUIRED", "SPEED RESTRICTIONS", "RECKLESS DRIVING, DRIVING WHILE INTOXICATED AND NEGLIGENT HOMICIDE BY VEHICLE", "STOPPING, STANDING AND PARKING", "MISCELLANEOUS RULES", and "OPERATION OF BICYCLES AND PLAY VEHICLES". Such captions shall not constitute any part of the law. [1965 ex.s. c 155 § 92.]

**46.61.991 Severability**—1965 ex.s. c 155. If any provision of this amendatory 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. [1965 ex.s. c 155 § 93.]

**Chapter 46.64  
ENFORCEMENT**

Sections	
46.64.010	Traffic citations—Record of—Cancellation prohibited—Penalty—Citation audit.
46.64.015	Citation and notice to appear in court—Issuance—Contents—Written promise—Arrest.
46.64.017	Arrest pursuant to investigation at scene of accident.
46.64.020	Nonappearance after written promise, misdemeanor.
46.64.025	Nonappearance after written promise—Notice to department.
46.64.030	Procedure governing arrest and prosecution.

- 46.64.040 Nonresident's use of highways as assent to being sued and served in state—Resident leaving state—Secretary of state as attorney in fact.
- 46.64.048 Attempting, aiding, abetting, coercing, committing violations, punishable.
- 46.64.050 General penalty.
- 46.64.060 Stopping motor vehicles for driver's license check, vehicle inspection and test—Purpose.
- 46.64.070 Stopping motor vehicles for driver's license check, vehicle inspection and test—Authorized—Powers additional.

**46.64.010 Traffic citations—Record of—Cancellation prohibited—Penalty—Citation audit.** Every traffic enforcement agency in this state shall provide in appropriate form traffic citations containing notices to appear which shall be issued in books with citations in quadruplicate and meeting the requirements of this section.

The chief administrative officer of every such traffic enforcement agency shall be responsible for the issuance of such books and shall maintain a record of every such book and each citation contained therein issued to individual members of the traffic enforcement agency and shall require and retain a receipt for every book so issued.

Every traffic enforcement officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of any city or town shall deposit the original or a copy of such traffic citation with a court having competent jurisdiction over the alleged offense or with its traffic violations bureau.

Upon the deposit of the original or a copy of such traffic citation with a court having competent jurisdiction over the alleged offense or with its traffic violations bureau as aforesaid, said original or copy of such traffic citation may be disposed of only by trial in said court or other official action by a judge of said court, including forfeiture of the bail or by the deposit of sufficient bail with or payment of a fine to said traffic violations bureau by the person to whom such traffic citation has been issued by the traffic enforcement officer.

It shall be unlawful and official misconduct for any traffic enforcement officer or other officer or public employee to dispose of a traffic citation or copies thereof or of the record of the issuance of the same in a manner other than as required herein.

The chief administrative officer of every traffic enforcement agency shall require the return to him of a copy of every traffic citation issued by an officer under his supervision to an alleged violator of any traffic law or ordinance and of all copies of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

Such chief administrative officer shall also maintain or cause to be maintained in connection with every traffic citation issued by an officer under his supervision a record of the disposition of the charge by the court or its traffic violations bureau in which the original or copy of the traffic citation was deposited.

Any person who cancels or solicits the cancellation of any traffic citation, in any manner other than as provided in this section, shall be guilty of a misdemeanor.

Every record of traffic citations required in this section shall be audited monthly by the appropriate fiscal officer of the government agency to which the traffic enforcement agency is responsible. [1961 c 12 § 46.64.010. Prior: 1949 c 196 § 16; 1937 c 189 § 145; Rem. Supp. 1949 § 6360-145.]

**46.64.015 Citation and notice to appear in court—Issuance—Contents—Written promise—Arrest.** Whenever any person is arrested for any violation of the traffic laws or regulations which is punishable as a misdemeanor or by imposition of a fine, the arresting officer may serve upon him a traffic citation and notice to appear in court. Such citation and notice shall conform to the requirements of RCW 46.64.010, and in addition, shall include spaces for the name and address of the person arrested, the license number of the vehicle involved, the driver's license number of such person, if any, the offense or violation charged, the time and place where such person shall appear in court, and a place where the person arrested may sign. Such spaces shall be filled with the appropriate information by the arresting officer. The arrested person, in order to secure release, and when permitted by the arresting officer, must give his written promise to appear in court as required by the citation and notice by signing in the appropriate place the written citation and notice served by the arresting officer. Upon the arrested person's failing or refusing to sign such written promise, he may be taken into custody of such arresting officer and so remain or be placed in confinement: *Provided*, That an officer shall not serve or issue any traffic citation or notice for any offense or violation except either when said offense or violation is committed in his presence or when the citation and notice may be issued or served pursuant to RCW 46.64.017. [1975-'76 2nd ex.s. c 95 § 2; 1975 c 56 § 1; 1967 c 32 § 70; 1961 c 12 § 46.64.015. Prior: 1951 c 175 § 1.]

**46.64.017 Arrest pursuant to investigation at scene of accident.** A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of the traffic laws or regulations. The detention arising from any arrest under this section shall not be for a period of time longer than is reasonably necessary to issue and serve a citation and notice, except that such time limitation shall not apply under any of the following circumstances:

(1) Where the law enforcement officer has probable cause to believe that the arrested person had been driving the motor vehicle while under the influence of intoxicating liquor, controlled substance, or drugs in violation of state law or any county, city, or town ordinance; or

(2) Where the arrested person refuses to sign a written promise to appear in court as required by the citation and notice provisions of RCW 46.64.015. [1975 c 56 § 3.]

**46.64.020 Nonappearance after written promise, misdemeanor.** Any person wilfully violating his written and signed promise to appear in court, as provided in this title, shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested: *Provided*, That a written promise to appear in court may be complied with by an appearance by counsel. [1961 c 12 § 46.64.020. Prior: 1937 c 189 § 146; RRS § 6360-146.]

**46.64.025 Nonappearance after written promise—Notice to department.** Whenever any person has for a period of fifteen or more days violated his written promise to appear in court, the court in which the defendant so promised to appear shall forthwith give notice of such fact to the department of motor vehicles. Whenever thereafter the case in which such promise was given is adjudicated the court hearing the case shall file with the department a certificate showing that the case has been adjudicated. [1967 c 32 § 71; 1965 ex.s. c 121 § 23.]

**Severability—1965 ex.s. c 121:** See RCW 46.20.910.

**Purpose of 1965 ex.s. c 121—Construction:** See note following RCW 46.20.021.

**46.64.030 Procedure governing arrest and prosecution.** The provisions of this title with regard to the apprehension and arrest of persons violating this title shall govern all police officers in making arrests without a warrant for violations of this title for offenses either committed in their presence or believed to have been committed based on probable cause stemming from investigation at the scenes of motor vehicle accidents pursuant to RCW 46.64.017, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for other like offenses. [1975 c 56 § 2; 1967 c 32 § 72; 1961 c 12 § 46.64.030. Prior: 1937 c 189 § 147; RRS § 6360-147.]

**46.64.040 Nonresident's use of highways as assent to being sued and served in state—Resident leaving state—Secretary of state as attorney in fact.** The acceptance by a nonresident of the rights and privileges conferred by law in the use of the public highways of this state, as evidenced by his operation of a vehicle thereon, or the operation thereon of his vehicle with his consent, express or implied, shall be deemed equivalent to and construed to be an appointment by such nonresident of the secretary of state of the state of Washington to be his true and lawful attorney upon whom may be served all lawful summons and processes against him growing out of any accident, collision, or liability in which such nonresident may be involved while operating a vehicle upon the public highways, or while his vehicle is being operated thereon with his consent, express or implied, and such operation and acceptance shall be a signification of his agreement that any summons or process against him which is so served shall be of the same legal force and validity as if served on him personally within the state of Washington. Likewise each resident of this state who, while operating a motor vehicle on the public highways of this state, is involved in any accident,



collision or liability and thereafter within three years departs from this state appoints the secretary of state of the state of Washington as his lawful attorney for service of summons as provided in this section for nonresidents. Service of such summons or process shall be made by leaving two copies thereof with a fee of five dollars with the secretary of state of the state of Washington, or at his office, and such service shall be sufficient and valid personal service upon said resident or nonresident: *Provided*, That notice of such service and a copy of the summons or process is forthwith sent by registered mail with return receipt requested, by plaintiff to the defendant at the last known address of the said defendant, and the plaintiff's affidavit of compliance herewith are appended to the process, together with the affidavit of the plaintiff's attorney that he has with due diligence attempted to serve personal process upon the defendant at all addresses known to him of defendant and further listing in his affidavit the addresses at which he attempted to have process served. However, if process is forwarded by registered mail and defendant's endorsed receipt is received and entered as a part of the return of process then the foregoing affidavit of plaintiff's attorney need only show that the defendant received personal delivery by mail: *Provided further*, That personal service outside of this state in accordance with the provisions of law relating to personal service of summons outside of this state shall relieve the plaintiff from mailing a copy of the summons or process by registered mail as hereinbefore provided. The secretary of state shall forthwith send one of such copies by mail, postage prepaid, addressed to the defendant at his address, if known to the secretary of state. The court in which the action is brought may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action. The fee of five dollars paid by the plaintiff to the secretary of state shall be taxed as part of his costs if he prevails in the action. The secretary of state shall keep a record of all such summons and processes, which shall show the day of service. [1973 c 91 § 1; 1971 ex.s. c 69 § 1; 1961 c 12 § 46.64.040. Prior: 1959 c 121 § 1; 1957 c 75 § 1; 1937 c 189 § 129; RRS § 6360-129.]

**46.64.048 Attempting, aiding, abetting, coercing, committing violations, punishable.** Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared by this title to be a crime, whether individually or in connection with one or more other persons or as principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcefully, or wilfully induces, causes, coerces, requires, permits or directs others to violate any provisions of this title is likewise guilty of such offense. [1961 c 12 § 46.56.210. Prior: 1937 c 189 § 149; RRS § 6360-149. Formerly RCW 46.61.695.]

**46.64.050 General penalty.** It shall be a misdemeanor for any person to violate any of the provisions of this title unless violation is by this title or other law of this

state declared to be a felony, a gross misdemeanor, or a violation.

Unless another penalty is in this title provided, every person convicted of a misdemeanor for violation of any provisions of this title shall be punished accordingly. [1975-'76 2nd ex.s. c 95 § 3; 1961 c 12 § 46.64.050. Prior: (i) 1937 c 189 § 150; RRS § 6360-150; 1927 c 309 § 53; RRS § 6362-53. (ii) 1937 c 188 § 82; RRS § 6312-82; 1921 c 108 § 16; RRS § 6378.]

**46.64.060 Stopping motor vehicles for driver's license check, vehicle inspection and test—Purpose.** The purpose of RCW 46.64.060 and 46.64.070 is to provide for the exercise of the police power of this state to protect the health and safety of its citizens by assuring that only qualified drivers and vehicles which meet minimum equipment standards shall operate upon the highways of this state. [1967 c 144 § 1.]

**Severability—1967 c 144:** "If any provision, clause or word of this act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision of application, and to this end the provisions of this act are declared to be severable." [1967 c 144 § 3.] This applies to RCW 46.64.060 and 46.64.070.

**46.64.070 Stopping motor vehicles for driver's license check, vehicle inspection and test—Authorized—Powers additional.** To carry out the purpose of RCW 46.64.060 and 46.64.070, officers of the Washington state patrol are hereby empowered during daylight hours and while using plainly marked state patrol vehicles to require the driver of any motor vehicle being operated on any highway of this state to stop and display his or her driver's license and/or to submit the motor vehicle being driven by such person to an inspection and test to ascertain whether such vehicle complies with the minimum equipment requirements prescribed by chapter 46.37 RCW, as now or hereafter amended. No criminal citation shall be issued for a period of ten days after giving a warning ticket pointing out the defect.

The powers conferred by RCW 46.64.060 and 46.64.070 are in addition to all other powers conferred by law upon such officers, including but not limited to powers conferred upon them as police officers pursuant to RCW 46.20.430 and powers conferred by chapter 46.32 RCW. [1973 2nd ex.s. c 22 § 1; 1967 c 144 § 2.]

## Chapter 46.65

### WASHINGTON HABITUAL TRAFFIC OFFENDERS ACT

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- 46.65.090 Unlawful operation of motor vehicle by habitual offender—Penalty—Procedure to enforce.  
 46.65.100 Petition for restoration of operator's license after five years—Reinstatement of driving privilege.  
 46.65.110 Appeals from final court action or order.  
 46.65.900 Construction—Chapter supplemental.  
 46.65.910 Short title.

**46.65.010 State policy enunciated.** It is hereby declared to be the policy of the state of Washington:

(1) To provide maximum safety for all persons who travel or otherwise use the public highways of this state; and

(2) To deny the privilege of operating motor vehicles on such highways to persons who by their conduct and record have demonstrated their indifference for the safety and welfare of others and their disrespect for the laws of the state, the orders of her courts and the statutorily required acts of her administrative agencies; and

(3) To discourage repetition of criminal acts by individuals against the peace and dignity of the state and her political subdivisions and to impose increased and added deprivation of the privilege to operate motor vehicles upon habitual offenders who have been convicted repeatedly of violations of traffic laws. [1971 ex.s. c 284 § 3.]

**Severability—1971 ex.s. c 284:** "If any provision of this 1971 amendatory 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." [1971 ex.s. c 284 § 17.] This applies to RCW 46.61.515 and chapter 46.65 RCW.

**46.65.020 Habitual offender defined.** As used in this chapter, unless a different meaning is plainly required by the context, an habitual offender shall mean any person, resident or nonresident, who has accumulated convictions or, if a minor, shall have violations recorded with the department of motor vehicles, or forfeited bail for separate and distinct offenses as described in either subsection (1) or (2) below committed within a five year period, as evidenced by the records maintained in the department of motor vehicles: *Provided*, That where more than one described offense shall be committed within a six-hour period such multiple offenses shall, on the first such occasion, be treated as one offense for the purposes of this chapter:

(1) Three or more convictions, singularly or in combination, of the following offenses:

(a) Negligent homicide as defined in RCW 46.61.520; or

(b) Driving or operating a motor vehicle while under the influence of intoxicants or drugs; or

(c) Driving a motor vehicle while his license, permit, or privilege to drive has been suspended or revoked; or

(d) Failure of the driver of any vehicle involved in an accident resulting in the injury or death of any person to immediately stop such vehicle at the scene of such accident or as close thereto as possible and to forthwith return to and in every event remain at, the scene of such accident until he has fulfilled the requirements of RCW 46.52.020.

(2) Twenty or more convictions or bail forfeitures for separate and distinct offenses, singularly or in combination, in the operation of a motor vehicle which are

required to be reported to the department of motor vehicles. Such convictions or bail forfeitures shall include those for offenses enumerated in subsection (1) above when taken with and added to those offenses described herein but shall not include convictions or forfeitures for any nonmoving violation.

The offenses included in subsections (1) and (2) hereof shall be deemed to include offenses under any valid town, city, or county ordinance substantially conforming to the provisions cited in said subsections (1) and (2) or amendments thereto, and any federal law, or any law of another state, including subdivisions thereof, substantially conforming to the aforesaid state statutory provisions. [1971 ex.s. c 284 § 4.]

**46.65.030 Transcripts or abstracts of conviction record certified—As prima facie evidence.** The director of the department of motor vehicles shall certify three transcripts or abstracts of the conviction record as maintained by the department of motor vehicles of any person whose record brings him within the definition of an habitual offender, as defined in RCW 46.65.020, to the prosecuting attorney of the county in which such person resides according to the records of the department or to the attorney general of the state of Washington if such person is not a resident of this state. Such transcript or abstract may be admitted as evidence and shall be prima facie evidence that the person named therein was duly convicted by the court wherein such conviction or holding was made of each offense shown by such transcript or abstract; and if such person shall deny any of the facts as stated therein, he shall have the burden of proving that such fact is untrue. [1971 ex.s. c 284 § 5.]

**46.65.040 Complaint filed.** The prosecuting attorney upon receiving the aforesaid transcripts or abstracts from the director shall forthwith file a complaint against the person named therein as being an habitual offender in the superior court in the political subdivision in which such person resides. In the event such person is a nonresident of this state, the attorney general of the state of Washington shall file such complaint against the accused person in Thurston county superior court. [1971 ex.s. c 284 § 6.]

**46.65.050 Show cause order issued—Service of order with transcript or abstract.** The court in which such complaint is filed shall enter an order, which incorporates the aforesaid transcript or abstract and is directed to the person named therein, to show cause why he should not be barred as an habitual offender from operating a motor vehicle on the highways of this state. A copy of the show cause order and such transcript or abstract shall be served on the person named therein in the manner prescribed by law for the service of process under chapter 4.28 RCW. Service thereof on any nonresident of the state may be made by the director of the department of motor vehicles in the same manner as service of process on a nonresident motor vehicle operator under the provisions of RCW 46.64.040. [1971 ex.s. c 284 § 7.]

**46.65.060 Court order—Filing with department—Revocation of operator's license—Stay by court order.** If the court finds that such person is not the same person named in the aforesaid transcript or abstract or that he is not an habitual offender under this chapter, the proceeding shall be dismissed but if the court finds that such person is the same person named in the aforesaid transcript or abstract and that such person is an habitual offender, the court shall so find and by appropriate order direct such person not to operate a motor vehicle on the highways of the state of Washington and to surrender to the court all licenses or permits to operate a motor vehicle on the highways of this state for disposal. The clerk of the court shall file with the department of motor vehicles a copy of such order which shall become a part of the permanent records of the department. Upon receipt of the court order finding such person to be an habitual offender the department of motor vehicles shall revoke the operator's license for a period of five years: *Provided*, That a judge may stay the effective date of the order declaring the person to be a habitual traffic offender if he finds that the traffic offenses upon which it is based were caused by or are the result of the alcoholism of the person, as defined in RCW 70.96A.020, as now or hereafter amended and that since his last offense he has undertaken and followed a course of treatment for alcoholism on a program approved by the department of social and health services; notice of such stay shall be entered on the copy of the order filed with the department of motor vehicles. Said stay shall continue as long as there is no further conviction for any of the offenses listed in RCW 46.65.020(1). Upon a subsequent conviction for any offense listed in RCW 46.65.020(1), the stay shall be removed and the department of motor vehicles shall revoke the operator's license for a period of five years. [1973 1st ex.s. c 83 § 1; 1971 ex.s. c 284 § 8.]

**46.65.070 Period during which habitual offender not to be issued license.** No license to operate motor vehicles in Washington shall be issued to an habitual offender (1) for a period of five years from the date of the order of the court finding such person to be an habitual offender, and (2) until the privilege of such person to operate a motor vehicle in this state has been restored by the department of motor vehicles as hereinafter in this chapter provided. [1971 ex.s. c 284 § 9.]

**46.65.080 Petition for restoration of operator's license after two years—Reinstatement of driving privilege.** At the end of two years, the habitual offender may petition the department of motor vehicles for the return of his operator's license and upon good and sufficient showing, the department of motor vehicles may, wholly or conditionally, reinstate the privilege of such person to operate a motor vehicle in this state. [1971 ex.s. c 284 § 10.]

**46.65.090 Unlawful operation of motor vehicle by habitual offender—Penalty—Procedure to enforce.** It shall be unlawful for any person to operate a motor vehicle in this state while the order of revocation

remains in effect. Any person found to be an habitual offender under the provisions of this chapter who is thereafter convicted of operating a motor vehicle in this state while the order of the court prohibiting such operation is in effect shall be guilty of a gross misdemeanor, the punishment for which shall be confinement in the county jail for not more than one year.

For the purpose of enforcing this section, in any case in which the accused is charged with driving a motor vehicle while his license, permit, or privilege to drive is suspended or revoked or is charged with driving without a license, the court before hearing such charge shall determine whether such person has been adjudged an habitual offender and by reason of such judgment is barred from operating a motor vehicle on the highways of this state. If the court determines the accused has been so adjudged it shall transfer the case to the court of record making such determination for trial. [1971 ex.s. c 284 § 11.]

**46.65.100 Petition for restoration of operator's license after five years—Reinstatement of driving privilege.** At the expiration of five years from the date of any final order finding a person to be an habitual offender and directing him not to operate a motor vehicle in this state, such person may petition the department of motor vehicles for restoration of his privilege to operate a motor vehicle in this state. Upon receipt of such petition, and for good cause shown, the department of motor vehicles shall restore to such person the privilege to operate a motor vehicle in this state upon such terms and conditions as the department of motor vehicles may prescribe, subject to the provisions of chapter 46.29 RCW and such other provisions of law relating to the issuance or revocation of operators' licenses. [1971 ex.s. c 284 § 12.]

**46.65.110 Appeals from final court action or order.** An appeal may be had from any final action or order of a court of record entered under the provisions of this chapter in the same manner and form as such an appeal would be noted, perfected, and tried in any criminal case. [1971 ex.s. c 284 § 13.]

**46.65.900 Construction—Chapter supplemental.** Nothing in this chapter shall be construed as amending, modifying, or repealing any existing law of Washington or any existing ordinance of any political subdivision relating to the operation or licensing of motor vehicles, the licensing of persons to operate motor vehicles or providing penalties for the violation thereof or shall be construed so as to preclude the exercise of regulatory powers of any division, agency, department, or political subdivision of the state having the statutory power to regulate such operation and licensing. [1971 ex.s. c 284 § 14.]

**46.65.910 Short title.** This chapter shall be known and may be cited as the "Washington Habitual Traffic Offenders Act". [1971 ex.s. c 284 § 18.]

**Chapter 46.68**  
**DISPOSITION OF REVENUE**

## Sections

- 46.68.010 Refunds of erroneous license fees—Proof—Time limitation on filing claims.
- 46.68.020 Disposition of fees for certificates of ownership.
- 46.68.030 Disposition of vehicle license fees.
- 46.68.041 Disposition of drivers' license and instruction permit fees—Support of driver education.
- 46.68.050 Disposition of fines and forfeitures for violations.
- 46.68.051 Disposition of penalty assessments for support of driver education program.
- 46.68.060 Highway safety fund created—Use limited.
- 46.68.070 Motor vehicle fund created—Use limited.
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- 46.68.090 Motor vehicle fund "net tax amount," how arrived at.
- 46.68.100 Allocation of net tax amount in motor vehicle fund.
- 46.68.110 Distribution of amount allocated to cities and towns.
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- 46.68.130 Expenditure of balance of motor vehicle fund.
- 46.68.150 Construction and improvement of state highways in urban areas—Expenditure of motor vehicle fuel taxes and bond proceeds.
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*Determination of moneys paid as fuel tax on nonhighway use as ATV fuel—Cost offset—Report: RCW 46.09.160.*

*Determination of proportion of motor vehicle fuel tax used as snowmobile fuel—Cost offset—Reports: RCW 46.10.170.*

*Highway funds, use, constitutional limitations: State Constitution Art. 2 § 40 (Amendment 18).*

*Motor vehicle, use tax: Chapter 82.12 RCW.*

*Motor vehicle excise tax: Chapter 82.44 RCW.*

*Motor vehicle fuel tax: Chapter 82.36 RCW.*

*Motor vehicle fund income from United States securities—Exemption from reserve fund requirement: RCW 43.84.095.*

*Motor vehicle special fuel tax: Chapter 82.38 RCW.*

*Refunds from motor vehicle fund of amounts taxed as ATV fuel—Distribution—Use: RCW 46.09.170.*

*State patrol: Chapter 43.43 RCW.*

*Treasurer's duty to refund snowmobile fuel tax to general fund—Crediting—Use: RCW 46.10.150.*

**46.68.010 Refunds of erroneous license fees—Proof—Time limitation on filing claims.** Whenever any license fee, paid under the provisions of this title, shall have been erroneously paid, wholly or in part, the person paying the same, upon satisfactory proof to the director of motor vehicles, shall be entitled to have refunded the amount so erroneously paid. Upon such refund being certified to the state treasurer by the director as correct and being claimed in the time required by law the state treasurer shall mail or deliver the amount of each refund to the person entitled thereto: *Provided*, That no claim for refund shall be allowed for such erroneous payments unless filed with the director within thirteen months after such claimed erroneous payment was made. [1967 c 32 § 73; 1961 c 12 § 46.68.010. Prior: 1937 c 188 § 76; RRS § 6312-76.]

**46.68.020 Disposition of fees for certificates of ownership.** The director shall forward all fees for certificates of ownership or other moneys accruing under the provisions of chapter 46.12 RCW to the state treasurer, together with a proper identifying detailed report. The state treasurer shall credit such moneys to the motor vehicle fund and all expenses incurred in carrying out

the provisions of that chapter shall be paid from such fund as authorized by legislative appropriation. [1961 c 12 § 46.68.020. Prior: 1955 c 259 § 3; 1947 c 164 § 7; 1937 c 188 § 11; Rem. Supp. 1947 § 6312-11.]

**46.68.030 Disposition of vehicle license fees.** All fees received by the director for vehicle licenses under the provisions of chapter 46.16 RCW shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report, and be by him deposited to the credit of the motor vehicle fund. [1973 c 103 § 3; 1971 ex.s. c 231 § 11; 1971 ex.s. c 91 § 1; 1969 ex.s. c 281 § 25; 1969 c 99 § 8; 1965 c 25 § 2; 1961 ex.s. c 7 § 17; 1961 c 12 § 46.68.030. Prior: 1957 c 105 § 2; 1955 c 259 § 4; 1947 c 164 § 15; 1937 c 188 § 40; Rem. Supp. 1947 § 6312-40.]

**Refund of mobile home identification tag fees:** "The department of motor vehicles shall refund all moneys collected in 1973 for mobile home identification tags. Such refunds shall be made to those persons who have purchased such tags. The department shall adopt rules pursuant to chapter 34.04 RCW to comply with the provisions of this section." [1973 c 103 § 4.]

**Effective date—1971 ex.s. c 231:** See note following RCW 46.01.130.

**46.68.041 Disposition of drivers' license and instruction permit fees—Support of driver education.** (1) The department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund except as otherwise provided in this section.

(2) One dollar of each fee collected for a temporary instruction permit shall be deposited in the driver education account in the general fund.

(3) Out of each fee of \*five dollars collected for a driver's license, the sum of three dollars and ten cents shall be deposited in the highway safety fund, and one dollar and ninety cents shall be deposited in the general fund. [1975 1st ex.s. c 293 § 20; 1971 ex.s. c 91 § 2; 1969 c 99 § 9; 1967 c 174 § 3; 1965 c 25 § 4.]

**\*Reviser's note:** The driver's license fee was increased to six dollars by § 3, c 191, Laws of 1975 1st ex. sess. (RCW 46.20.161).

**Severability—1975 1st ex.s. c 293:** See RCW 43.88.902.

**Effective date—1975 1st ex.s. c 293:** See RCW 43.88.910.

**46.68.050 Disposition of fines and forfeitures for violations.** All fines and forfeitures collected for violation of any of the provisions of this title when the violation occurred outside of any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the county road fund of the county in which the violation occurred; and one-half into the highway safety fund: *Provided*, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

All fines and forfeitures collected for the violation of any of the provisions of this title when the violation occurred inside any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the city

street fund for the construction and maintenance of city streets; and one-half into the highway safety fund: *Provided*, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. [1969 ex.s. c 199 § 23; 1969 c 99 § 10; 1961 c 12 § 46.68.050. Prior: (i) 1949 c 75 § 4; 1937 c 189 § 151; Rem. Supp. 1949 § 6360-151. (ii) 1949 c 75 § 3; 1937 c 188 § 83; Rem. Supp. 1949 § 6312-83; 1927 c 309 § 54; RRS § 6362-54.]

**46.68.051 Disposition of penalty assessments for support of driver education program.** See RCW 46.81.050.

**46.68.060 Highway safety fund created—Use limited.** There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010. [1969 c 99 § 11; 1967 c 174 § 4; 1965 c 25 § 3; 1961 c 12 § 46.68.060. Prior: 1957 c 104 § 1; 1937 c 188 § 81; RRS § 6312-81; 1921 c 108 § 13; RRS § 6375.]

*Effective date—1969 c 99:* See note following RCW 43.51.060.

*Penalty assessments in addition to fines, etc., to be credited to highway safety fund:* RCW 46.61.515.

**46.68.070 Motor vehicle fund created—Use limited.** There is created in the state treasury a permanent fund to be known as the motor vehicle fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be for the use of the state, and through state agencies, for the use of counties, cities, and towns for proper road, street, and highway purposes, including the purposes of RCW 47.30.030. [1972 ex.s. c 103 § 6; 1961 c 12 § 46.68.070. Prior: (i) 1935 c 111 § 1, part; 1933 c 41 § 4, part; RRS § 6600, part; 1929 c 163 § 1; 1925 ex.s. c 185 § 1; 1923 c 181 § 3; 1921 c 96 § 18; 1919 c 46 § 3; 1917 c 155 § 13; 1915 c 142 § 18; RRS § 6330. (ii) 1939 c 181 § 1; RRS § 6600-1; 1937 c 208 §§ 1, 2, part.]

*Severability—1972 ex.s. c 103:* See note following RCW 47.30.030.

**46.68.080 Refund of vehicle license fees and fuel tax to island counties.** All motor vehicle license fees and all motor vehicle fuel tax directly or indirectly paid by the residents of those counties composed entirely of islands and which have neither a fixed physical connection with the mainland nor any state highways on any of the islands of which they are composed, shall be paid into the motor vehicle fund of the state of Washington and shall monthly, as they accrue, and after deducting therefrom the expenses of issuing such licenses and the cost of collecting such motor vehicle fuel tax, be paid to

the county treasurer of each such county to be by him disbursed as hereinafter provided.

One-half of all motor vehicle license fees and motor vehicle fuel tax directly or indirectly paid by the residents of those counties composed entirely of islands and which have either a fixed physical connection with the mainland or state highways on any of the islands of which they are composed, shall be paid into the motor vehicle fund of the state of Washington and shall monthly, as they accrue, and after deducting therefrom the expenses of issuing such licenses and the cost of collecting such motor vehicle fuel tax, be paid to the county treasurer of each such county to be by him disbursed as hereinafter provided.

All funds paid to the county treasurer of the counties of either class above referred to as in this section provided, shall be by such county treasurer distributed and credited to the several road districts of each such county and paid to the city treasurer of each incorporated city and town within each such county, in the direct proportion that the assessed valuation of each such road district and incorporated city and town shall bear to the total assessed valuation of each such county.

The amount of motor vehicle fuel tax paid by the residents of those counties composed entirely of islands shall, for the purposes of this section, be that percentage of the total amount of motor vehicle fuel tax collected in the state that the motor vehicle license fees paid by the residents of counties composed entirely of islands bears to the total motor vehicle license fees paid by the residents of the state. [1961 c 12 § 46.68.080. Prior: 1939 c 181 § 9; RRS § 6450-54a.]

**46.68.090 Motor vehicle fund "net tax amount," how arrived at.** All moneys which have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and use fuel tax shall be first expended for the following purposes:

(1) For payment of refunds of motor vehicle fuel tax and use fuel tax which has been paid and is refundable as provided by law;

(2) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor and the department of motor vehicles of the state of Washington in the administration of the motor vehicle fuel tax and the use fuel tax, said sums to be distributed monthly.

The amount accruing to the motor vehicle fund by virtue of the motor vehicle fuel tax and the use fuel tax and remaining after payments as provided in subsections (1) and (2) above shall, for the purposes of this chapter, be referred to as the "net tax amount." [1967 c 32 § 74; 1961 ex.s. c 7 § 5; 1961 c 12 § 46.68.090. Prior: 1943 c 115 § 3; 1939 c 181 § 2; Rem. Supp. 1943 § 6600-1d; 1937 c 208 §§ 2, part, 3, part.]

**46.68.100 Allocation of net tax amount in motor vehicle fund.** From the net tax amount in the motor vehicle fund there shall be paid sums as follows:

(1) There shall be paid to the cities and towns of the state sums equal to ten and forty-four hundredths percent of the net tax amount to be paid monthly as the same accrues;

(2) To the counties of the state there shall be paid sums equal to thirty-two and sixty-one hundredths percent of the net tax amount out of which there shall be paid to the state highway commission those sums as may be appropriated for assistance to county operated ferries, as provided in RCW 47.56.725, at such times as shall be determined by the commission, with the balance of such county share to be paid monthly as the same accrues for distribution in accordance with RCW 46.68.120;

(3) To the state there shall be paid to be expended as provided by RCW 46.68.130, sums equal to fifty-five and five-tenths percent of the net tax amount to be paid monthly as the same accrues.

(4) There shall be paid to the Puget Sound ferry operations account sums equal to one and forty-five hundredths percent of the net tax amount to be paid monthly as the same accrues.

Nothing in this section or in RCW 46.68.090 or 46.68.130 shall be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle fuels. [1975-'76 2nd ex.s. c 57 § 1; 1973 1st ex.s. c 124 § 1; 1972 ex.s. c 24 § 2; 1970 ex.s. c 85 § 4; 1967 ex.s. c 145 § 79; 1967 ex.s. c 83 § 8; 1961 ex.s. c 7 § 6; 1961 c 12 § 46.68.100. Prior: 1959 ex.s. c 4 § 1; 1957 c 271 § 3; 1957 c 175 § 10; 1943 c 83 § 1; 1939 c 181 § 3; Rem. Supp. 1943 § 6600-1e; 1937 c 208 §§ 2, part, 3, part.]

**46.68.110 Distribution of amount allocated to cities and towns.** Funds credited to the incorporated cities and towns of the state as set forth in subdivision (1) of RCW 46.68.100 shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the state highway commission for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the highway commission has responsibility: *Provided*, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the state census board. [1975 1st ex.s. c 100 § 1; 1961 ex.s. c 7 § 7; 1961 c 12 § 46.68.110. Prior: 1957 c 175 § 11; 1949 c 143 § 1; 1943 c 83 § 2; 1941 c 232 § 1; 1939 c 181 § 4; Rem. Supp. 1949 § 6600-3a; 1937 c 208 §§ 2, part, 3, part.]

**Reviser's note:** The state census board was abolished by 1967 ex.s. c 42 and its powers and duties transferred to the planning and community affairs agency. See chapter 43.63A RCW.

*Expense of cost-audit examination of city and town street records payable from funds withheld under RCW 46.68.110(1): RCW 35.76.050.*

**46.68.120 Distribution of amount allocated to counties.** Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums accrue and set aside for the use of the state highway commission and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof including the supervision and administration of federal-aid programs for which the highway commission has responsibility: *Provided*, That any moneys so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) The balance remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, upon the basis of the following formula:

(a) Ten percent of such sum shall be divided equally among the several counties.

(b) Thirty percent shall be paid to each county in direct proportion that the sum of the total number of private automobiles and trucks licensed by registered owners residing in unincorporated areas and seven percent of the number of private automobiles and trucks licensed by registered owners residing in incorporated areas within each county bears to the total of such sums for all counties. The number of registered vehicles so used shall be as certified by the director of the department of motor vehicles for the year next preceding the date of calculation of the allocation amounts. The director of the department shall first supply such information not later than the fifteenth day of February, 1956, and on the fifteenth of February each two years thereafter.

(c) Thirty percent shall be paid to each county in direct proportion that the product of the county's trunk highway mileage and its prorated estimated annual cost per trunk mile as provided in subsection (e) is to the sum of such products for all counties. County trunk highways are defined as county roads regularly used by school buses and/or rural free delivery mail carriers of the United States post office department, but not foot carriers. Determination of the number of miles of county roads used in each county by school buses shall be based solely upon information supplied by the superintendent of public instruction who shall on October 1, 1955 and on October 1st of each odd-numbered year thereafter furnish the state highway commission with a map of each county upon which is indicated the county roads used by school buses at the close of the preceding school year, together with a detailed statement showing the total number of miles of county highway over which school buses operated in each county during such year. Determination of the number of miles of county roads

used in each county by rural mail carriers on routes serviced by vehicles during the year shall be based solely upon information supplied by the United States postal department as of January 1st of the even-numbered years.

(d) Thirty percent of such sum shall be paid to each of the several counties in the direct proportion that the product of the trunk highway mileage of the county and its "money need factor" as defined in subsection (f) is to the total of such products for all counties.

(e) Every four years, beginning with the 1958 allocation, the highway commission and the legislative transportation committee shall reexamine or cause to be reexamined all the factors on which the estimated annual costs per trunk mile for the several counties have been based and shall make such adjustments as may be necessary. The following formula shall be used: One twenty-fifth of the estimated total county road replacement cost, plus the total annual maintenance cost, divided by the total miles of county road in such county, and multiplied by the result obtained from dividing the total miles of county road in said county by the total trunk road mileage in said county. For the purpose of allocating funds from the motor vehicle fund, a county road shall be defined as one established as such by resolution or order of establishment of the board of county commissioners. The first allocation of funds shall be based on the following prorated estimated annual costs per trunk mile for the several counties as follows:

Adams	\$1,227.00
Asotin	1,629.00
Benton	1,644.00
Chelan	2,224.00
Clallam	2,059.00
Clark	1,710.00
Columbia	1,391.00
Cowlitz	1,696.00
Douglas	1,603.00
Ferry	1,333.00
Franklin	1,612.00
Garfield	1,223.00
Grant	1,714.00
Grays Harbor	2,430.00
Island	1,153.00
Jefferson	2,453.00
King	2,843.00
Kitsap	1,938.00
Kittitas	1,565.00
Klickitat	1,376.00
Lewis	1,758.00
Lincoln	1,038.00
Mason	1,748.00
Okanogan	1,260.00
Pacific	2,607.00
Pend Oreille	1,753.00
Pierce	2,276.00
San Juan	1,295.00
Skagit	1,966.00
Skamania	2,023.00
Snohomish	2,269.00
Spokane	1,482.00

Stevens	1,068.00
Thurston	1,870.00
Wahkiakum	2,123.00
Walla Walla	1,729.00
Whatcom	1,738.00
Whitman	1,454.00
Yakima	1,584.00

*Provided, however,* That the prorated estimated annual costs per trunk mile in this subsection shall be adjusted every four years, beginning with the 1958 allocation by the highway commission on the basis of changes in the trunk and total county road mileage based on information supplied by the superintendent of public instruction, the United States postal department and the annual reports of the county road departments.

(f) The "money need factor" for each of the several counties shall be the difference between the prorated estimated annual costs as listed above and the sum of the following three amounts divided by the county trunk highway mileage:

(1) The equivalent of a two dollar and twenty-five cents per thousand dollars of assessed value tax levy on the valuation, as equalized by the state department of revenue for state purposes, of all taxable property in the county road districts;

(2) One-fourth the sum of all funds received by the county from the federal forest reserve fund during the two calendar years next preceding the date of the adjustment of the allocation amounts as certified by the state treasurer; and

(3) One-half the sum of motor vehicle license fees and motor vehicle fuel tax refunded to the county during the two calendar years next preceding the date of the adjustment of the allocation amounts as provided in RCW 46.68.080. These shall be as supplied to the highway commission by the state treasurer for that purpose. The department of revenue and the state treasurer shall supply the information herein requested on or before January 1, 1956 and on said date each two years thereafter.

The following formula shall be used for the purpose of obtaining the "money need factor" of the several counties: The prorated estimated annual cost per trunk mile multiplied by the trunk miles will equal the total need of the individual county. The total need minus the sum of the three resources set forth in subsection (f) shall equal the net need. The net need of the individual county divided by the total net needs for all counties shall equal the "money need factor" for that county.

(g) The state highway commission shall adjust the allocations of the several counties on March 1st of every even-numbered year based solely upon the sources of information hereinbefore required: *Provided,* That the total allocation factor composed of the sum of the four factors defined in subsections (a), (b), (c) and (d) shall be held to a level not more than five percent above or five percent below the total allocation factor in use during the previous two year period.

(h) The highway commission and the legislative transportation committee shall relog or cause to be

relogged the total road mileages upon which the pro-rated estimated annual costs per trunk mile are based and shall recalculate such costs on the basis of such relogging and shall report their findings and recommendations to the legislature at its next regular session.

(i) The highway commission and the legislative transportation committee shall study and report their findings and recommendations to the legislature concerning the following problems as they affect the allocation of "motor vehicle fund" funds to counties:

(1) Comparative costs per trunk mile based on federal aid contracts versus those herein advocated.

(2) Average costs per trunk mile.

(3) The advisability of using either "trunk mileage" or "county road" mileage exclusively as the criterion instead of both as in this plan adopted.

(4) Reassessment of bridge costs based on current information and relogging of bridges.

(5) The items in the list of resources used in determining the "need factor".

(6) The development of a uniform accounting system for counties with regard to road and bridge construction and maintenance costs.

(7) A redefinition of rural and urban vehicles which better reflects the use of said vehicles on county roads. [1975 1st ex.s. c 100 § 2; 1973 1st ex.s. c 195 § 47; 1972 ex.s. c 103 § 1; 1967 c 32 § 75; 1965 ex.s. c 120 § 12; 1961 c 12 § 46.68.120. Prior: 1957 c 109 § 1; 1955 c 243 § 1; 1949 c 143 § 2; 1945 c 260 § 1; 1943 c 83 § 3; 1939 c 181 § 5; Rem. Supp. 149 § 6600-2a.]

**Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195:** See notes following RCW 84.52.043.

**Severability—1972 ex.s. c 103:** See note following RCW 47.30.030.

**County road administration board—Expenses to be paid from motor vehicle fund—Disbursement procedure:** RCW 36.78.110.

**46.68.130 Expenditure of balance of motor vehicle fund.** The net tax amount distributed to the state in the manner provided by RCW 46.68.100, and all moneys accruing to the motor vehicle fund from any other source, less such sums as are properly appropriated and reappropriated for expenditure for costs of collection and administration thereof, shall be expended, subject to proper appropriation and reappropriation, for highway purposes of the state, including the purposes of RCW 47.30.030. [1974 ex.s. c 9 § 1; 1972 ex.s. c 103 § 7; 1971 ex.s. c 91 § 6; 1963 c 83 § 1; 1961 ex.s. c 7 § 9; 1961 c 12 § 46.68.130. Prior: 1957 c 271 § 4; 1957 c 105 § 3; 1941 c 246 § 1; 1939 c 181 § 6; Rem. Supp. 1941 § 6600-26.]

**Severability—1972 ex.s. c 103:** See note following RCW 47.30.030.

**46.68.150 Construction and improvement of state highways in urban areas—Expenditure of motor vehicle fuel taxes and bond proceeds.** The proceeds of five-eighths of one cent of motor vehicle fuel tax and use fuel tax distributed to the state pursuant to RCW 82.36.020(2), after proper deductions for refunds and costs of collection as provided in RCW 46.68.090, and the proceeds of bonds issued and sold pursuant to RCW

47.26.400 through 47.26.407 shall be expended by the state highway commission for construction and improvement of state highways in urban areas as provided for in RCW 47.26.040 through 47.26.070 or for payment of principal and interest on bonds issued pursuant to RCW 47.26.400 through 47.26.407. [1967 ex.s. c 83 § 9.]

**Reviser's note:** The reference to "sections 37 through 44 of this 1967 amendatory act" has been translated to "RCW 47.26.400 through 47.26.407". A literal translation of said phrase would have been "RCW 47.26.401 through 47.26.410" which appears to be erroneous. The error appears to have occurred in failure to change this internal reference in accordance with the renumbering of sections brought about by removal of section 34 from Engrossed House Bill No. 595 by floor amendment.

**Effective date—1967 ex.s. c 83:** See RCW 47.26.910.

**Severability—1967 ex.s. c 83:** See RCW 47.26.900.

**46.68.160 Urban arterial trust account—Created in motor vehicle fund—Expenditures from.** See RCW 47.26.080.

## Chapter 46.70

### UNFAIR MOTOR VEHICLE BUSINESS PRACTICES—DEALERS' AND SALESMEN'S LICENSES.

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*False or deceptive advertising: Chapter 9.04 RCW.*

*Retail installment sales of goods: Chapter 63.14 RCW.*

*Unfair business practices—Consumer protection: Chapter 19.86 RCW.*

**46.70.005 Declaration of purpose.** The legislature finds and declares that the distribution and sale of vehicles in the state of Washington vitally affects the general economy of the state and the public interest and the public welfare, and that in order to promote the public interest and the public welfare, and in the exercise of its police power, it is necessary to regulate and license vehicle manufacturers, distributors or wholesalers and factory or distributor representatives, and to regulate and license dealers, and salesmen of vehicles doing business in Washington, in order to prevent frauds, impositions and other abuses upon its citizens and to protect and preserve the investments and properties of the citizens of this state. [1973 1st ex.s. c 132 § 1; 1967 ex.s. c 74 § 1.]

**Reviser's note:** Throughout chapter 46.70 RCW the phrases "this act" and "this amendatory act" have been changed to "this chapter". This 1967 act or amendatory act [1967 ex.s. c 74] consists of RCW 46.70.005–46.70.042, 46.70.051, 46.70.061, 46.70.081–46.70.083, 46.70.101–46.70.111, 46.70.180 through 46.70.910, the 1967 amendments to RCW 46.70.060 and 46.70.070, and the repeal of RCW 46.70.010–46.70.050, 46.70.080, 46.70.100 and 46.70.110.

**Emergency—Effective date—1967 ex.s. c 74:** "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 sections 1 through 3 and sections 16 through 25 shall take effect immediately. Sections 4 through 15 and sections 26 through 30 inclusive shall take effect on July 1, 1967." [1967 ex.s. c 74 § 31.] Sections 1 through 3 are codified as RCW 46.70.005, 46.70.900 and 46.70.011; sections 16 through 25 are codified as RCW 46.70.180 through 46.70.270; sections 4 through 15 are codified as RCW 46.70.021 through 46.70.051, 46.70.061, 46.70.081 through 46.70.083, 46.70.101 through 46.70.111; sections 26 through 29 are codified as RCW 46.70.060, 46.70.070, 46.70.270, 46.70.280, 46.70.910, and section 30 repeals RCW 46.70.010–46.70.050, 46.70.080, 46.70.100 and 46.70.110.

**46.70.011 Definitions.** As used in this chapter:

(1) "Vehicle" means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(2) "Motor vehicle" shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but

not operated upon rails, and which is required to be registered and titled under Title 46 RCW. Motor Vehicles.

(3) "Vehicle dealer" means any person, firm, association, corporation or trust, not excluded by subsection (4) of this section, engaged in the business of buying, selling, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new, or used vehicles: *Provided*, That vehicle dealers shall be classified as follows:

(a) A "motor vehicle dealer" shall be a vehicle dealer that deals in new and used motor vehicles;

(b) A "mobile home and travel trailer dealer" shall be a vehicle dealer that deals in mobile homes or travel trailers, or both;

(c) A "miscellaneous vehicle dealer" shall be a vehicle dealer that deals in motorcycles and/or vehicles other than motor vehicles or mobile homes and travel trailers.

(4) The term "vehicle dealer" does not include:

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of any court; or

(b) Public officers while performing their official duties; or

(c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or

(d) Any person engaged in an isolated sale of a vehicle in which he is the registered or legal owner, or both, thereof.

(e) Any person, firm, association, corporation or trust, engaged in the selling of equipment other than vehicles, used for agricultural or industrial purposes.

(5) "Vehicle salesman" means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease vehicles on behalf of a vehicle dealer.

(6) The term "department" means the department of motor vehicles which shall administer and enforce the provisions of this chapter.

(7) "Director" means the director of the department of motor vehicles.

(8) "Manufacturer" means any person, firm, association, corporation or trust, resident or nonresident, who manufactures or assembles new and unused vehicles and shall further include the terms:

(a) "Distributor" which means any person, firm, association, corporation or trust, resident or nonresident, who in whole or in part offers for sale, sells or distributes any new and unused vehicle to vehicle dealers or who maintains factory representatives.

(b) "Factory branch" which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler or vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and shall further include any sales promotion organization, whether the same be a person, firm or corporation, which is engaged in promoting the sale of new and unused vehicles in this state of a particular brand or make to vehicle dealers.

(c) "Factory representative" which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of his, its, or their vehicles or for supervising or contracting with his, its, or their dealers or prospective dealers.

(9) "Established place of business" means a permanent, enclosed commercial building located within the state of Washington easily accessible and open to the public, at all reasonable times, with an improved display area of not less than three thousand square feet in or immediately adjoining said building, and at which the business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on in accordance with the terms of all applicable building code, zoning and other land-use regulatory ordinances and in which such building the public may contact the vehicle dealer or his vehicle salesman, at all reasonable times and at which place of business shall be kept and maintained the books, records and files necessary to conduct the business at such place. The established place of business shall display an exterior sign permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic.

(10) "Subagency" means any place of business of a vehicle dealer within the same county as the principal place of business of the firm which is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the same county as the principal place of business of the firm under which he does business under a name other than the principal name of the firm, or both. [1973 1st ex.s. c 132 § 2; 1969 ex.s. c 63 § 1; 1967 ex.s. c 74 § 3.]

**46.70.021 License required for dealers, salesmen or manufacturers.** It shall be unlawful for any vehicle dealer, vehicle salesman or vehicle manufacturer to engage in business as such, act as such, serve in the capacity of such, advertise himself, itself, or themselves as such or distribute or transfer vehicles for resale in this state, without first obtaining and holding a current license as provided in this chapter: *Provided*, That a vehicle dealer shall not be required to have a vehicle salesman's license: *Provided, further*, That a distributor, factory branch, or factory representative shall not be required to have a vehicle manufacturer license so long as the vehicle manufacturer so represented is properly licensed pursuant to this chapter. [1973 1st ex.s. c 132 § 3; 1967 ex.s. c 74 § 4.]

**46.70.031 Application for license—Form.** A vehicle dealer, salesman, or manufacturer may apply for a license by filing with the department an application in such form as the department may prescribe. [1973 1st ex.s. c 132 § 4; 1967 ex.s. c 74 § 5.]

**46.70.041 Application for license—Contents.** (1) Every application for a vehicle dealer or a vehicle salesman's license shall contain the following information to the extent the same is applicable to the applicant:

(a) Proof as the department may require concerning the applicant's identity, including but not limited to his fingerprints, the honesty, truthfulness, and good reputation of the applicant for license, or of the officers of a corporation making the application;

(b) The applicant's form and place of organization;

(c) The qualification and business history of the applicant, and in the case of a vehicle dealer, any partner, officer or director;

(d) Whether the applicant has been convicted of any crime within the preceding five years involving fraud, misrepresentation, or conversion, or has suffered any judgment within the preceding five years in any civil action involving fraud, misrepresentation or conversion and in the case of a corporation or partnership, all directors, officers or partners;

(e) Any other information the department may reasonably require.

(2) If the applicant is a vehicle dealer:

(a) Name or names of new vehicles the vehicle dealer wishes to sell;

(b) The names and addresses of each manufacturer from whom the applicant has received a franchise;

(c) Whether the applicant intends to sell used vehicles, and if so, whether he has space available for servicing and repairs;

(d) A certificate by the chief of police or his deputy, or a member of the Washington state patrol or a representative of the department of motor vehicles that the applicant has an established place of business at each business location in the state of Washington: *Provided*, That in no event shall such certificate be issued by a member of the Washington state patrol if the dealership is located in a city which has a population in excess of five thousand persons;

(e) A copy of a current service agreement with a manufacturer, or distributor for a foreign manufacturer, requiring the applicant, upon demand of any customer receiving a new vehicle warranty to perform or arrange for, within a reasonable distance of his established place of business, the service repair and replacement work required of the manufacturer or distributor by such vehicle warranty: *Provided*, That this requirement shall only apply to applicants seeking to sell, to exchange, to offer, to broker, to auction, to solicit or to advertise new or current-model vehicles with factory or distributor warranties;

(f) The class of vehicles the vehicle dealer will be buying, selling, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising and which classification or classifications the dealer wishes to be designated as;

(g) The applicant's financial condition or history including whether the applicant or any partner, officer or director has ever been adjudged bankrupt or has any unsatisfied judgment in any federal or state court.

(3) If the applicant is a vehicle salesman, such application shall contain, in addition, a certification by the vehicle dealer for whom he is going to work that he has examined the background of the applicant and to the best of his knowledge is of good moral character;

(4) If the applicant is a manufacturer such application shall contain the following information to the extent it is applicable to the applicant:

(a) The name and address of the principal place of business of the applicant and, if different, the name and address of the Washington state representative of the applicant;

(b) The name or names under which the applicant will do business in the state of Washington;

(c) Evidence that the applicant is authorized to do business in the state of Washington;

(d) The name or names of the vehicles that the licensee manufactures;

(e) The name or names and address or addresses of each and every distributor, factory branch, and factory representative;

(f) The name or names and address or addresses of resident employees or agents to provide service or repairs to vehicles located in the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured, unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(g) Any other information the department may reasonably require. [1973 1st ex.s. c 132 § 5; 1971 ex.s. c 74 § 1; 1969 ex.s. c 63 § 2; 1967 ex.s. c 74 § 6.]

*Definition of "established place of business": RCW 46.70.011(10).*

**46.70.042 Application for license—Retention by department—Confidentiality.** Every application for license shall be retained by the department for a period of three years and shall be confidential information for the use of the department, the attorney general or the prosecuting attorney only: *Provided*, That upon a showing of good cause therefor any court in which an action is pending by or against the applicant or licensee, may order the director to produce and permit the inspection and copying or photographing the application and any accompanying statements. [1967 ex.s. c 74 § 14.]

**46.70.051 Issuance of license.** After the application has been filed, the fee paid, and bond posted, if required the department shall, if no denial order is in effect and no proceeding is pending under RCW 46.70.180 or 46.70.200, issue the appropriate license, which license, in the case of a vehicle dealer, shall designate the classification of the dealer: *Provided*, That nothing shall prohibit a vehicle dealer from obtaining licenses for more than one classification, and: *Provided further*, That nothing shall prevent any vehicle dealer from dealing in other classes of vehicles on an isolated basis. [1973 1st ex.s. c 132 § 6; 1971 ex.s. c 74 § 2; 1967 ex.s. c 74 § 7.]

**46.70.061 Fees—Disposition.** (1) The fees for original licenses issued for a calendar year or any portion thereof pursuant to this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: Fifty dollars;

(b) Vehicle dealers, each and every subagency: Ten dollars;

(c) Vehicle salesman: Ten dollars;

(d) Vehicle manufacturers: Fifty dollars.

(2) The fee for renewal of any license issued pursuant to this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: Twenty-five dollars;

(b) Vehicle dealer, each and every subagency: Ten dollars;

(c) Vehicle salesman: Ten dollars;

(d) Vehicle manufacturers: Twenty-five dollars.

*Provided*, That if any licensee shall fail or neglect to apply for such renewal prior to February 1st in each year, his license shall be declared canceled by the director, in which case the licensee will be required to apply for an original license and pay the fee required for such original license.

(3) The fee for the transfer to another location of any license issued pursuant to this chapter shall be:

(a) Vehicle dealer, principal place of business of each and every license classification, provided that such change is within the same county: Ten dollars;

(b) There shall be no transfer of any vehicle dealer subagency license;

(c) Vehicle salesman, provided that no such fee shall be required in a transfer from one location of any one dealer to any other location: Five dollars.

(4) The fee for vehicle dealer license plates and manufacturer license plates shall be the amount required by law for vehicle license plates exclusive of excise tax, except those specified in RCW 82.44.030, and gross weight and tonnage fees: *Provided*, That the fee for an original vehicle dealer's license or any renewal thereof shall include one set, or one plate, dependent upon the license classification of the dealer, of vehicle dealer license plates for each classification of the dealer.

*Provided, further*, That the maximum number of sets of vehicle dealer plates the department may issue to a dealer shall not exceed the greater of ten sets or a figure which represents four percent of the dealer's total vehicle sales for the previous year, except that the department may issue what it determines to be a reasonable number of sets in those cases where the dealer has not been previously licensed or where he can satisfy the department that the previous year's sales were unnaturally low for reasons beyond his control: *Provided, further*, That the department may, in its discretion, issue a reasonable number of additional plates in those cases where a dealer sells motor homes, mobile homes or travel trailers: *And provided further*, That no dealer who sold less than twenty passenger cars and/or pickup trucks during the previous year shall be entitled to receive any additional sets, unless he can satisfy the department that additional sets are necessary for the purposes indicated in RCW 46.70.090, excepting subsections (2)(b) and (4)(b).

(5) All fees collected under this chapter shall be turned into the state treasury and credited to the motor vehicle fund.

(6) The fees prescribed herein shall be in addition to any excise taxes imposed by chapter 82.44 RCW. [1973 1st ex.s. c 132 § 7; 1967 ex.s. c 74 § 13.]

**46.70.070 Dealers—Bond required—Actions—Cancellation of license.** (1) Before issuing a vehicle dealer's license, the department shall require the applicant to file with said department a surety bond in the amount of:

- (a) Ten thousand dollars for motor vehicle dealers;
- (b) Twenty thousand dollars for mobile home and travel trailer dealers: *Provided*, That if such dealer does not deal in mobile homes such bond shall be ten thousand dollars;
- (c) Five thousand dollars for miscellaneous dealers, running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter. Any retail purchaser who shall have suffered any loss or damage by reason of breach of warranty or by any act by a dealer which constitutes a violation of this chapter shall have the right to institute an action for recovery against such dealer and the surety upon such bond. Successive recoveries against said bond shall be permitted but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the vehicle dealer license shall automatically be deemed canceled.

(2) The bond for any vehicle dealer licensed or to be licensed under more than one classification shall be the highest bond required for any such classification. [1973 1st ex.s. c 132 § 8; 1971 ex.s. c 74 § 4; 1967 ex.s. c 74 § 27; 1961 c 239 § 1; 1961 c 12 § 46.70.070. Prior: 1959 c 166 § 19; 1951 c 150 § 8.]

**46.70.075 Manufacturers—Bond required—Actions—Cancellation of license.** Before issuing a manufacturer license to a manufacturer of mobile homes or travel trailers, the department shall require the applicant to file with said department a surety bond in the amount of twenty thousand dollars in the case of a mobile home manufacturer and ten thousand dollars in the case of a travel trailer manufacturer running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the manufacturer shall conduct his business in conformity with the provisions of this chapter and with all standards set by the state of Washington or the federal government pertaining to the construction or safety of such vehicles. Any retail purchaser or vehicle dealer who shall have suffered any loss or damage by reason of breach of warranty or by any act by a manufacturer which constitutes a violation of this chapter or a violation of any standards set by the state of Washington or the federal government pertaining to construction or safety of such vehicles shall have the right to institute an action for recovery against such manufacturer and the surety upon such bond. Successive recoveries against said bond shall be permitted but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the manufacturer

license shall automatically be deemed canceled. [1973 1st ex.s. c 132 § 9.]

**46.70.081 Dealer to advise of business location, change—Requirements for multiple locations—Six months' continuation on death or incapacity of holder.** Every vehicle dealer shall advise the department of the location of each and every place of business of the firm and the name or names under which the firm is doing business at such location or locations. In the event that any name or location is changed, the dealer shall notify the department of such change within ten days. The license issued by the department shall reflect the name and location of the firm and shall be posted in a conspicuous place at that location by the dealer.

If a dealer does business in more than one county, separate licenses shall be required for each county.

If a dealer maintains a place of business at more than one location or under more than one name in any one county, he shall designate one location as the principal place of business of the firm, one name as the principal name of the firm, and all other locations or names as subagencies. A subagency license shall be required for each and every subagency.

A vehicle dealer's license shall upon the death, or incapacity of an individual vehicle dealer authorize the personal representative of such dealer, subject to payment of license fees, to continue the business for a period of six months from the date of said death or incapacity. [1973 1st ex.s. c 132 § 10; 1967 ex.s. c 74 § 8.]

**46.70.082 Salesman's license—Issuance—Posting—Procedure on termination of employment.** The license issued to the vehicle salesman shall be sent to the salesman by the department and shall be posted in a conspicuous place on the premises of the dealer by whom the salesman is employed during the period of the salesman's employment.

When a salesman begins or terminates a connection with a vehicle dealer, the salesman and dealer shall promptly notify the department, in writing, in the form prescribed by the department. In addition to other information required by the department, the vehicle dealer with whom the salesman is beginning a connection shall certify that he has examined the background of the salesman and, to the best of his knowledge, the salesman is of good moral character. [1973 1st ex.s. 132 § 11; 1971 ex.s. c 74 § 5; 1967 ex.s. c 74 § 9.]

**46.70.083 Expiration of license or registration—Application for renewal.** The license of a vehicle dealer or a vehicle manufacturer shall be effective until December 31 and may be renewed by filing with the department prior to the expiration thereof an application containing such information as the department may require to indicate any material change in the information contained in the original application.

Registration of a vehicle salesman shall be effective until June 30 and may be renewed by filing with the department prior to the expiration thereof an application containing such information as the department may

require to indicate any material change in the information contained in the original application. [1973 1st ex.s. c 132 § 12; 1971 ex.s. c 74 § 6; 1967 ex.s. c 74 § 10.]

**46.70.090 Dealer and manufacturer license plates—Use.** (1) The department shall issue vehicle dealer license plates, which are capable of distinguishing the classification of the dealer, to vehicle dealers properly licensed pursuant to this chapter and shall, upon application, issue manufacturer's license plates to manufacturers properly licensed pursuant to this chapter.

(2) Motor vehicle dealer license plates may be used:

(a) To demonstrate motor vehicles held for sale when operated by an individual holding a valid operator's license, provided that a dated demonstration permit, valid for no more than seventy-two hours, is carried in the vehicle at all times it is operated by any such individual.

(b) On motor vehicles owned, held for sale and which are in fact available for sale by the firm when operated by an officer of the corporation, partnership, or proprietorship or by a bona fide full time employee of the firm, provided that a card so identifying any such individual is carried in the vehicle at all times it is operated by him. Any such vehicle so operated may be used to transport the dealer's own tools, parts and equipment to a total weight not to exceed five hundred pounds.

(c) On motor vehicles being tested for repair.

(d) On motor vehicles being moved to or from a motor vehicle dealer's place of business for sale.

(e) On motor vehicles being moved to or from motor vehicle service and repair facilities before sale.

(f) On motor vehicles being moved to or from motor vehicle exhibitions within the state of Washington, provided that any such exhibition does not exceed a period of twenty days.

(3) Mobile home and travel trailer dealer license plates may be used:

(a) On units hauled to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer.

(b) On mobile homes hauled to a customer's location for set-up after sale.

(c) On travel trailers held for sale to demonstrate the towing capability of the vehicle provided that a dated demonstration permit, valid for not more than seventy-two hours, is carried with the vehicle at all times.

(d) On mobile homes being hauled from a customer's location provided that the requirements of RCW 46.16.105 and 46.16.106 are met.

(e) On any motor vehicle owned by the dealer which is used only to move vehicles legally bearing mobile home and travel trailer dealer license plates of the dealer so owning any such motor vehicle.

(f) On vehicles being moved to or from vehicle exhibitions within the state of Washington, provided that any such exhibition does not exceed a period of twenty days.

(4) Miscellaneous vehicle dealer license plates may be used:

(a) To demonstrate any miscellaneous vehicle: *Provided*, That:

(i) No such vehicle shall be demonstrated on a public highway unless the customer has an appropriate endorsement on his driver's license, if such endorsement is required to operate such vehicle; and

(ii) A dated demonstration permit, valid for no more than seventy-two hours, is carried with the vehicle at all times it is operated by any such individual.

(b) On vehicles owned, held for sale and which are, in fact, available for sale, by the firm when operated by an officer of the corporation, partnership or proprietorship or by a bona fide full time employee of the firm, provided that a card so identifying such individual is carried in the vehicle at all times it is operated by him.

(c) On vehicles being tested for repair.

(d) On vehicles being transported to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer.

(e) On vehicles on which any other item sold or to be sold by the dealer is transported from the place of business of the manufacturer to the place of business of the dealer or to and from places of business of the dealer: *Provided*, That such vehicle and such item are purchased or sold as one package.

(5) Manufacturers properly licensed pursuant to this chapter may apply for and obtain manufacturer license plates and may be used:

(a) To transport vehicles to or from the place of business of a manufacturer to a vehicle dealer within this state who is properly licensed pursuant to this chapter.

(b) To test vehicles for repair.

(6) Vehicle dealer license plates and manufacturer license plates shall not be used for any purpose other than set forth in this section and specifically shall not be:

(a) Used on any vehicle not within the class for which the vehicle dealer license plates are issued unless specifically provided for in this section.

(b) Loaned to any person for any reason not specifically provided for in this section.

(c) Used on any vehicles for the transportation of any person, produce, freight, or commodities unless specifically provided for in this section, except there shall be permitted the use of such vehicle dealer license plates on a vehicle transporting commodities in the course of a demonstration over a period not to exceed seventy-two consecutive hours from the commencement of such demonstration, if a representative of the dealer is present and accompanies such vehicle during the course of the demonstration.

(d) Used on any vehicle sold to a resident of another state to transport such vehicle to that other state in lieu of a trip permit or in lieu of vehicle license plates obtained from that other state.

(7) In addition to or in lieu of any sanction imposed by the director pursuant to RCW 46.70.101 for unauthorized use of vehicle dealer license plates or manufacturer license plates, the director may order that any or all vehicle dealer license plates or manufacturer license plates issued pursuant to this chapter be confiscated for such period as he deems appropriate. [1973 1st ex.s. c 132 § 13; 1971 ex.s. c 74 § 7; 1969 ex.s. c 63 § 3; 1961 c 12 § 46.70.090. Prior: 1955 c 283 § 1; 1951 c 150 § 10.]

**46.70.101 Denial, suspension or revocation of licenses—Grounds.** The director may by order deny, suspend or revoke the license of any vehicle dealer, vehicle manufacturer, or vehicle salesman or, in lieu thereof or in addition thereto, may by order assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, if he finds that the order is in the public interest and that the applicant, or licensee:

(1) In the case of a vehicle dealer:

(a) The applicant or licensee, or any partner, officer, director, owner of ten percent or more of the assets of the firm, or managing employee:

(i) Was the holder of a license issued pursuant to this chapter, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled;

(ii) Has been convicted of any crime within the preceding five years involving fraud, misrepresentation, or conversion, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation or conversion;

(iii) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto, or in any matter under investigation by the department;

(iv) Does not have an established place of business as defined in this chapter;

(v) Employs an unlicensed salesman or one whose license has been denied, revoked within the last year, or is currently suspended, the terms of which have not been fulfilled;

(vi) Refuses to allow representatives or agents of the department to inspect during normal business hours all books, records and files maintained within this state;

(vii) Sells, exchanges, offers, brokers, auctions, solicits or advertises a new or current model vehicle to which a factory new vehicle warranty attaches and fails to have a valid, written service agreement as required by this chapter, or having such agreement refuses to honor or repudiates the same;

(viii) Is insolvent, either in the sense that his liabilities exceed his assets, or in the sense that he cannot meet his obligations as they mature;

(ix) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final.

(b) The applicant or licensee, or any partner, officer, director, owner of ten percent of the assets of the firm, or any employee or agent:

(i) Has failed to comply with the applicable provisions of chapter 46.12 RCW or this chapter or any rules and regulations adopted thereunder;

(ii) Has defrauded or attempted to defraud the state, or a political subdivision thereof of any taxes or fees in connection with the sale or transfer of a vehicle;

(iii) Has forged the signature of the registered or legal owner on a certificate of title;

(iv) Has purchased, sold, disposed of, or has in his possession any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(v) Has wilfully failed to deliver to a purchaser a certificate of ownership to a vehicle which he has sold;

(vi) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

(vii) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(c) The licensee or any partner, officer, director, owner of ten percent or more of the assets of the firm holds or has held any such position in any other vehicle dealership licensed pursuant to this chapter which is subject to final proceedings under this section.

(2) In the case of a vehicle salesman:

(a) Was the holder of, or was a partner in a partnership, or was an officer, director, or owner involved in the management of a corporation which was the holder, of a license issued pursuant to this chapter which was revoked for cause and never reissued or was suspended and the terms of the suspension had not been fulfilled;

(b) Has been convicted of any crime within the preceding five years involving fraud, misrepresentation, or conversion, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion;

(c) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto or in any matter under investigation by the department;

(d) Has failed to comply with the applicable provisions of chapter 46.12 RCW or this chapter and any rules and regulations adopted thereunder;

(e) Has defrauded or attempted to defraud the state, or a political subdivision thereof, of any taxes or fees in connection with the sale or transfer of a vehicle;

(f) Has forged the signature of the registered or legal owner on a certificate of title;

(g) Has purchased, sold, or disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(h) Has wilfully failed to deliver to a purchaser a certificate of ownership to a vehicle which he has sold;

(i) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(j) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final.

(3) In the case of a manufacturer, or any partner, officer, director, or majority shareholder:

(a) Was or is the holder of a license issued pursuant to this chapter which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled;

(b) Has knowingly or with reason to know, made a false statement of a material fact in his application for license, or any data attached thereto, or in any matter under investigation by the department;

(c) Has failed to comply with applicable provisions of chapter 46.12 RCW or this chapter and any rules and regulations adopted thereunder;

(d) Has defrauded or attempted to defraud the state, or political subdivision thereof, of any taxes or fees in connection with the sale or transfer of a vehicle;

(e) Has purchased, sold, or disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(f) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

(g) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(h) Sells or distributes in this state or transfers into this state for resale, any new or unused vehicle to which a warranty attaches or has attached and refuses to honor the terms of such warranty within a reasonable time or repudiates the same;

(i) Fails to maintain one or more resident employees or agents to provide service or repairs to vehicles located within the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured and which are or have been sold or distributed in this state or transferred into this state for resale unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department.

(j) Fails to reimburse within a reasonable time any vehicle dealer within the state of Washington who in good faith incurs reasonable obligations in giving effect to warranties that attach or have attached to any new or unused vehicle sold or distributed in this state or transferred into this state for resale by any such manufacturer.

(k) Engaged in practices inimical to the health and safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles. [1973 1st ex.s. c 132 § 14; 1969 ex.s. c 63 § 4; 1967 ex.s. c 74 § 11.]

**46.70.102 Denial, suspension or revocation of licenses—Notice, hearing, procedure.** Upon the entry of the order under RCW 46.70.101 the director shall promptly notify the applicant or licensee, as well as the employer or prospective employer if the applicant or licensee is a salesman, that the order has been entered and of the reasons therefor and that if requested by the applicant or licensee within fifteen days after the receipt of the director's notification, the matter will be promptly set down for hearing pursuant to chapter 34.04 RCW. If no hearing is requested and none is ordered by the director, the order will remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered, the director, or his personal representative, after notice of and opportunity for hearing, may modify or vacate the order, or extend it until final determination. No final order may be entered under RCW 46.70.101 denying or revoking a license without appropriate prior notice to the applicant or licensee (as well as the employer or prospective employer if the applicant or licensee is a salesman), opportunity for hearing, and

written findings of fact and conclusions of law. [1967 ex.s. c 74 § 12.]

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

(1) In case of contumacy by, or refusal to obey a subpoena issued to, any person, any court of competent jurisdiction, upon application by the director, may issue to that person an order requiring him to appear before the director, or the officer designated by him, to produce documentary or other evidence touching the matter under investigation or in question. The failure to obey an order of the court may be punishable by contempt. [1967 ex.s. c 74 § 15.]

**46.70.120 Record of transactions.** A dealer shall complete and maintain for a period of at least five years a record of the purchase and sale of all vehicles purchased or sold by him which records shall consist of:

(1) The license and title numbers of the state in which the last license was issued;

(2) A description of the vehicle; and

(3) The name and address of person from whom purchased; and

(4) The name of legal owner, if any; and

(5) The name and address of purchaser; and

(6) Any additional information the department may require.

Such record shall be maintained separate and apart from all other business records of the dealer and shall at all times be available for inspection by the director or his duly authorized agent. [1973 1st ex.s. c 132 § 15; 1961 c 12 § 46.70.120. Prior: 1951 c 150 § 15.]

**46.70.130 Details of charges must be furnished buyer or mortgagor.** Before the execution of a contract or chattel mortgage or the consummation of the sale of any vehicle, the seller must furnish the buyer an itemization in writing signed by the seller separately disclosing to the buyer the finance charge, insurance costs, taxes, and other charges which are paid or to be paid by the buyer. [1973 1st ex.s. c 132 § 16; 1961 c 12 § 46.70.130. Prior: 1951 c 150 § 16.]

**46.70.140 Handling "hot" vehicles—Unreported motor "switches"—Unauthorized use of dealer plates—Penalty.** Any vehicle dealer who shall knowingly or with reason to know, buy or receive, sell or dispose of, conceal or have in his possession, any vehicle from which the motor or serial number has been removed, defaced, covered, altered, or destroyed, or any dealer, who shall remove from or install in any motor vehicle a new or used motor block without immediately notifying the department of such fact upon a form provided by the department, or any vehicle dealer who shall

loan or permit the use of vehicle dealer license plates by any person not entitled to the use thereof, shall be guilty of a gross misdemeanor. [1973 1st ex.s. c 132 § 17; 1971 ex.s. c 74 § 8; 1967 c 32 § 79; 1961 c 12 § 46.70.140. Prior: 1951 c 150 § 11.]

**46.70.150 Violations—Additional penalties as to license and plates.** The director may, when informed of the conviction of any dealer of the violation of any of the provisions of this chapter, in addition to penalties imposed by the court, require the surrender of the dealer license and dealer license plates, and may thereupon suspend such license for a period of not less than thirty days or not more than one year, or he may confiscate the dealer license plates that have been issued to such dealer for the current license year. [1961 c 12 § 46.70.150. Prior: 1951 c 150 § 12.]

**46.70.160 Rules and regulations.** The director may make any reasonable rules and regulations not inconsistent with the provisions of chapter 46.70 RCW relating to the enforcement and proper operation thereof. [1961 c 12 § 46.70.160. Prior: 1959 c 166 § 21.]

**46.70.170 Penalty for violations.** It shall be a misdemeanor for any person to violate any of the provisions of this chapter and the rules and regulations promulgated as provided under this chapter. [1965 c 68 § 5.]

**46.70.180 Unlawful acts and practices.** Each of the following acts or practices is hereby declared unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for less down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale agreement any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to

terms that include as an added cost to the selling price of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold to a person for a consideration and upon further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Taking from a prospective buyer of a vehicle a written order or offer to purchase, or a contract document signed by the buyer, which:

(a) Is subject to the dealer's, or his authorized representative's future acceptance, and the dealer fails or refuses within forty-eight hours, exclusive of Saturday, Sunday or legal holiday, and prior to any further negotiations with said buyer, to deliver to the buyer either the dealer's signed acceptance or all copies of the order, offer or contract document together with any initial payment or security made or given by the buyer, including but not limited to money, check, promissory note, vehicle keys, a trade-in or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle, delivered or to be delivered by the buyer as part of the purchase price, because of depreciation, obsolescence, or any other reason except substantial and latent mechanical defect that could not have been reasonably discovered at the time of the taking of said order, offer or contract: *Provided*, That said physical damage or mechanical defect shall have occurred before the dealer took possession of the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560 and 46.37.570;

(6) For any vehicle dealer or vehicle salesman to refuse to furnish, upon request of a prospective purchaser, the name and address of the previous registered owner of any used vehicle offered for sale.

(7) Being a manufacturer to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which shall not have been voluntarily ordered by the said vehicle dealer: *Provided*, That recommendation, endorsement, exposition, persuasion, urging, or argument shall not be deemed to constitute coercion;

(b) Cancel, or, fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his capital investment which



shall include but not be limited to tools, equipment, and parts inventory, possessed by the dealer on the day he is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (1) The capital investment shall have been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (2) Said cancellation or nonrenewal was not done in good faith. Good faith shall be defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: *Provided*, That recommendation, endorsement, exposition, persuasion, urging or argument shall not be deemed to constitute a lack of good faith.

(c) Encourage, aid, abet or teach a vehicle dealer to sell vehicles through any false, deceptive or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order shall have been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation or utility services, or to any labor or production difficulty, or to any cause beyond the reasonable control of the manufacturer.

(f) To provide under the terms of any warranty that a purchaser of any new or unused vehicle that has been sold, distributed for sale, or transferred into this state for resale by the vehicle manufacturer that any warranty claim on any item included as an integral part of the vehicle may only be made against the manufacturer of that item.

(8) Nothing in this section shall be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor shall the requirement of such performance constitute a violation of any of the provisions of this section: *Provided, however*, Any such contract, or the terms thereof, requiring performance, shall have been theretofore freely entered into and executed between the contracting parties. [1973 1st ex.s. c 132 § 18; 1969 c 112 § 1; 1967 ex.s. c 74 § 16.]

**46.70.185 Odometers—Disconnecting, resetting, turning back, replacing without notifying purchaser.** See RCW 46.37.540–46.37.580.

**46.70.190 Civil actions for violations—Injunctions—Claims under Federal Automobile Dealer Franchise Act—Time limitation for filing action.** Any

person who is injured in his business or property by a violation of this chapter, or any person so injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of this chapter, may bring a civil action in the superior court to enjoin further violations, to recover the actual damages sustained by him together with the costs of the suit, including a reasonable attorney's fee.

Any person recovering judgment or whose claim has been dismissed with prejudice against a manufacturer pursuant to RCW 46.70.180(7)(b) and this section shall, upon full payment of said judgment, or upon the dismissal of such claim, execute a waiver in favor of the judgment debtor or defendant of any claim arising prior to the date of said judgment or dismissal under the Federal Automobile Dealer Franchise Act, 15 United States Code Sections 1221–1225. Any person having recovered full payment for any judgment or whose claim has been dismissed with prejudice under said Federal Automobile Dealer Franchise Act shall have no cause of action under this section for alleged violation of RCW 46.70.180(7)(b), with respect to matters arising prior to the date of said judgment.

A civil action brought in the superior court pursuant to the provisions of this section must be filed no later than one year following the alleged violation of this chapter. [1973 1st ex.s. c 132 § 19; 1967 ex.s. c 74 § 21.]

**46.70.200 Revocation or nonrenewal of dealer's license when civil action for cancellation or nonrenewal of franchise is pending—Court may order issuance, when.** The director shall revoke or refuse to issue a motor vehicle dealer's license for a franchise replacing a canceled or terminated franchise if a civil action pursuant to RCW 46.70.190 is pending and was filed within sixty days following the written notification of the cancellation or nonrenewal of an existing franchise and a certified copy of said complaint alleging the date of said notification is filed with the department within said sixty days by the complaining motor vehicle dealer. The court may, however, in order to maintain adequate and competitive service in the area or upon a showing of good cause by the manufacturer, distributor, or factory branch order the director to issue said motor vehicle dealer's license if the dealer complies with other sections of chapter 46.70 RCW. [1967 ex.s. c 74 § 17.]

**46.70.210 Effect of complaint on existing franchise—Effect of issuance of new franchise.** Upon the filing of a complaint pursuant to RCW 46.70.190 by a complaining motor vehicle dealer within sixty days following the written notification of the cancellation or nonrenewal of the existing franchise, any canceled or nonrenewed franchise of said complaining dealer shall stay in full force and effect until the complaint has been expeditiously disposed of, unless the court, pursuant to RCW 46.70.200, has ordered the director to issue a motor vehicle dealer's license to a new franchisee.

If a new franchise is given by a manufacturer, distributor or factory branch for the sale of the same make of motor vehicle in the same area of responsibility in that

covered in said canceled or terminated franchise, such act shall be prima facie evidence that the new franchise replaced the canceled or terminated franchise. [1967 ex.s. c 74 § 18.]

**46.70.220 Duties of attorney general and prosecuting attorneys to bring action for violations—Limitation of civil actions.** The director may refer such evidence as may be available concerning violations of this chapter or of any rule or order hereunder to the attorney general or the proper prosecuting attorney, who may in his discretion, with or without such a reference, in addition to any other action they might commence, bring an action in the name of the state against any person to restrain and prevent the doing of any act or practice herein prohibited or declared unlawful: *Provided*, That this chapter shall be considered in conjunction with chapter 9.04 RCW, 19.86 RCW and 63.14 RCW and the powers and duties of the attorney general and the prosecuting attorney as they may appear in the aforementioned chapters, shall apply against all persons subject to this chapter: *Provided further*, That any action to enforce a claim for civil damages under chapter 19.86 RCW shall be forever barred unless commenced within six years after the cause of action accrues. [1967 ex.s. c 74 § 19.]

**46.70.230 Duties of attorney general and prosecuting attorneys to bring action for violations—Acceptance of assurance of compliance—Filing.** In the enforcement of this chapter, the attorney general and/or any said prosecuting attorney may accept an assurance of compliance with the provisions of this chapter from any person deemed in violation hereof. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court of the county in which the alleged violator resides or has his principal place of business, or in Thurston county. [1967 ex.s. c 74 § 20.]

**46.70.240 Penalties—Jurisdiction.** Any person who violates the terms of any court order, or temporary or permanent injunction issued pursuant to this chapter, shall forfeit and pay a civil penalty of not more than twenty-five thousand dollars. For the purpose of this section the superior court issuing any injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the attorney general and/or the prosecuting attorney acting in the name of the state, or any person who pursuant to RCW 46.70.190 has secured the injunction violated, may petition for the recovery of civil penalties. [1967 ex.s. c 74 § 22.]

**46.70.250 Personal service of process outside state.** Personal service of any process in an action under this chapter may be made upon any person outside the state if such person has engaged in conduct in violation of this chapter which has had the impact in this state which this chapter reprehends. Such person shall be deemed to have thereby submitted himself to the jurisdiction of the courts of this state within the meaning of RCW 4.28.180 and 4.28.185. [1967 ex.s. c 74 § 23.]

**46.70.260 Application of chapter to existing and future franchises and contracts.** The provisions of this chapter shall be applicable to all franchises and contracts existing between motor vehicle dealers and manufacturers or factory branches and to all future franchises and contracts. [1967 ex.s. c 74 § 24.]

**46.70.270 Provisions of chapter cumulative—Violation of RCW 46.70.180 deemed civil.** The provisions of this chapter shall be cumulative to existing laws: *Provided*, That the violation of RCW 46.70.180 shall be construed as exclusively civil and not penal in nature. [1967 ex.s. c 74 § 25.]

**46.70.290 Application of chapter to mobile homes and persons engaged in distribution and sale thereof.** The provisions of chapter 46.70 RCW shall apply to the distribution and sale of mobile homes and to mobile home dealers, salesmen, distributors, manufacturers, factory representatives, or other persons engaged in such distribution and sale to the same extent as for motor vehicles. [1971 ex.s. c 231 § 23.]

**Effective date—1971 ex.s. c 231:** See note following RCW 46.01.130.

**46.70.900 Liberal construction.** All provisions of this chapter shall be liberally construed to the end that deceptive practices or commission of fraud or misrepresentation in the sale, barter, or disposition of vehicles in this state may be prohibited and prevented, and irresponsible, unreliable, or dishonest persons may be prevented from engaging in the business of selling, bartering, or otherwise dealing in vehicles in this state and reliable persons may be encouraged to engage in the business of selling, bartering and otherwise dealing in vehicles in this state: *Provided*, That this chapter shall not apply to printers, publishers, or broadcasters who in good faith print, publish or broadcast material without knowledge of its deceptive character. [1973 1st ex.s. c 132 § 20; 1967 ex.s. c 74 § 2.]

**46.70.910 Severability—1967 ex.s. c 74.** If any provision of this amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the amendatory act and the applicability thereof to persons and circumstances shall not be affected thereby. [1967 ex.s. c 74 § 28.]

**46.70.920 Severability—1973 1st ex.s. c 132.** If any provision of this 1973 amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this 1973 amendatory act and the applicability thereof to persons and circumstances shall not be affected thereby. [1973 1st ex.s. c 132 § 21.]

**Chapter 46.72**  
**TRANSPORTATION OF PASSENGERS IN FOR**  
**HIRE VEHICLES**

## Sections

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46.72.150	Nonresident taxicabs—Reciprocity.

*Age limit for drivers of for hire vehicles: RCW 46.20.045.*

*Special driver's license required: RCW 46.20.440.*

**46.72.010 Definitions.** When used in this chapter:

(1) The term "for hire vehicle" includes all vehicles used for the transportation of passengers for compensation, except auto stages or school buses operating exclusively under a contract to a school district;

(2) The term "for hire operator" means and includes any person, concern or entity engaged in the transportation of passengers for compensation in for hire vehicles. [1961 c 12 § 46.72.010. Prior: 1947 c 253 § 1; Rem. Supp. 1947 § 6386-1. Formerly RCW 81.72.010.]

**46.72.020 Permit required—Form of application.**

No for hire operator shall cause operation of a for hire vehicle upon any highway of this state without first obtaining a permit from the director of motor vehicles. Application for a permit shall be made on forms provided by the director and shall include (1) the name and address of the owner or owners, and if a corporation, the names and addresses of the principal officers thereof; (2) city, town or locality in which any vehicle will be operated; (3) name and motor number of any vehicle to be operated; (4) the endorsement of a city official authorizing an operator under a law or ordinance requiring a license; and (5) such other information as the director may require. [1967 c 32 § 80; 1961 c 12 § 46.72.020. Prior: 1947 c 253 § 2; Rem. Supp. 1947 § 6386-2; prior: 1915 c 57 § 1; RRS § 6382. Formerly RCW 81.72.020.]

**46.72.030 Permit fee—Issuance—Display.**

Application for a permit shall be forwarded to the director with a fee of five dollars. Upon receipt of such application and fee, the director shall, if such application be in proper form, issue a permit authorizing the applicant to operate for hire vehicles upon the highways of this state until such owner ceases to do business as such, or until the permit is suspended or revoked. Such permit shall be displayed in a conspicuous place in the principal place of business of the owner. [1967 c 32 § 81; 1961 c 12 § 46.72.030. Prior: 1947 c 253 § 3; Rem. Supp. 1947 § 6386-3; prior: 1933 c 73 § 1, part; 1915 c 57 § 2, part; RRS § 6383, part. Formerly RCW 81.72.030.]

**46.72.040 Surety bond.** Before a permit is issued every for hire operator shall be required to deposit and thereafter keep on file with the director a surety bond running to the state of Washington covering each and every for hire vehicle as may be owned or leased by him and used in the conduct of his business as a for hire operator. Such bond shall be in the sum of one hundred thousand dollars for any recovery for death or personal injury by one person, and three hundred thousand dollars for all persons killed or receiving personal injury by reason of one act of negligence, and twenty-five thousand dollars for damage to property of any person other than the assured, with a good and sufficient surety company licensed to do business in this state as surety and to be approved by the director, conditioned for the faithful compliance by the principal of said bond with the provisions of this chapter, and to pay all damages which may be sustained by any person injured by reason of any careless negligence or unlawful act on the part of said principal, his agents or employees in the conduct of said business or in the operation of any motor propelled vehicle used in transporting passengers for compensation on any public highway of this state. [1973 c 15 § 1; 1967 c 32 § 82; 1961 c 12 § 46.72.040. Prior: 1947 c 253 § 4; Rem. Supp. 1947 § 6386-4; prior: 1933 c 73 § 1, part; 1915 c 57 § 2, part; RRS § 6383, part. Formerly RCW 81.72.040.]

**46.72.050 Liability coverage—Right of action saved.** In lieu of the surety bond as provided in this chapter, there may be deposited and kept on file and in force with the director a public liability insurance policy covering each and every motor vehicle operated or intended to be so operated, executed by an insurance company licensed and authorized to write such insurance policies in the state of Washington, assuring the applicant for a permit against property damage and personal liability to the public, with the premiums paid and payment noted thereon. Said policy of insurance shall provide a minimum coverage equal and identical to the coverage required by the aforesaid surety bond, specified under the provisions of RCW 46.72.040. No provisions of this chapter shall be construed to limit the right of any injured person to any private right of action against a for hire operator as herein defined. [1973 c 15 § 2; 1967 c 32 § 83; 1961 c 12 § 46.72.050. Prior: 1947 c 253 § 5; Rem. Supp. 1947 § 6386-5. Formerly RCW 81.72.050.]

**46.72.060 Right of action—Limitation of recovery.** Every person having a cause of action for damages against any person, firm, or corporation receiving a permit under the provisions of this chapter, for injury, damages or wrongful death caused by any careless, negligent or unlawful act of any such person, firm, or corporation or his, their, or its agents or employees in conducting or carrying on said business or in operating any motor propelled vehicle for the carrying and transporting of passengers over and along any public street, road or highway shall have a cause of action against the principal and surety upon the bond or the insurance company and the insured for all damages sustained, and

in any such action the full amount of damages sustained may be recovered against the principal, but the recovery against the surety shall be limited to the amount of the bond. [1961 c 12 § 46.72.060. Prior: 1947 c 253 § 6; Rem. Supp. 1947 § 6386-6; prior: 1929 c 27 § 1; 1927 c 161 § 1; 1915 c 57 § 3; RRS § 6384. Formerly RCW 81.72.060.]

**46.72.070 Certificate—Fee.** The director shall approve and file all bonds and policies of insurance. The director shall, upon receipt of fees and after approving the bond or policy, furnish the owner with an appropriate certificate which must be carried in a conspicuous place in the vehicle at all times during for hire operation. A for hire operator shall secure a certificate for each for hire vehicle operated and pay therefor a fee of one dollar for each vehicle so registered. Such permit or certificate shall expire on June 30th of each year, and may be annually renewed upon payment of a fee of one dollar. [1967 c 32 § 84; 1961 c 12 § 46.72.070. Prior: 1947 c 253 § 7; Rem. Supp. 1947 § 6386-7. Formerly RCW 81.72.070.]

**46.72.080 Substitution of security—New certificate.** In the event the owner substitutes a policy or bond after a for hire certificate has been issued, a new certificate shall be issued to the owner. The owner shall submit the substituted bond or policy to the director for approval, together with a fee of one dollar. If the director approves the substituted policy or bond, a new certificate shall be issued. In the event any certificate has been lost, destroyed or stolen, a duplicate thereof may be obtained by filing an affidavit of loss and paying a fee of fifty cents. [1967 c 32 § 85; 1961 c 12 § 46.72.080. Prior: 1947 c 253 § 8; Rem. Supp. 1947 § 6386-8. Formerly RCW 81.72.080.]

**46.72.100 Refusal, suspension or revocation of permit or certificate—Penalty for unlawful operation.** The director may refuse to issue a permit or certificate, or he may suspend or revoke a permit or certificate if he has good reason to believe that one of the following is true of the operator or the applicant for a permit or certificate: (1) He has been convicted of an offense of such a nature as to indicate that he is unfit to hold a certificate or permit; (2) he is guilty of committing two or more offenses for which mandatory revocation of driver's license is provided by law; (3) he has been convicted of manslaughter resulting from the operation of a motor vehicle or convicted of negligent homicide; (4) intemperate or addicted to the use of narcotics.

Notice of the director to refuse, suspend or revoke such permit or certificate shall be given by registered mail to the holder or applicant for such permit or certificate and shall designate a time and place for hearing before the director, which shall not be less than ten days from the date of such notice. Should the director, after such hearing, decide that a permit shall be canceled or revoked, he shall notify said holder or applicant to that effect by registered mail. The applicant or permit holder may within thirty days from the date of the decision appeal to the superior court of Thurston county for a

review of such decision by filing a copy of said notice with the clerk of said superior court and a copy of such notice in the office of the director. The court shall set the matter down for hearing with the least possible delay.

Any for hire operator as herein defined who shall operate a for hire vehicle as herein defined without first having filed a bond or insurance policy and having received a for hire permit and a for hire certificate as required by this chapter shall be guilty of a gross misdemeanor and upon conviction therefor shall be punished by imprisonment in jail for a period not exceeding ninety days or a fine of not exceeding five hundred dollars, or both fine and imprisonment. [1967 c 32 § 86; 1961 c 12 § 46.72.100. Prior: 1947 c 253 § 9; Rem. Supp. 1947 § 6386-9; prior: 1915 c 57 § 4; RRS § 6385. Formerly RCW 81.72.100.]

**46.72.110 Fees to highway safety fund.** All fees received by the director under the provisions of this chapter shall be transmitted by him, together with a proper identifying report, to the state treasurer to be deposited by the state treasurer in the highway safety fund. [1967 c 32 § 87; 1961 c 12 § 46.72.110. Prior: 1947 c 253 § 10; Rem. Supp. 1947 § 6386-10. Formerly RCW 81.72.110.]

**46.72.120 Rules and regulations.** The director is empowered to make and enforce such rules and regulations as may be consistent with and necessary to carry out the provisions of this chapter. [1967 c 32 § 88; 1961 c 12 § 46.72.120. Prior: 1947 c 253 § 11; Rem. Supp. 1947 § 6386-11. Formerly RCW 81.72.120.]

**46.72.130 Nonresident taxicabs—Permit—Fee—Compliance.** No operator of a taxicab licensed or possessing a permit in another state to transport passengers for hire, and principally engaged as a for hire operator in another state, shall cause the operation of a taxicab upon any highway of this state without first obtaining an annual permit from the director upon an application accompanied with an annual fee of twenty dollars for each taxicab. The issuance of a permit shall be further conditioned upon compliance with this chapter. [1967 c 32 § 89; 1961 c 12 § 46.72.130. Prior: 1953 c 12 § 1; 1951 c 219 § 1. Formerly RCW 81.72.130.]

**46.72.140 Nonresident taxicabs—Permit required for entry.** All law enforcement officers shall refuse every taxicab entry into this state which does not have a certificate from the director on the vehicle. [1967 c 32 § 90; 1961 c 12 § 46.72.140. Prior: 1951 c 219 § 2. Formerly RCW 81.72.140.]

**46.72.150 Nonresident taxicabs—Reciprocity.** RCW 46.72.130 and 46.72.140 shall be inoperative to operators of taxicabs residing and licensed in any state which allows Washington operators of taxicabs to use such state's highways free from such regulations. [1961 c 12 § 46.72.150. Prior: 1951 c 219 § 3. Formerly RCW 81.72.150.]

**Chapter 46.76**  
**MOTOR VEHICLE TRANSPORTERS**

## Sections

46.76.010	License required—Exceptions—"Driveaway," "towaway," method defined.
46.76.020	Application for license.
46.76.030	Issuance of license—Plates.
46.76.040	License and plate fees—New plates.
46.76.050	Renewal—Fee.
46.76.060	Display of plates—Nontransferability.
46.76.070	Rules and regulations.
46.76.080	Penalty.

**46.76.010 License required—Exceptions—**"Driveaway," "towaway," method defined. It shall be unlawful for any person, firm, partnership, association, or corporation to engage in the business of delivering by the driveaway or towaway methods vehicles not his own and of a type required to be registered under the laws of this state, without procuring a transporter's license in accordance with the provisions of this chapter.

This shall not apply to motor freight carriers or operations regularly licensed under the provisions of chapter 81.80 RCW to haul such vehicles on trailers or semitrailers.

Driveaway or towaway methods means the delivery service rendered by a motor vehicle transporter wherein motor vehicles are driven singly or in combinations by the towbar, saddlemount or fullmount methods or any lawful combinations thereof, or where a truck or truck-tractor draws or tows a semitrailer or trailer. [1961 c 12 § 46.76.010. Prior: 1957 c 107 § 1; 1953 c 155 § 1; 1947 c 97 § 1; Rem. Supp. 1947 § 6382-75.]

**46.76.020 Application for license.** Application for a transporter's license shall be made on a form provided for that purpose by the director of motor vehicles and when executed shall be forwarded to the director together with the proper fee. The application shall contain the name and address of the applicant and such other information as the director may require. [1967 c 32 § 91; 1961 c 12 § 46.76.020. Prior: 1947 c 97 § 2; Rem. Supp. 1947 § 6382-76.]

**46.76.030 Issuance of license—Plates.** Upon receiving an application for transporter's license the director, if satisfied that the applicant is entitled thereto, shall issue a proper certificate of license registration and a distinctive set of license plates and shall transmit the fees obtained therefor with a proper identifying report to the state treasurer, who shall deposit such fees in the motor vehicle fund. The certificate of license registration and license plates issued by the director shall authorize the holder of the license to drive or tow any motor vehicle or trailers upon the public highways. [1967 c 32 § 92; 1961 c 12 § 46.76.030. Prior: 1947 c 97 § 3; Rem. Supp. 1947 § 6382-77.]

**46.76.040 License and plate fees—New plates.** The fee for an original transporter's license shall be twenty-five dollars. Transporter license number plates bearing an appropriate symbol and serial number shall be attached to all vehicles being delivered in the conduct of the business licensed under the provisions hereof. Such

plates may be obtained for a fee of two dollars for each set. New plates must be procured with each annual renewal. [1961 c 12 § 46.76.040. Prior: 1957 c 107 § 2; 1947 c 97 § 4; Rem. Supp. 1947 § 6382-78.]

**46.76.050 Renewal—Fee.** A transporter's license shall expire on December 31st of each year and may be renewed by filing a proper application and paying an annual fee of fifteen dollars. [1961 c 12 § 46.76.050. Prior: 1947 c 97 § 5; Rem. Supp. 1947 § 6382-79.]

**46.76.060 Display of plates—Nontransferability.** Transporter's license plates shall be conspicuously displayed on all vehicles being delivered by the driveaway or towaway methods. These plates shall not be loaned to or used by any person other than the holder of the license or his employees. [1961 c 12 § 46.76.060. Prior: 1957 c 107 § 3; 1947 c 97 § 6; Rem. Supp. 1947 § 6382-80.]

**46.76.070 Rules and regulations.** The director may make any reasonable rules or regulations not inconsistent with the provisions of this chapter relating to the enforcement and proper operation of this chapter. [1967 c 32 § 93; 1961 c 12 § 46.76.070. Prior: 1947 c 97 § 7; Rem. Supp. 1947 § 6382-81.]

**46.76.080 Penalty.** The violation of any provision of this chapter shall be a misdemeanor. In addition to any other penalty imposed upon a violator of the provisions of this chapter, the director may confiscate any transporter license plates used in connection with such violation. [1961 c 12 § 46.76.080. Prior: 1947 c 97 § 8; Rem. Supp. 1947 § 6382-82.]

**Chapter 46.79**  
**HULK HAULERS' OR SCRAP PROCESSORS'**  
**LICENSES**

## Sections

46.79.010	Definitions.
46.79.020	Transporting hulks to scrap processor—Authorized—Procedure.
46.79.030	Application for license, renewal—Form—Signature—Contents.
46.79.040	Application forwarded with fees—Issuance of license—Disposition of fees—Display of license.
46.79.050	Renewal fee—Surrender of license, when.
46.79.060	Special license plates—Fee.
46.79.070	Denial, suspension or revocation of license—Notice—Hearing—Appeal.
46.79.080	Rules and regulations.
46.79.090	Inspection of premises and records—Certificate of inspection.
46.79.100	Other provisions to comply with chapter.
46.79.110	Chapter not to prohibit individual towing of vehicles to junk yards or processors.

*Abandoned junk motor vehicles: RCW 46.52.145 through 46.52.160.*  
*Abandoned vehicles: RCW 46.52.102 through 46.52.119.*

**46.79.010 Definitions.** As used in this chapter and unless the context indicates otherwise, words and phrases shall mean:

(1) "Abandoned vehicle" means any vehicle left within the limits of any highway or upon the property of

another without the consent of the owner of such property for a period of twenty-four hours, or longer, except that a vehicle shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.

(2) "Abandoned automobile hulk" means the abandoned remnant or remains of a motor vehicle which is inoperative and cannot be made mechanically operative without the addition of parts of mechanisms and the application of a substantial amount of labor to effect repairs.

(3) "Scrap processor" means a licensed establishment that maintains a hydraulic baler and shears, or a shredder for recycling salvage.

(4) "Demolish" means to destroy completely by use of a hydraulic baler and shears, or a shredder.

(5) "Hulk hauler" means any person who deals in vehicles for the sole purpose of transporting and/or selling them to a licensed motor vehicle wrecker or scrap processor in substantially the same form in which they are obtained and who may not sell second-hand motor vehicle parts to anyone other than a scrap processor.

(6) "Director" means the director of the department of motor vehicles. [1971 ex.s. c 110 § 1.]

**46.79.020 Transporting hulks to scrap processor—Authorized—Procedure.** Any hulk hauler or scrap processor licensed under the provisions of this chapter may:

(1) Notwithstanding any other provision of law, transport any flattened or junk abandoned automobile hulk whether such hulk is from in state or out of state, to a scrap processor upon obtaining the certificate of title and/or registration and/or any release of interest from the owner or custodian of such hulk. The scrap processor shall forward such document(s) to the department of motor vehicles, together with a monthly report of all vehicles acquired from other than a licensed automobile wrecker, and no further identification shall be necessary.

(2) Transport any vehicle upon obtaining ownership thereof as otherwise required by law. [1971 ex.s. c 110 § 2.]

**46.79.030 Application for license, renewal—Form—Signature—Contents.** Application for a hulk hauler's license or a scrap processor's license or renewal of a hulk hauler's license or a scrap processor's license shall be made on a form for this purpose, furnished by the director, and shall be signed by the applicant or his authorized agent and shall include the following information:

(1) Name and address of the person, firm, partnership, association or corporation under which name the business is to be conducted;

(2) Names and residence address of all persons having an interest in the business or, if the owner is a corporation, the names and addresses of the officers thereof;

(3) Certificate of approval of the chief of police of any city or town, wherever located, having a population of over five thousand persons and in all other instances a

member of the state patrol certifying that the applicant can be found at the address shown on the application, and;

(4) Any other information that the director may require. [1971 ex.s. c 110 § 3.]

**46.79.040 Application forwarded with fees—Issuance of license—Disposition of fees—Display of license.** Application for a hulk hauler's license, together with a fee of ten dollars, or application for a scrap processor's license, together with a fee of twenty-five dollars, shall be forwarded to the director. Upon receipt of the application the director shall, if the application be in order, issue the license applied for authorizing him to do business as such and forward the fee, together with an itemized and detailed report, to the state treasurer, to be deposited in the motor vehicle fund. Upon receiving the certificate the owner shall cause it to be prominently displayed at the address shown in his application, where it may be inspected by an investigating officer at any time. [1971 ex.s. c 110 § 4.]

**46.79.050 Renewal fee—Surrender of license, when.** A license issued on this application shall remain in force until suspended or revoked and may be renewed annually upon reapplication according to \*section 2 of this act and upon payment of a fee of ten dollars.

Whenever a hulk hauler or scrap processor shall cease to do business as such or his license has been suspended or revoked, he shall immediately surrender such license to the director. [1971 ex.s. c 110 § 5.]

*\*Reviser's note:* The reference to "section 2 of this act" appears to be incorrect. Section 3 of the act, codified as RCW 46.79.030, was apparently intended.

**46.79.060 Special license plates—Fee.** The hulk hauler or scrap processor shall obtain a special set of license plates in addition to the regular licenses and plates required for the operation of vehicles owned and/or operated by him and used in the conduct of his business. Such special license shall be displayed on the operational vehicles and shall be in lieu of a trip permit or current license on any vehicle being transported. The fee for these plates shall be five dollars for the original plates and two dollars for each additional set of plates bearing the same license number. [1971 ex.s. c 110 § 6.]

**46.79.070 Denial, suspension or revocation of license—Notice—Hearing—Appeal.** If for a good and sufficient cause the director has reason to believe that the application for issuance or renewal of a license as provided in this chapter should be denied, he may refuse to issue such license and shall notify the applicant to that effect. The director may suspend or revoke a hulk hauler's or scrap processor's license whenever he shall have reason to believe that such hulk hauler has:

(1) Wilfully misrepresented the physical condition of any motor vehicle transported;

(2) Sold or disposed of a motor vehicle or trailer or any part thereof when he knows that such vehicle or part has been stolen, or appropriated without the consent of the owner;

(3) Committed forgery on a certificate of title, registration, or document releasing any interest in a vehicle;

(4) Committed any dishonest act or omission which the director has reason to believe has caused loss or serious inconvenience as a result of a sale of a motor vehicle, trailer or part thereof;

(5) Failed to comply with any of the provisions of this chapter or other applicable law relating to registration and certificates of title of vehicles and any other document releasing any interest in a vehicle;

Notice of the intent of the director to refuse, suspend or cancel a license shall be given in writing, by registered mail, to the holder of or applicant for such license, and shall designate a time and place for the hearing before the director, which shall be not less than ten days from the date of said notice. Should the director, after such hearing, decide that the applicant is not entitled to a license or that an existing license should be revoked, the applicant or holder may, within thirty days from the date of the decision of the director, appeal to the superior court of Thurston county for a review of such decision, filing a notice of such appeal with the clerk of said superior court and a copy of said notice in the office of the director. Said court shall set the matter down for hearing with the least possible delay. [1971 ex.s. c 110 § 7.]

**46.79.080 Rules and regulations.** The director is hereby authorized to promulgate and adopt reasonable rules and regulations not in conflict with provisions hereof for the proper operation and enforcement of this chapter. [1971 ex.s. c 110 § 8.]

**46.79.090 Inspection of premises and records—Certificate of inspection.** It shall be the duty of the chiefs of police in cities having a population of over five thousand persons, and in all other cases members of the Washington state patrol, to make periodic inspection of the hulk hauler's or scrap processor's premises and records provided for in this chapter, and furnish a certificate of inspection to the director in such manner as may be determined by the director: *Provided*, That the above inspection in any instance can be made by an authorized representative of the department.

The department is hereby authorized to enlist the services and cooperation of any law enforcement officer or state agency of another state to inspect the premises of any hulk hauler or scrap processor whose established place of business is in that other state but who is licensed to transport automobile hulks within Washington state. [1971 ex.s. c 110 § 9.]

**46.79.100 Other provisions to comply with chapter.** Any municipality or political subdivision of this state which now has or subsequently makes provision for the regulation of hulk haulers or scrap processors shall comply strictly with the provisions of this chapter. [1971 ex.s. c 110 § 10.]

**46.79.110 Chapter not to prohibit individual towing of vehicles to junk yards or processors.** Nothing contained in this chapter shall be construed to prohibit any

individual from towing any vehicle owned by him to any junk yard or scrap processor. [1971 ex.s. c 110 § 11.]

**Chapter 46.80  
MOTOR VEHICLE WRECKERS**

Sections	
46.80.010	Definitions.
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46.80.030	Application for license—Contents.
46.80.040	Issuance of license—Fee.
46.80.050	Renewal—Fee.
46.80.060	License plates—Fee—Display.
46.80.070	Bond.
46.80.080	Records to be kept.
46.80.090	Reports to department of motor vehicles—Record of title to accompany—Penalty.
46.80.100	Cancellation of bond, effect of.
46.80.110	Refusal, suspension, revocation of license.
46.80.120	Improper practices—Penalty.
46.80.130	Place of business must be exclusively used—Wall, fence or hedge required.
46.80.140	Rules and regulations.
46.80.150	Inspection of premises and records.
46.80.160	Duty of municipalities to conform.

*Abandoned junk motor vehicles: RCW 46.52.145 through 46.52.160.  
Hulk haulers' or scrap processors' licenses: Chapter 46.79 RCW.*

**46.80.010 Definitions.** The words "motor vehicle wrecker," whenever used in this chapter, shall mean every person, firm, partnership, association or corporation engaged in the business of buying, selling or dealing in vehicles of a type required to be licensed under the laws of this state, for the purpose of wrecking, dismantling, disassembling or substantially changing the form of any motor vehicle, or who buys or sells integral second-hand parts of component material thereof, in whole or in part, and deals in second-hand motor vehicle parts. The words "established place of business," whenever used in this chapter, shall mean a building or enclosure which the owner occupies either continuously or at regular periods and where his books and records are kept and business is transacted and which must conform with the zoning regulation of municipalities. [1961 c 12 § 46.80.010. Prior: 1947 c 262 § 1; Rem. Supp. 1947 § 8326-40.]

**46.80.020 License required—Penalty.** Any motor vehicle wrecker, as defined herein, who shall engage in the business of wrecking motor vehicles or trailers without having first applied for and received a license from the department of motor vehicles authorizing him so to do shall be guilty of a gross misdemeanor, and upon conviction shall be punished by imprisonment for not less than thirty days or more than one year in jail or by a fine of one thousand dollars. [1971 ex.s. c 7 § 1; 1967 c 32 § 94; 1961 c 12 § 46.80.020. Prior: 1947 c 262 § 2; Rem. Supp. 1947 § 8326-41.]

**46.80.030 Application for license—Contents.** Application for a motor vehicle wrecker's license or renewal of a vehicle wrecker's license shall be made on a form for this purpose, furnished by the department of motor vehicles, and shall be signed by the motor vehicle wrecker or his authorized agent and shall include the following information:

(1) Name and address of the person, firm, partnership, association or corporation under which name the business is to be conducted;

(2) Names and residence address of all persons having an interest in the business or, if the owner is a corporation, the names and addresses of the officers thereof;

(3) Certificate of approval of the chief of police of any city or town having a population of over five thousand persons and in all other instances a member of the Washington state patrol certifying that:

(a) The applicant has an established place of business at the address shown on the application, and;

(b) In the case of a renewal of a vehicle wrecker's license, the applicant has been complying with the provisions of this chapter and the provisions of Title 46 RCW, relating to registration and certificates of title: *Provided*, That the above certifications in any instance can be made by an authorized representative of the department of motor vehicles;

(4) Any other information that the department may require. [1971 ex.s. c 7 § 2; 1967 ex.s. c 13 § 1; 1967 c 32 § 95; 1961 c 12 § 46.80.030. Prior: 1947 c 262 § 3; Rem. Supp. 1947 § 8326-42.]

**46.80.040 Issuance of license—Fee.** Such application, together with a fee of twenty-five dollars, and a surety bond as hereinafter provided, shall be forwarded to the department. Upon receipt of the application the department shall, if the application be in order, issue a motor vehicle wrecker's license authorizing him to do business as such and forward the fee, together with an itemized and detailed report, to the state treasurer, to be deposited in the motor vehicle fund. Upon receiving the certificate the owner shall cause it to be prominently displayed in his place of business, where it may be inspected by an investigating officer at any time. [1971 ex.s. c 7 § 3; 1967 c 32 § 96; 1961 c 12 § 46.80.040. Prior: 1947 c 262 § 4; Rem. Supp. 1947 § 8326-43.]

**46.80.050 Renewal—Fee.** A license issued on this application shall remain in force until suspended or revoked and may be renewed annually upon reapplication according to RCW 46.80.030 and upon payment of a fee of ten dollars. Any motor vehicle wrecker who fails or neglects to renew his license prior to July 1, shall be required to pay the fee for an original motor vehicle wrecker license as provided in this chapter.

Whenever a motor vehicle wrecker shall cease to do business as such or his license has been suspended or revoked, he shall immediately surrender such license to the department. [1971 ex.s. c 7 § 4; 1967 ex.s. c 13 § 2; 1967 c 32 § 97; 1961 c 12 § 46.80.050. Prior: 1947 c 262 § 5; Rem. Supp. 1947 § 8326-44.]

**46.80.060 License plates—Fee—Display.** The motor vehicle wrecker shall obtain a special set of license plates in addition to the regular licenses and plates required for the operation of such vehicles which shall be displayed on vehicles owned and/or operated by him and used in the conduct of his business. The fee for these plates shall be five dollars for the original plates and two dollars for each additional set of plates bearing the same

license number. [1961 c 12 § 46.80.060. Prior: 1957 c 273 § 21; 1947 c 262 § 6; Rem. Supp. 1947 § 8326-45.]

**46.80.070 Bond.** Before issuing a motor vehicle wrecker's license, the department shall require the applicant to file with said department a surety bond in the amount of one thousand dollars, running to the state of Washington and executed by a surety company authorized to do business in the state of Washington. Such bond shall be approved as to form by the attorney general and conditioned that such wrecker shall conduct his business in conformity with the provisions of this chapter. Any person who shall have suffered any loss or damage by reason of fraud, carelessness, neglect or misrepresentation on the part of the wrecking company, shall have the right to institute an action for recovery against such motor vehicle wrecker and surety upon such bond: *Provided*, That the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. [1971 ex.s. c 7 § 5; 1967 c 32 § 98; 1961 c 12 § 46.80.070. Prior: 1947 c 262 § 7; Rem. Supp. 1947 § 8326-46.]

**46.80.080 Records to be kept.** Every motor vehicle wrecker shall maintain books or files in which he shall keep a record and a description of every vehicle wrecked, dismantled, disassembled or substantially altered by him, together with the name of the person, firm or corporation from whom he purchased the vehicle. Such record shall also contain:

(1) The certificate of title number (if previously titled in this or any other state);

(2) Name of state where last registered;

(3) Number of the last license number plate issued;

(4) Name of vehicle;

(5) Motor or identification number and serial number of the vehicle;

(6) Date purchased;

(7) Disposition of the motor and chassis, and such other information as the department may require. Such record shall be subject to inspection at all times by members of the police department, sheriff's office and members of the Washington state patrol. A motor vehicle wrecker shall also maintain a similar record of all disabled vehicles that have been towed or transported to the motor vehicle wrecker's place of business or to other places designated by the owner of the vehicle or his representative. This record shall specify the name and description of the vehicle, name of owner, number of license plate, condition of the vehicle and place to which it was towed or transported. [1971 ex.s. c 7 § 6; 1967 c 32 § 99; 1961 c 12 § 46.80.080. Prior: 1947 c 262 § 8; Rem. Supp. 1947 § 8326-47.]

**46.80.090 Reports to department of motor vehicles—Record of title to accompany—Penalty.** Within thirty days after a vehicle has been acquired by the motor vehicle wrecker it shall be the duty of such motor vehicle wrecker to furnish a written report to the department on forms furnished by the department. This report shall be in such form as the department shall prescribe and shall be accompanied by the certificate of



title, if the vehicle has been last registered in a state which issues a certificate, or a record of registration if registered in a state which does not issue a certificate of title. No motor vehicle wrecker shall acquire a vehicle without first obtaining such record or title. It shall be the duty of the motor vehicle wrecker to furnish a monthly report of all vehicles wrecked, dismantled, disassembled, or substantially changed in form by him. This report shall be made on forms prescribed by the department and contain such information as the department may require. This statement shall be signed by the motor vehicle wrecker or his authorized representative and the facts therein sworn to before a notary public. Any motor vehicle wrecker who fails, neglects or refuses to furnish these monthly reports shall be guilty of a gross misdemeanor and shall be punished by a fine of not more than five hundred dollars or by imprisonment of not more than six months or by both fine and imprisonment. [1971 ex.s. c 7 § 7; 1967 c 32 § 100; 1961 c 12 § 46.80.090. Prior: 1947 c 262 § 9; Rem. Supp. 1947 § 8326-48.]

**46.80.100 Cancellation of bond, effect of.** If, after issuing a motor vehicle wrecker's license, the bond is canceled by the surety in a method provided by law, the director shall immediately notify the principal covered by such bond by registered mail and afford him the opportunity of obtaining another bond before the termination of the original and should such principal fail, neglect or refuse to obtain such replacement, the director may cancel or suspend the motor vehicle wrecker's license which has been issued to him under the provisions of this chapter. [1967 c 32 § 101; 1961 c 12 § 46.80.100. Prior: 1947 c 262 § 10; Rem. Supp. 1947 § 8326-49.]

**46.80.110 Refusal, suspension, revocation of license.** The director may, pursuant to the provisions of chapter 34.04 RCW, by order deny, suspend or revoke the license of any motor vehicle wrecker, if he finds that the applicant or licensee has:

- (1) Wilfully misrepresented the physical condition of any motor or integral part of a motor vehicle;
- (2) Sold or disposed of a motor vehicle or trailer or any part thereof when he knows that such vehicle or part has been stolen, or appropriated without the consent of the owner;
- (3) Committed forgery on a certificate of title covering a vehicle that has been reassembled from parts obtained from the disassembling of other vehicles;
- (4) Committed any dishonest act or omission which the director has reason to believe has caused loss or serious inconvenience as a result of a sale of a motor vehicle, trailer or part thereof;
- (5) Failed to comply with any of the provisions of this chapter or any of the rules and regulations adopted thereunder, or with any of the provisions of Title 46 RCW relating to registration and certificates of title of vehicles;
- (6) Procured a license fraudulently or that such license was erroneously issued. [1971 ex.s. c 7 § 8; 1967

ex.s. c 13 § 3; 1967 c 32 § 102; 1961 c 12 § 46.80.110. Prior: 1947 c 262 § 11; Rem. Supp. 1947 § 8326-50.]

**46.80.120 Improper practices—Penalty.** Any motor vehicle wrecker who shall knowingly buy, sell, receive, dispose of, conceal or have in his possession any motor vehicle or integral part thereof whose manufacturer's serial number, motor number or other identification mark has been removed, defaced, covered, altered or destroyed for the purpose of concealing or misrepresenting the identity of such motor vehicle or trailer, shall be deemed guilty of a gross misdemeanor and shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both. Any motor vehicle wrecker who shall fail, neglect or refuse to comply with all of the provisions of this chapter before offering for sale and selling used parts, shall be guilty of a gross misdemeanor and shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both. [1961 c 12 § 46.80.120. Prior: 1947 c 262 § 12; Rem. Supp. 1947 § 8326-51.]

**46.80.130 Place of business must be exclusively used—Wall, fence or hedge required.** It shall be unlawful for any motor vehicle wrecker to keep any motor vehicle or any integral part thereof in any place other than the established place of business, designated in the certificate issued by the department, without permission of the department. All premises containing such motor vehicles or parts thereof shall be enclosed by a wall or fence of such height as to obscure the nature of the business carried on therein. To the extent reasonably necessary or permitted by the topography of the land, the department shall have the right to establish specifications or standards for said fence or wall: *Provided, however,* That such wall or fence shall be painted or stained a neutral shade which shall blend in with the surrounding premises, and that such wall or fence must be kept in good repair. A living hedge of sufficient density to prevent a view of the confined area may be substituted for such a wall or fence. Any dead or dying portion of such hedge shall be replaced. [1971 ex.s. c 7 § 9; 1967 ex.s. c 13 § 4; 1967 c 32 § 103; 1965 c 117 § 1; 1961 c 12 § 46.80.130. Prior: 1947 c 262 § 13; Rem. Supp. 1947 § 8326-52.]

**46.80.140 Rules and regulations.** The director is hereby authorized to promulgate and adopt reasonable rules and regulations not in conflict with provisions hereof for the proper operation and enforcement of this chapter. [1967 c 32 § 104; 1961 c 12 § 46.80.140. Prior: 1947 c 262 § 14; Rem. Supp. 1947 § 8326-53.]

**46.80.150 Inspection of premises and records.** It shall be the duty of the chiefs of police in cities having a population of over five thousand persons, and in all other cases members of the Washington state patrol, to make periodic inspection of the motor vehicle wrecker's premises and records provided for in this chapter, and furnish a certificate of inspection to the department in such

manner as may be determined by the department: *Provided*, That the above inspection in any instance can be made by an authorized representative of the department. [1971 ex.s. c 7 § 10; 1967 ex.s. c 13 § 5; 1967 c 32 § 105; 1961 c 12 § 46.80.150. Prior: 1947 c 262 § 15; Rem. Supp. 1947 § 8326-54.]

**46.80.160 Duty of municipalities to conform.** Any municipality or political subdivision of this state which now has or subsequently makes provision for the regulation of automobile wreckers shall comply strictly with the provisions of this chapter. [1961 c 12 § 46.80.160. Prior: 1947 c 262 § 16; Rem. Supp. 1947 § 8326-55.]

### Chapter 46.81

#### TRAFFIC SAFETY EDUCATION COURSES

##### Sections

46.81.010	Definitions.
46.81.020	Administration of program—Powers and duties of school officials.
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46.81.040	Fiscal support—Bail deposits to include penalty assessment.
46.81.050	Fiscal support—Disposition of revenue.
46.81.060	Fiscal support—Traffic safety education account.
46.81.070	Fiscal support—Cost records—Reimbursement to school districts—Enrollment fees.
46.81.900	Declaration of purpose.

**46.81.010 Definitions.** The following words and phrases whenever used in chapter 46.81 RCW shall have the following meaning:

(1) "Superintendent" or "state superintendent" shall mean the superintendent of public instruction.

(2) "Traffic safety education course" shall mean an accredited course of instruction in traffic safety education which shall consist of three parts: Classroom instruction, laboratory experience, and observation time. "Laboratory experience" shall include on-street, driving range, or simulator experience or some combination thereof. Each of said parts shall meet basic course requirements which shall be established by the superintendent of public instruction and each part of said course shall be taught by a qualified teacher of traffic safety education. Any portions of the course may be taught after regular school hours or on Saturdays as well as on regular school days or as a summer school course, at the option of the local school districts.

(3) "Qualified teacher of traffic safety education" shall mean an instructor certificated under the provisions of chapter 28A.70 RCW and certificated by the superintendent of public instruction to teach either the classroom part or the laboratory part of the traffic safety education course, or both, under regulations promulgated by the superintendent. [1969 ex.s. c 218 § 1; 1963 c 39 § 2.]

**46.81.020 Administration of program—Powers and duties of school officials.** (1) The superintendent of public instruction is authorized to establish a section of traffic safety education, under the division of curriculum and instruction and through such section shall administer, supervise, and develop the traffic safety education

program and shall assist local school districts in the conduct of their traffic safety education programs. The superintendent shall adopt necessary rules and regulations governing the operation and scope of the traffic safety education program; and each school district shall submit an annual report to the superintendent on the financial condition of its traffic safety education program: *Provided*, That the superintendent shall conduct audits or such other examination of the records and accounts of said school districts and shall require their reporting of such information as the superintendent deems necessary to adequately monitor the quality of the program and to carry out the purposes of this chapter, and in order to make regular reports to the legislature.

(2) The board of directors of any school district maintaining a secondary school which includes any of the grades 10 to 12, inclusive, may establish and maintain a traffic safety education course. If a school district elects to offer a traffic safety education course and has within its boundaries a private accredited secondary school which includes any of the grades 10 to 12, inclusive, at least one class in traffic safety education shall be given at times other than regular school hours if there is sufficient demand therefor.

(3) Subject to the rules and regulations adopted by the superintendent of public instruction, the board of directors of a school district may contract with any drivers' school licensed under the provisions of chapter 46.82 RCW to teach the laboratory part of the traffic safety education program. Instructors provided by any such contracting drivers' school must be certificated as qualified teachers of traffic safety education. [1969 ex.s. c 218 § 2; 1963 c 39 § 3.]

**46.81.030 Fiscal support—Penalty assessments in addition to fines and bail forfeitures.** There shall be levied and paid into the traffic safety education account of the general fund of the state treasury a penalty assessment in addition to the fine or bail forfeiture on all offenses involving a violation of a state statute or city or county ordinance relating to the operation or use of motor vehicles or the licensing of vehicle operators, except offenses relating to parking of vehicles, in the following amounts:

(1) Where a fine is imposed, five dollars for each twenty dollars of fine, or fraction thereof.

(2) If bail is forfeited, five dollars for each twenty dollars of bail, or fraction thereof.

(3) Where multiple offenses are involved, the penalty assessment shall be based on the total fine or bail forfeited for all offenses.

Notwithstanding, the provisions contained in chapters 3.62 and 3.16 RCW, or any other section, all moneys derived from penalty assessments made under this section shall be forwarded to the traffic safety education account of the general fund of the state treasury and shall be used exclusively for traffic safety education.

Where a fine is suspended, in whole or in part, the penalty assessment shall be levied in accordance with the fine actually imposed. [1971 ex.s. c 26 § 1; 1970 ex.s. c 9 § 2. Prior: 1969 ex.s. c 218 § 3; 1969 ex.s. c 199 § 24; 1967 c 167 § 11; 1963 c 39 § 4.]

*Penalty assessments in addition to fines, etc., for driver and alcohol safety action programs: RCW 46.61.515.*

**46.81.040 Fiscal support—Bail deposits to include penalty assessment.** When any deposit of bail is made for an offense to which RCW 46.81.030 applies, the person making the deposit shall also deposit a sufficient amount to include the penalty assessment for forfeited bail. [1963 c 39 § 5.]

**46.81.050 Fiscal support—Disposition of revenue.** The gross proceeds of the penalty assessments provided for in RCW 46.81.030 shall be transmitted to the city or county treasurer, as the case may be, by the court collecting the same, in the manner and at the times that fines and bail forfeitures are transmitted to such treasurers. The city and county treasurers shall transmit to the state treasurer monthly and without deduction the amount of such penalty assessments received, which shall be credited to the traffic safety education account in the general fund: *Provided*, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. [1970 ex.s. c 9 § 3. Prior: 1969 ex.s. c 218 § 4; 1969 ex.s. c 199 § 25; 1963 c 39 § 6.]

**46.81.060 Fiscal support—Traffic safety education account.** There is hereby created the traffic safety education account in the general fund of the state treasury (formerly named the driver education account) to the credit of which shall be deposited all moneys directed by law to be credited thereto. All expenses incurred by the superintendent of public instruction in administering this chapter and all payments by the superintendent of public instruction to school districts as authorized by this chapter shall be borne by appropriations from this account. [1969 ex.s. c 218 § 5; 1963 c 39 § 7.]

*Fees credited to account: RCW 46.20.070, 46.68.041.*

**46.81.070 Fiscal support—Cost records—Reimbursement to school districts—Enrollment fees.** (1) Each school district offering a course in traffic safety education shall, in such manner as the superintendent of public instruction may direct, keep accurate records of the cost thereof. Subject to RCW 46.81.060 each school district shall be reimbursed from the traffic safety education account: *Provided*, That the state superintendent shall determine the approximate per pupil cost of traffic safety education and may reimburse up to seventy-five percent of the estimated per pupil cost of traffic safety education. Per pupil cost of traffic safety education shall include the per pupil cost of vehicles used exclusively in traffic safety education programs and simulators used in such programs amortized by school districts over a sixty-month period.

A simulator is any automobile driver training device approved by the superintendent of public instruction to be used for purposes of traffic safety education instruction under simulated driving conditions.

(2) The directors of any school district or combination of school districts shall establish a traffic safety education fee, which fee when imposed shall be required to be paid by any duly enrolled student in such school district prior to the enrollment in a traffic safety education course. Traffic safety education fees collected by a school district shall be deposited with the county treasurer to the credit of such school district, to be used to pay costs of the traffic safety education course. [1969 ex.s. c 218 § 6; 1967 ex.s. c 147 § 5; 1963 c 39 § 8.]

*Traffic safety commission: Chapter 43.59 RCW.*

**46.81.900 Declaration of purpose.** It is the purpose of this act to provide the financial assistance necessary to enable each high school district to offer a course in traffic safety education and by that means to develop in the youth of this state a knowledge of the motor vehicle laws, an acceptance of personal responsibility on the public highways, and an understanding of the causes and consequences of traffic accidents. The course in traffic safety education shall further provide to the youthful drivers of this state training in the skills necessary for the safe operation of motor vehicles. [1969 ex.s. c 218 § 7; 1963 c 39 § 1.]

**Chapter 46.82**

**DRIVERS' TRAINING SCHOOLS**

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46.82.250	Penalty.
46.82.260	Chapter not to apply to educational institutions.

46.82.270 Basic minimum curricula required—Effect of failure to teach such curricula.

**46.82.010 Definitions.** For the purpose of this chapter:

"Drivers' school" means a commercial automobile training school engaged in the business of giving instruction for hire in the operation of automobiles.

"Director" means the director of motor vehicles of the state of Washington.

"Instructor" means any natural person employed by a drivers' school to instruct persons in the operation of automobiles.

"Place of business" means a designated location at which the business of a drivers' school is transacted and its records are kept.

"Person" includes an individual, firm, corporation, partnership or association. [1967 c 32 § 106; 1961 c 12 § 46.82.010. Prior: 1957 c 87 § 1.]

**46.82.020 School license required—Fees—Renewal—Duplicates.** No person shall engage in the business of conducting a drivers' school without being the holder of a license for such purpose issued by the director. An application for license under this section shall be filed with the director and shall contain such information as he shall prescribe. Every such application shall be accompanied by an application fee of one hundred dollars, which shall in no event be refunded. If an application is approved by the director, the applicant upon the payment of an additional fee of twenty-five dollars shall be granted a license which shall be valid for a period of one year from the date of its issuance.

The annual fee for renewal thereof shall be twenty-five dollars. The director shall issue a license certificate to each licensee, which certificate shall be conspicuously displayed in the place of business of the licensee. In case of the loss, mutilation or destruction of a license certificate, the director shall issue a duplicate thereof upon proof of the facts and payment of a fee of one dollar. [1961 c 12 § 46.82.020. Prior: 1957 c 87 § 2.]

**46.82.030 School licenses nontransferable—New license when business ownership transferred.** Drivers' school licenses shall not be transferable. In the event of any transfer of ownership in the business, an application for a new license must be obtained by compliance with the terms and conditions and the payment of the fees as set forth in RCW 46.82.020: *Provided*, That the director shall permit continuance of the business by the person to whom the business was transferred pending approval of the new application for a drivers' school license. [1961 c 12 § 46.82.030. Prior: 1957 c 87 § 3.]

**46.82.040 When school license shall not be issued—Proximity to place where operator's license examination held.** No license shall be issued nor shall any renewal of a license be made for conducting a drivers' school in a city having a population of fifteen thousand or more according to the latest federal census, if the place of business of such school or branch thereof, is located within one thousand feet of a state patrol office or of a building owned or leased by the state, the county,

or a city, in which examinations for drivers' licenses are conducted. The said distance of one thousand feet shall be measured along the public streets by the nearest route from such place of business, or branch thereof, to such building. [1961 c 12 § 46.82.040. Prior: 1957 c 87 § 4.]

**46.82.050 Denial of application for school license.** The director may deny the application of any person for a license if, in his discretion, he determines that:

(1) Such applicant has made a material false statement or concealed a material fact in connection with his application;

(2) Such applicant, or any officer, director, stockholder, or partner, or any other person directly or indirectly interested in the business was the former holder, or was an officer, director, stockholder, or partner, in a corporation or partnership which was the former holder of a driver's school license which was revoked or suspended by the director;

(3) Such applicant or any officer, director, stockholder, or partner, in a corporation or partnership or any employee, or any person directly or indirectly interested in the business has been convicted of a felony, or of any crime involving violence, dishonesty, deceit, indecency, degeneracy or moral turpitude;

(4) Such applicant does not have a place of business as required by this section;

(5) Such applicant has failed to require any and all persons with financial interest in such drivers' school to be signatories to the application;

(6) Such applicant fails to qualify under all of the other conditions stated in this chapter. [1961 c 12 § 46.82.050. Prior: 1957 c 87 § 5.]

**46.82.060 Suspension, revocation, refusal of school license—"Fraudulent practices" defined.** The director, or any employee of the department of motor vehicles deputized by him for such purposes, may suspend or revoke a drivers' school license or refuse to issue a renewal thereof for any of the following causes:

(1) The conviction of the licensee of a felony, or of any crime involving violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude;

(2) Where the licensee has made a material false statement or concealed a material fact in connection with his application for the license or a renewal thereof;

(3) Where the licensee has failed to comply with any of the provisions of this chapter or any of the rules and regulations of the director made pursuant thereto;

(4) Where the licensee has been guilty of fraud or fraudulent practices in relation to the business conducted under the license, or guilty of inducing another to resort to fraud or fraudulent practices in relation to securing for himself or another a license to drive an automobile. The term "fraudulent practices" as used in this section shall include, but not be limited to, any conduct or representation on the part of the licensee tending to induce anyone to believe, or to give the impression that a license to operate an automobile, or any other license, registration or service granted by the director, may be obtained by any means other than the ones prescribed by law, or furnishing or obtaining the same by illegal or improper

means, or requesting, accepting, exacting, or collecting money for such purpose.

Notwithstanding the renewal of a license, the director may revoke or suspend such license for causes and violations, as prescribed by this section, occurring during the two license periods immediately preceding the renewal of such license. [1967 c 32 § 107; 1961 c 214 § 4; 1961 c 12 § 46.82.060. Prior: 1957 c 87 § 6.]

**46.82.070 Suspension, revocation, refusal of school license—Hearing—Procedure—Exception.**

Except where a refusal to issue a license or renewal, or revocation or suspension, is based solely on a court conviction or convictions, a licensee or applicant shall have an opportunity to be heard, such hearing to be held within ten days of the refusal to issue, revoke or suspend said license and the director must within five days after the hearing issue a decision on said refusal to render, revoke or suspend. A license may, however, be temporarily suspended without notice, pending any prosecution, investigation or hearing. A licensee or applicant entitled to a hearing shall be given due notice thereof. The sending of a notice of a hearing by registered mail to the last known address of a licensee or applicant ten days prior to the date of the hearing shall be deemed due notice. The director, or the person deputized by him to conduct a hearing, shall have power to subpoena witnesses, administer oaths to witnesses and take testimony of any person or cause depositions to be taken. A subpoena issued under the authority of this section shall be served in the same manner as a subpoena issued out of a court of record. Witnesses subpoenaed hereunder and persons, other than officers or employees in the department, making service of such subpoenas shall be entitled to the same fees and mileage as are allowed in civil actions in courts of law. [1967 c 32 § 108; 1961 c 214 § 2; 1961 c 12 § 46.82.070. Prior: 1957 c 87 § 7.]

**46.82.080 Procedure on change of officers or location of school.** The owner of any drivers' school licensed under the provisions of this chapter must notify the director in writing within thirty days after any change is made in the officers or directors of such school. No owner of such school shall change the location of its place of business without notifying the director of such change prior thereto. [1961 c 12 § 46.82.080. Prior: 1957 c 87 § 8.]

**46.82.090 Certain prerequisites to be met before instruction may be given student.** Instruction in the operation of an automobile shall not be given to a student in any drivers' school licensed under the provisions of this chapter unless:

- (1) The automobiles used for instruction purposes are equipped with dual controls for foot brake and clutch, or foot brake only in automatic cars;
- (2) The licensee has filed with the director evidence of liability insurance coverage with an insurance company authorized to do business in this state in an amount of not less than twenty thousand dollars because of bodily injury or death to two or more persons in any one accident, and not less than ten thousand dollars because of

bodily injury or death to one person in one accident and not less than five thousand dollars because of property damage to others in one accident. Such insurance coverage shall be maintained in full force and effect and the director shall be notified at least ten days prior to cancellation or expiration of any such policy of insurance;

(3) The student to be instructed possesses a current and valid temporary instruction permit issued pursuant to RCW 46.20.091 or a motor vehicle driver's license. [1967 c 32 § 109; 1961 c 12 § 46.82.090. Prior: 1957 c 87 § 9.]

**46.82.100 Advertising and solicitation of business.** Advertising and solicitation of business by a drivers' school must conform to the following:

(1) No drivers' school shall advertise or otherwise indicate that the issuance of a motor vehicle operator's license is guaranteed or assured as a result of the course of instruction offered;

(2) No drivers' school shall solicit business or cause business to be solicited within one thousand feet of any building owned or leased by the state, county, or city in which licenses to operate motor vehicles are issued to the public: *Provided*, That identification lettering or other normal identification on an instruction vehicle shall not be deemed in violation of this section. [1961 c 12 § 46.82.100. Prior: 1957 c 87 § 10.]

**46.82.110 Lettering on instruction car required.** Every motor vehicle used by a licensed drivers' school for instruction purposes must have displayed on the back of the vehicle a sign not less than twenty inches in horizontal width or less than ten inches in vertical height mounted above the upper extremities of the rear bumper in a vertical position and having the words "*Student Driver*" and/or "*Instruction Car*", in legible printed English letters of at least two and one-half inches in height near the top and the name of the school in similarly legible characters not less than one inch in height placed somewhere below the aforementioned words, and the street number and name and telephone number, in similarly legible characters at least one inch in height, placed next below such name of school. Such lettering and background colors shall be of such contrasting shades as to be clearly readable at one hundred feet in clear daylight. [1961 c 12 § 46.82.110. Prior: 1957 c 87 § 11.]

**46.82.120 Instructor's certificate—Qualifications for issuance.** No person, including the owner, operator, partner, officer, or stockholder of a drivers' school shall give instruction for hire in the operation of a motor vehicle unless such person is the holder of an instructor's certificate issued by the director. No instructor's certificate shall be issued to any person unless such person:

- (1) Is the possessor of a valid motor vehicle driver's license;
- (2) Has had at least five years' licensed driving experience;
- (3) Has completed an acceptable application and has taken the examination for an instructor's certificate as

prescribed in RCW 46.82.140, and passed such examination with a qualifying grade. [1967 c 32 § 110; 1961 c 12 § 46.82.120. Prior: 1957 c 87 § 12.]

**46.82.130 Instructor's certificate—Application—Contents—Proof of study—Temporary employment.** No person shall be granted an instructor's certificate unless they have made application to the director at least ten days prior to the examination date set by the examining committee. To qualify for an instructor's certificate applicant must also show proof of at least forty hours of study in the field of driving instruction, and including at least twenty hours of personal, individual, oral instruction; have taken such other training course offered to the public for instructing driver's instructors as may be acceptable to the director. Upon completion of such application and the presentation of such satisfactory proofs, the director may, if requested, allow employment of applicant not to exceed thirty days prior to examination date, and may so notify such applicant making such a request: *Provided*, That such person's teaching activity shall be under the control and supervision of a holder of an instructor's certificate. [1961 c 12 § 46.82.130. Prior: 1957 c 87 § 13.]

**46.82.140 Instructor's certificate—Examining committee—Director to arrange examination.** Examinations for a driving instructor's certificate shall be prepared and conducted by a driving instructor's examination committee to be composed of a representative from the Washington state department of education, a representative of the department of motor vehicles and a representative of the commercial driving schools. Members shall be appointed by the governor for a one year term. The commercial driving school representative shall receive compensation not to exceed twenty-five dollars for each day spent on official committee business and all committee members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The director shall arrange for the examination of each applicant for an instructor's certificate and furnish the necessary clerical help to the examining committee. [1975-'76 2nd ex.s. c 34 § 136; 1965 ex.s. c 170 § 48; 1961 c 12 § 46.82.140. Prior: 1957 c 87 § 14.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**46.82.150 Disposition of moneys collected—Commercial automobile driver training school account established.** All moneys collected from drivers' school licenses and instructors' certificates is to be paid to the state treasurer who shall deposit it in an account which is established hereby and which shall be known as the commercial automobile driver training school account of the general fund. It is further provided that moneys deposited in the said account shall in no event revert to the general fund, but that they shall be retained therein until expended in accord with proper appropriation therefrom or expenses incurred in the administration of this chapter. [1961 c 12 § 46.82.150. Prior: 1957 c 87 § 15.]

**46.82.160 First examinations after effective date of chapter.** The committee shall prepare and hold the first written and driving examinations within thirty days after June 13, 1957. [1961 c 12 § 46.82.160. Prior: 1957 c 87 § 16.]

**46.82.170 Instructor's certificate—Fees—Duration.** Every original application for a driving instructor's certificate must be accompanied by a fee of twenty-five dollars which shall not be refunded. Such certificate is valid for a period of one year from date of issuance except as herein elsewhere specified, and the annual fee for renewal shall be five dollars.

No fee shall be required for an additional certificate or certificates if an instructor possessing a current certificate desires to be employed by an additional school or schools. [1961 c 12 § 46.82.170. Prior: 1957 c 87 § 17.]

**46.82.180 Instructor's certificate—Time and place of examinations—Notice.** Examinations for an instructor's certificate shall be given by the committee once a month, at such place as the director may direct. Applications for instructor's certificates shall be receivable by the director at any time and all persons applying shall be notified of the time and place of the next examining session. [1961 c 214 § 3; 1961 c 12 § 46.82.180. Prior: 1957 c 87 § 18.]

**46.82.190 Instructor's certificate—Qualifications to take examination.** To be qualified to take the examination for an instructor's certificate, the applicant must:

(1) Be a licensed motor vehicle driver for five years prior to the date of application. The examining committee shall have the right to examine the driving records of the applicant and from these records shall determine if the applicant is properly qualified, not having had any convictions involving drunkenness, recklessness, or negligence, or have been convicted of any crime involving moral turpitude;

(2) Be a high school graduate or the equivalent, and over twenty-five years of age. [1967 c 32 § 111; 1961 c 12 § 46.82.190. Prior: 1957 c 87 § 19.]

**46.82.200 Renewal of instructor's license—Conditions—Refusal.** A licensed instructor may be granted a renewal of license after one year's time from date of issue of the original license, providing proof is presented to the director showing the satisfactory completion of an approved course in driving training instruction of at least forty hours of instruction including five hours instruction in a training vehicle. In lieu of such proof, applicant must present sworn documented evidence, acceptable to the director, showing reasonable diligence by the applicant in applying for and arranging to attend such a course, together with similarly documented proofs showing why such a course was not started or completed. Upon receipt of such evidence, the license may be renewed for an additional year. Any further renewal beyond a second year may be refused by the director at his discretion. [1961 c 12 § 46.82.200. Prior: 1957 c 87 § 20.]

**46.82.210 When school must terminate instructor's services.** A drivers' school must terminate the services of any instructor upon:

(1) Suspension or revocation of the motor vehicle driver's license of such instructor for any reason; or

(2) Conviction of such instructor of a crime involving moral turpitude, violence, dishonesty, deceit, indecency, or degeneracy. [1967 c 32 § 112; 1961 c 12 § 46.82.210. Prior: 1957 c 87 § 21.]

**46.82.220 Instruction on state patrol testing course prohibited—Suspension of licenses.** The director shall suspend the license of any drivers' school or the certificate of any instructor upon notice and proof that the school or instructor are conducting the course of instruction for students primarily to handle an automobile on the course that any state patrol office uses for testing applicants for motor vehicle licenses. [1961 c 12 § 46.82.220. Prior: 1957 c 87 § 22.]

**46.82.230 Revocation, suspension of instructor's certificate—Hearing.** A holder of or applicant for an instructor's license shall be entitled to a hearing upon any decision of the director or the committee in refusing to issue or renew, or in revoking or suspending a certificate, in the manner as provided for in RCW 46.82.070. [1961 c 12 § 46.82.230. Prior: 1957 c 87 § 23.]

**46.82.240 Appeal from action or decision of examining committee or director.** Any action or decision of the examining committee or the director may, after a hearing is held as provided for by this chapter, be appealed by the party aggrieved to the superior court of the county in which the place of business is located or where the person aggrieved lives. [1961 c 12 § 46.82.240. Prior: 1957 c 87 § 24.]

**46.82.250 Penalty.** A violation of any of the provisions of this chapter shall be a misdemeanor. [1961 c 12 § 46.82.250. Prior: 1957 c 87 § 25.]

**46.82.260 Chapter not to apply to educational institutions.** This chapter shall not apply to or affect in any manner courses of instruction offered in any high schools, colleges or universities which are now or hereafter established, nor shall it be applicable to instructors in any such schools, colleges or universities: *Provided*, That such course or courses are conducted by such school in a like manner to their other regular courses. If such course is conducted by any commercial school as hereinafter identified on a contractual basis, such school and instructors must qualify under this chapter. [1961 c 12 § 46.82.260. Prior: 1957 c 87 § 26.]

**46.82.270 Basic minimum curricula required—Effect of failure to teach such curricula.** The committee shall compile and furnish to each qualifying applicant for an instructor's license, a curriculum consisting of a list of items of knowledge and processes of manual handling of a motor vehicle in such sufficient detail as to leave no doubt as to the minimum requirements adjudged necessary in teaching a proper and adequate

course of driver education. Should the director be presented with acceptable proofs that any licensed instructor or school is not showing proper diligence in teaching such basic minimum curricula, he shall require the instructor or school to appear before the examining committee and show cause for such negligence. If the committee does not accept such reasons as may be offered, the director shall revoke the license of the instructor or school. [1961 c 12 § 46.82.270. Prior: 1957 c 87 § 27.]

## Chapter 46.83 TRAFFIC SCHOOLS

### Sections

46.83.010	City or town and county traffic schools authorized— Procedure to establish.
46.83.020	County commissioners to control and supervise— Assistance of sheriff and police department.
46.83.030	Deposit, control of funds—Support.
46.83.040	Purpose of school.
46.83.050	Court may order attendance.
46.83.060	Duty of person required to attend—Penalty.

**46.83.010 City or town and county traffic schools authorized—Procedure to establish.** Any city or town and the county in which it is located are authorized, as may be agreed between the respective governing bodies of the city or town and county, to establish a traffic school for the purposes and under the conditions set forth in this chapter. Such city or town and county traffic school may be effected whenever the governing body of the city or town shall pass an ordinance and the board of commissioners of the county shall pass a resolution declaring intention to organize and operate a traffic school in accordance with agreements had between them as to the financing, organization, and operation thereof. [1961 c 12 § 46.83.010. Prior: 1959 c 182 § 1.]

**46.83.020 County commissioners to control and supervise—Assistance of sheriff and police department.** A traffic school established under this chapter shall be under the control and supervision of the board of county commissioners, through such agents, assistants, or instructors as the board may designate, and shall be conducted with the assistance of the county sheriff and the police department of the city or town. [1961 c 12 § 46.83.020. Prior: 1959 c 182 § 2.]

**46.83.030 Deposit, control of funds—Support.** All funds appropriated by the city or town and county to the operation of the traffic school shall be deposited with the county treasurer and shall be administered by the board of county commissioners. The governing bodies of every city or town and county participating in the operation of traffic schools are authorized to make such appropriations by ordinance or resolution, as the case may be, as they shall determine for the establishment and operation of traffic schools, and they are further authorized to accept and expend gifts, donations, and any other money from any source, private or public, given for the purpose of said schools. [1961 c 12 § 46.83.030. Prior: 1959 c 182 § 3.]

**46.83.040 Purpose of school.** It shall be the purpose of every traffic school which may be established hereunder to instruct, educate, and inform all persons appearing for training in the proper, lawful, and safe operation of motor vehicles, including but not limited to rules of the road and the limitations of persons, vehicles, and roads, streets and highways under varying conditions and circumstances. [1961 c 12 § 46.83.040. Prior: 1959 c 182 § 4.]

**46.83.050 Court may order attendance.** Every police court, justice court, juvenile court, superior court, and every other court handling traffic cases within the limits of a county wherein a traffic school has been established may, as a part of any sentence imposed following a conviction for any traffic law violation, or as a condition on the suspension of sentence or deferral of any imposition of sentence, order any person so convicted, whether that person be a juvenile, a minor, or an adult, to attend the traffic school for a number of days to be determined by the court, but not to exceed the maximum number of days which the violator could be required to serve in the city or county jail as a result of his or her conviction. [1961 c 12 § 46.83.050. Prior: 1959 c 182 § 5.]

**46.83.060 Duty of person required to attend—Penalty.** Every person required to attend a traffic school as established under the provisions of this chapter shall maintain attendance in accordance with the sentence or order. Failure so to do, unless for good cause shown by clear and convincing evidence, shall be a misdemeanor and punishable as by law provided in addition to the imposition of any punishment suspended or deferred upon the original conviction. [1961 c 12 § 46.83.060. Prior: 1959 c 182 § 6.]

### Chapter 46.85 RECIPROCAL OR PROPORTIONAL REGISTRATION OF VEHICLES

#### Sections

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46.85.290	Application—Issuance—Fee, deposit.
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46.85.910	Constitutionality.
46.85.920	Repeal and saving.
46.85.930	Effective date—1963 c 106.
46.85.940	Section captions not a part of the law.

*Single cab cards for interstate commercial vehicles, evidence of compliance with proportional registration: RCW 46.86.040.*

**46.85.010 Declaration of policy.** It is the policy of this state to promote and encourage the fullest possible use of its highway system by authorizing the making and execution of motor vehicle reciprocal or proportional registration agreements, arrangements and declarations with other states, provinces, territories and countries with respect to vehicles registered in this and such other states, provinces, territories and countries thus contributing to the economic and social development and growth of this state. [1963 c 106 § 1.]

**46.85.020 Definitions.** As used in this chapter: (1) "Commercial vehicle" means any vehicle which is operated in more than one state and used for the transportation of persons for hire, compensation or profit, or designed or used primarily for the transportation of property.

(2) "Jurisdiction" means and includes a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a foreign country and a state or province of a foreign country.

(3) "Owner" means a person who holds the legal title to a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the event a vehicle is subject to a lease, contract or other legal arrangement vesting right of possession or control, for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner shall be deemed to be such person in whom is vested right of possession or control.

(4) "Properly registered", as applied to place of registration, means:

(a) The jurisdiction where the person registering the vehicle has his legal residence, or

(b) In the case of a commercial vehicle, the jurisdiction in which it is registered if the commercial enterprise in which such vehicle is used has a place of business therein, and, if the vehicle is most frequently dispatched,



garaged, serviced, maintained, operated or otherwise controlled in or from such place of business, and, the vehicle has been assigned to such place of business, or

(c) In the case of a commercial vehicle, the jurisdiction where, because of an agreement or arrangement between two or more jurisdictions, or pursuant to a declaration, the vehicle has been registered as required by said jurisdiction.

In case of doubt or dispute as to the proper place of registration of a vehicle, the department shall make the final determination, but in making such determination, may confer with departments of the other jurisdictions affected.

(5) "Fleet" means three or more commercial vehicles: *Provided*, That the reciprocity commission may require proportional registration and licensing of a fleet of less than three vehicles whenever in its judgment the interests of this state will be best served and protected thereby.

(6) The words "department," "motor vehicle," "person" and "vehicle" shall each have the meanings ascribed to them, respectively, by RCW 46.04.680, 46.04.320, 46.04.405 and 46.04.670.

(7) "Preceding year" means a period of twelve consecutive months fixed by the department which period shall be within the sixteen months immediately preceding the commencement of the registration or license year for which proportional registration is sought; and the department in fixing such period shall make it conform to the terms, conditions and requirements of any applicable agreement or arrangement for the proportional registration of vehicles. [1963 c 106 § 2.]

**46.85.030 Reciprocity commission created.** The reciprocity commission, hereby created, shall consist of the director of motor vehicles, the chief of the Washington state patrol, a designee of the state highway commission and, ex officio, the chairman and vice chairman of the legislative transportation committee, or their duly designated representatives. Members of the western interstate highway policy committee from the state of Washington shall be advisory members of the reciprocity commission, and may attend meetings and conferences of the commission in such capacity, but shall not vote as members thereof. The department shall provide such assistance and facilities to the commission as it may require. The members of the commission shall receive no additional compensation for their services except that they shall be allowed reimbursement for travel expenses incurred in the performance of their official duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended to be paid from funds made available for the use of the commission. The commission shall have the authority to execute agreements, arrangements or declarations to carry out the provisions of this chapter. [1975-'76 2nd ex.s. c 34 § 137; 1967 c 32 § 113; 1963 c 106 § 3.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**46.85.040 Authority for reciprocity agreements; provisions; reciprocity standards.** The reciprocity commission may enter into an agreement or arrangement with the duly authorized representatives of another jurisdiction, granting to vehicles or to owners of vehicles which are properly registered or licensed in such jurisdiction and for which evidence of compliance is supplied, benefits, privileges and exemptions from the payment, wholly or partially, of any taxes, fees, or other charges imposed upon such vehicles or owners with respect to the operation or ownership of such vehicles under the laws of this state, except gallonage taxes on motor fuels. Such an agreement or arrangement shall provide that vehicles properly registered or licensed in this state when operated upon highways of such other jurisdiction shall receive exemptions, benefits and privileges of a similar kind or to a similar degree as are extended to vehicles properly registered or licensed in such jurisdiction when operated in this state. Each such agreement or arrangement shall, in the judgment of the reciprocity commission, be in the best interest of this state and the citizens thereof and shall be fair and equitable to this state and the citizens thereof, and all of the same shall be determined on the basis and recognition of the benefits which accrue to the economy of this state from the uninterrupted flow of commerce. [1963 c 106 § 4.]

**46.85.050 Base state registration reciprocity.** An agreement or arrangement entered into, or a declaration issued under the authority of this chapter may contain provisions authorizing the registration or licensing in another jurisdiction of vehicles located in or operated from a base in such other jurisdiction which vehicles otherwise would be required to be registered or licensed in this state; and in such event the exemptions, benefits and privileges extended by such agreement, arrangement or declaration shall apply to such vehicles, when properly licensed or registered in such base jurisdiction. [1963 c 106 § 5.]

**46.85.060 Declarations of extent of reciprocity, when.** In the absence of an agreement or arrangement with another jurisdiction, the reciprocity commission may examine the laws and requirements of such jurisdiction and declare the extent and nature of exemptions, benefits and privileges to be extended to vehicles properly registered or licensed in such other jurisdiction, or to the owners of such vehicles, which shall, in the judgment of the reciprocity commission, be in the best interest of this state and the citizens thereof and which shall be fair and equitable to this state and the citizens thereof, and all of the same shall be determined on the basis and recognition of the benefits which accrue to the economy of this state from the uninterrupted flow of commerce. [1963 c 106 § 6.]

**46.85.070 Extension of reciprocal privileges to lessees authorized.** An agreement, or arrangement entered into, or a declaration issued under the authority of this chapter, may contain provisions under which a leased vehicle properly registered by the lessor thereof may be entitled, subject to terms and conditions stated therein,

to the exemptions, benefits and privileges extended by such agreement, arrangement or declaration. [1963 c 106 § 7.]

**46.85.080 Automatic reciprocity, when.** On and after July 1, 1963, if no agreement, arrangement or declaration is in effect with respect to another jurisdiction as authorized by this chapter, any vehicle properly registered or licensed in such other jurisdiction and for which evidence of compliance is supplied shall receive, when operated in this state, the same exemptions, benefits and privileges granted by such other jurisdiction to vehicles properly registered in this state. Reciprocity extended under this section shall apply to commercial vehicles only when engaged exclusively in interstate commerce. [1963 c 106 § 8.]

**46.85.090 Suspension of reciprocity benefits.** Agreements, arrangements or declarations made under the authority of this chapter may include provisions authorizing the department to suspend or cancel the exemptions, benefits or privileges granted thereunder to a person who violates any of the conditions or terms of such agreements, arrangements or declarations or who violates the laws of this state relating to motor vehicles or rules and regulations lawfully promulgated thereunder. [1963 c 106 § 9.]

**46.85.100 Agreements to be written, filed and available for distribution.** All agreements, arrangements or declarations or amendments thereto shall be in writing and shall be filed in the office of the reciprocity commission. A copy of each agreement, arrangement or declaration, or amendment thereto, shall be filed by the reciprocity commission in the office of the director within ten days after execution or the effective date of the instrument whichever is later. Upon becoming effective, they shall supersede the provisions of RCW 46.16.030 to the extent that they are inconsistent therewith. The department shall provide copies for public distribution upon request. [1967 c 32 § 114; 1963 c 106 § 10.]

**46.85.110 Reciprocity agreements in effect at time of act.** All reciprocity and proportional registration agreements, arrangements and declarations relating to vehicles in force and effect at the time this chapter becomes effective shall continue in force and effect at the time this chapter becomes effective and until specifically amended or revoked as provided by law or by such agreements or arrangements. [1963 c 106 § 11.]

*Effective date of chapter: RCW 46.85.930.*

**46.85.120 Proportional registration of fleet vehicles, application, fee—Formula and payment.** (1) Any owner engaged in operating one or more fleets may, in lieu of registration of vehicles under the provisions of chapter 46.16 RCW and payment of excise taxes and fees imposed by chapter 82.44 RCW, register and license each fleet for operation in this state by filing an application with the department which shall contain the

following information and such other information pertinent to vehicle registration as the department may require:

(a) Total fleet miles. This shall be the total number of miles operated in all jurisdictions during the preceding year by the motor vehicles in such fleet during said year.

(b) In-state miles. This shall be the total number of miles operated in this state during the preceding year by the motor vehicles in such fleet during said year.

(c) A description and identification of each vehicle of such fleet which is to be operated in this state during the registration year for which proportional fleet registration is requested.

(2) The application for each fleet shall, at the time and in the manner required by the department, be supported by fee payment computed as follows:

(a) Divide the sum of the in-state miles by total fleet miles.

(b) Determine the total amount necessary under the provisions referred to in subsection (1) of this section to register each and every vehicle in the fleet for which registration is requested, based on the regular annual fees or applicable fees for the unexpired portion of the registration year.

(c) Multiply the sum obtained under subsection (2)(b) hereof by the fraction obtained under subsection (2)(a) hereof.

(3) The applicant for proportional registration of any fleet, the nonmotor vehicles of which are operated in jurisdictions in addition to those in which the applicant's fleet motor vehicles are operated, may state such non-motor vehicles separately in his application and compute and pay the fees therefor in accordance with such separate statement, as to which "total miles" shall be the total miles operated in all jurisdictions during the preceding year.

(4) In no event shall the total fee payment be less than a minimum of five dollars per motor truck, truck tractor or auto stage, and three dollars per vehicle of any other type. [1973 c 115 § 1; 1971 c 51 § 1; 1963 c 106 § 12.]

**46.85.130 Registration and identification of proportionally registered vehicles, effect of such registration.** (1) The department shall register the vehicles so described and identified and may issue a license plate or plates, or a distinctive sticker, or other suitable identification device, for each vehicle described in the application upon payment of the appropriate fees for such application and for the stickers or devices issued. A fee of two dollars shall be paid for each license plate, sticker or device issued for each proportionally registered vehicle. A registration card shall be issued for each proportionally registered vehicle. Such registration card shall, in addition to the information required by RCW 46.12.050, bear upon its face the number of the license, sticker or other device issued for such proportionally registered vehicle and shall be carried in such vehicles at all times or, in the case of a combination, in the vehicle supplying the motive power.

(2) Fleet vehicles so registered and identified shall be deemed to be fully licensed and registered in this state

for any type of movement or operation, except that, in those instances in which a grant of authority is required for interstate or intrastate movement or operation, no such vehicle shall be operated in interstate or intrastate commerce in this state unless the owner thereof has been granted interstate operating authority by the interstate commerce commission in the case of interstate operations or intrastate operating authority by the Washington utility and transportation commission in the case of intrastate operations and unless said vehicle is being operated in conformity with such authority.

(3) The department may issue temporary proration authorization permits to qualifying operators for the operation of vehicles pending issuance of license identification. A fee of one dollar shall be collected for each permit issued. The department shall have the authority to adopt rules and regulations for issuance of the permits. [1963 c 106 § 13.]

**46.85.135 Application fee—Additional.** Each application or supplemental application for reciprocal or proportional registration of vehicles shall be accompanied by an application fee, in addition to all other fees, of five dollars for nine or less vehicles, ten dollars for ten through twenty-four vehicles, and fifteen dollars for twenty-five or more vehicles. [1971 c 51 § 5.]

**46.85.140 Proportional registration cannot be in a single jurisdiction.** The right to the privilege and benefits of proportional registration of fleet vehicles extended by this chapter, or by any contract, agreement, arrangement or declaration made under the authority of this chapter, shall be subject to the condition that each fleet vehicle proportionally registered under the authority of this chapter also shall be proportionally or otherwise properly registered in at least one other jurisdiction during the period for which it is proportionally registered in this state. [1963 c 106 § 14.]

**46.85.145 Failure to proportionally register vehicles in another jurisdiction results in additional in-state miles.** If it is determined that any Washington based carrier has not proportionally registered a vehicle or vehicles in another jurisdiction or jurisdictions which are members of the Uniform Compact Agreement after indicating his intent to do so in his application to the state, and has failed to pay other fees in lieu thereof, the mileage traveled in such jurisdiction or jurisdictions shall be added to Washington in-state miles for computation of the Washington travel percentage. [1971 c 51 § 6.]

**46.85.147 Increasing gross weight as subject to minimum fee.** Any prorated carrier increasing the gross weight of a vehicle or vehicles shall be subject to a five dollar minimum fee per vehicle. [1971 c 51 § 7.]

**46.85.150 Registration of additional fleet vehicles.** Vehicles acquired by the owner after the commencement of the registration year and subsequently added to a proportionally registered fleet shall be proportionally registered by applying the mileage percentage used in

the original application for such fleet for such registration period to the regular registration fees due with respect to such vehicles for the remainder of the registration year. [1963 c 106 § 15.]

**46.85.160 Withdrawal of fleet vehicles, credits and accounting.** If any vehicle is withdrawn from a proportionally registered fleet during the period for which it is registered under the provisions of this chapter, the owner of such fleet shall so notify the department on appropriate forms to be prescribed by the department. The department may require the owner to surrender proportional registration cards and such other identification devices which have been issued with respect to such vehicle. If a vehicle is permanently withdrawn from a proportionally registered fleet because it has been destroyed, sold or otherwise completely removed from the service of the registrant, the unused portion of the gross weight fee paid with respect to such vehicle, which shall be a sum equal to the amount of gross weight fee paid with respect to such vehicle when it was first proportionally registered in such registration year, reduced by one-twelfth for each calendar month and fraction thereof elapsing between the first day of the month of the current year in which the vehicle was registered and the date the notice of withdrawal is received by the department, shall be credited to the proportional registration account of such owner. Such credit shall be applied against the gross weight fee liability for subsequent additions to be prorated during such registration year or for additional gross weight fees due upon audit under RCW 46.85.190. If any such credit is less than fifteen dollars, no credit shall be made or entered. In no event shall such amount be credited against fees other than those for such registration year nor shall any such amount be subject to refund. [1971 c 51 § 2; 1963 c 106 § 16.]

**46.85.170 New fleet; estimated mileage—Amended application, when—Use of actual travel basis.** The initial application for proportional registration of a fleet shall state the mileage data with respect to such fleet for the preceding year in this and other jurisdictions. If no operations were conducted with such fleet during the preceding year, the application shall contain a full statement of the proposed method of operation and estimates of annual mileage in this state and other jurisdictions. The department shall determine the in-state and total fleet miles to be used in computing the fee payment for the fleet. The department may evaluate and adjust the estimate in the application if it is not satisfied as to the correctness thereof.

When operations are materially changed through merger, acquisition or extended authority, the department shall require the filing of an amended application setting forth the proposed operation by use of estimated mileages for all jurisdictions. The department may adjust such estimated mileages by audit or otherwise to an actual travel basis to insure proper fee payment to this state. The actual calendar year travel basis may be utilized for determination of fee payments until such

time as the normal mileage year is available under the new operation. [1971 c 51 § 3; 1963 c 106 § 17.]

**46.85.180 Fleet registration may be denied, when.** The department may refuse to accept proportional registration applications for the registration of vehicles based in another jurisdiction if the department shall find that such other jurisdiction does not grant similar registration privileges to fleet vehicles based in or owned by residents of this state. [1963 c 106 § 18.]

**46.85.190 Preservation of proportional registration records—Individual vehicle operating records—Audit, costs, liens, joint agreements with other jurisdictions.** Any owner whose application for proportional registration has been accepted shall preserve the records on which the application is based for a period of four years following the year or period upon which said application is based. Upon request of the department, the owner shall make such records available to the department, at its designated office for audit as to accuracy of computations and payments and assessment of deficiencies or allowances for credit. If the department determines that the applicant should have registered more vehicles in this state under the provisions of this chapter the department may deny him the right of any further benefits by reason of any reciprocal agreement or declaration until the fees, interest and penalties for such additional vehicle or vehicles which should have been registered, have been paid. The fees, interest and penalties determined to be due and owing under the provisions of this paragraph shall be a lien upon all the property of the applicant, and such lien shall attach at the time the audit report has been mailed to such applicant by the department, and shall have the effect of an execution duly levied on such property and shall so remain until said additional fees, interest and penalties so determined, are paid, or a sufficient amount of such property sold for the payment thereof. The department may make arrangements with agencies of other jurisdictions administering motor vehicle registration laws for joint audits of any such owner. No assessment for deficiency or claim for credit may be made for any period for which records are no longer required. Any sums found to be due and owing upon audit shall bear interest of six percent from the date when they should have been paid until the date of actual payment. If the audit discloses a deliberate and wilful intent to evade the requirements of payment under RCW 46.85.110 and 46.85.120, a penalty of ten percent shall also be assessed.

If the audit discloses that an overpayment to the state in excess of twenty-five dollars has been made, the department shall certify such overpayment to the state treasurer who shall issue a warrant for such overpayment to the vehicle operator.

All carriers registered under the provisions of this chapter shall maintain detailed mileage records on an individual vehicle basis. Such operating records shall be prepared for each trip and shall include dates, origin and destination points, total miles traveled, miles traveled in each state, vehicle equipment number, driver's full name

and all other information pertinent to the particular trip. [1971 c 51 § 4; 1969 ex.s. c 281 § 33; 1963 c 106 § 19.]

**46.85.200 Relation to other state laws.** The provisions of this chapter shall constitute complete authority for the registration of fleet vehicles upon a proportional registration basis without reference to or application of any other statutes of this state except as in this chapter expressly provided. [1963 c 106 § 20.]

**46.85.210 Proportional registration not exclusive.** Nothing contained in this chapter relating to proportional registration of fleet vehicles shall be construed as requiring any vehicle to be proportionally registered if it is otherwise registered in this state for the operation in which it is engaged, including, but not by way of limitation, regular registration, temporary registration, or trip permit or registration. [1963 c 106 § 21.]

**46.85.220 Rules.** The department may enter into agreements with other states on behalf of the state of Washington for the purpose of facilitating the administration of this chapter. In addition it may conclude arrangements or agreements with other states for the exchange of information for audit and enforcement activities in connection with such proportional registration. The department may adopt and promulgate such rules and regulations as it shall deem necessary to effectuate and administer the provisions of RCW 46.85.110 and 46.85.120 and the registration of fleet vehicles under said sections shall be subject to the rights, terms and conditions granted or contained in any applicable agreement made by the department under the authority of this section. [1963 c 106 § 22.]

**46.85.230 Floater license plate—Authorized—Prerequisites.** Any owner eligible for proportional registration and licensing pursuant to this chapter but who is unable in the opinion of the reciprocity commission to comply with the reporting and application requirements thereof, may subject to prior approval of the commission and in lieu of registration of such vehicles under the provisions of chapter 46.16 RCW, and payment of excise taxes and fees imposed by chapter 82.44 RCW and RCW 81.80.320, apply to the director for issuance of a special "floater" license plate. [1967 c 32 § 115; 1963 c 106 § 23.]

**46.85.240 Application—Fee.** Application for each "floater" license plate shall be made upon forms prescribed by the director and shall be accompanied by a fee equivalent to double the total annual fees and taxes which would be due under the provisions of chapters 46.16 and 82.44 RCW and RCW 81.80.320 for licensing a semitrailer to the maximum gross weight of thirty-one thousand nine hundred ninety-nine pounds together with such additional fees, including filing and special fees, as are applicable upon annual registration and licensing of a semitrailer. [1963 c 106 § 24.]

**46.85.250 Valid only for intracity operation—Penalty for violation.** Each "floater" license plate may be

used interchangeably upon any semitrailer, not exceeding the maximum gross weight, for which such license is issued, owned by or in the possession of the licensee. Such "floater" plates shall be valid only for intracity operations.

Every violation of this section shall be punishable as a misdemeanor and every peace officer witnessing any use of any "floater" license plate outside of incorporated cities or towns shall confiscate such plate and forthwith return it to the director. [1963 c 106 § 25.]

**46.85.260 Design, size, etc.—Furnished as other plates.** Each "floater" license plate shall be of distinctive design and shall be of such size and contain such symbols as are prescribed by the director. All such plates shall be obtained from the metal working plant of the state penitentiary at Walla Walla, if available therefrom, and shall upon application therefor and payment of all fees, be furnished in the manner provided for the annual licensing of vehicles of like class. [1963 c 106 § 26.]

**46.85.270 Special reciprocity identification plate—Display.** The reciprocity commission may require the display of a special reciprocity identification plate upon any commercial vehicle operating within this state under the provisions of any reciprocal agreement between this state and the state or other jurisdiction in which such vehicle is properly licensed: *Provided*, That such reciprocal agreement is on file with the reciprocity commission: *Provided further*, That the issuance and display of such identification plate shall not be deemed to enlarge upon, restrict, or in any manner affect the terms or conditions of such reciprocal agreement. [1963 c 106 § 27.]

**46.85.280 Duration.** Each identification plate shall be valid until the expiration date of the current and valid vehicle license issued by the state or other jurisdiction wherein such vehicle is licensed: *Provided*, That such identification plate shall become invalid upon the termination of any reciprocal agreement between this state and the state or jurisdiction wherein such vehicle is licensed. [1963 c 106 § 28.]

**46.85.290 Application—Issuance—Fee, deposit.** All special reciprocity identification plates shall be obtained by the director in the manner prescribed in RCW 46.16.230 and shall be issued by the director or his authorized agent upon application in the form prescribed in RCW 46.16.040. One reciprocity identification plate shall be issued for each vehicle. The fee therefor shall be two dollars plus a filing fee of fifty cents. All funds collected under this section shall be transmitted to the state treasurer and deposited in the motor vehicle fund. [1967 c 32 § 116; 1963 c 106 § 29.]

**46.85.900 Chapter part of and supplemental to motor vehicle registration law.** This chapter shall be, and construed as, a part of and supplemental to the motor vehicle registration law of this state. [1963 c 106 § 30.]

**46.85.910 Constitutionality.** If any phrase, clause, subsection or section of this chapter shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the legislature would have enacted this chapter without the phrase, clause, subsection or section so held unconstitutional or invalid and the remainder of the chapter shall not be affected as a result of said part being held unconstitutional or invalid. [1963 c 106 § 31.]

**46.85.920 Repeal and saving.** The following acts or parts of acts and RCW sections are hereby repealed:

(1) Sections 46.84.010, 46.84.030, 46.84.040, 46.84.050, 46.84.060, 46.84.070, 46.84.080, 46.84.090 and 46.84.100, chapter 12, Laws of 1961 and RCW 46.84.010, 46.84.030, 46.84.040, 46.84.050, 46.84.060, 46.84.070, 46.84.080, 46.84.090 and 46.84.100;

(2) Section 46.84.020, chapter 12, Laws of 1961 as amended by section 37, chapter 21, Laws of 1961 extraordinary session and RCW 46.84.020;

(3) Sections 1, 2, 3, and 4, chapter 266, Laws of 1961 and RCW 46.84.110, 46.84.120, 46.84.130 and 46.84.140; and

(4) Sections 38, 39, and 40, chapter 21, Laws of 1961 extraordinary session and RCW 46.84.150, 46.84.160 and 46.84.170.

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office or appointment or employment of any person appointed or employed thereunder. [1963 c 106 § 32.]

**46.85.930 Effective date—1963 c 106.** This chapter shall take effect and be in force on and after July 1, 1963. [1963 c 106 § 33.]

**46.85.940 Section captions not a part of the law.** Section captions as used in this chapter shall not constitute any part of the law. [1963 c 106 § 34.]

#### Chapter 46.86 INTERSTATE COMMERCIAL VEHICLES— SINGLE CAB CARDS

Sections	
46.86.010	Application of chapter.
46.86.020	Definitions.
46.86.030	Joint preparation and adoption of rules and regulations by participating agencies—Conformance with Administrative Procedure Act.
46.86.040	Single cab card in lieu of evidence of compliance with proportional registration, utilities and transportation commission identification card, and special weight permit.
46.86.050	Certificate of compliance—Issuance of single cab card—Cancellation, when.
46.86.060	Compliance with other regulations pending issuance of single cab card.
46.86.070	Temporary authorization permits—Fees—Rules and regulations.
46.86.080	Distribution of fees.
46.86.090	Expiration date of single cab cards.

- 46.86.100 Alternative to compliance with requirements of chapter 81.80 RCW—Signifying by displaying card.
- 46.86.110 Administrator to promote standardization of vehicle qualification requirements with other states.
- 46.86.120 Requirements of other laws not altered except where stated.
- 46.86.130 Effective date of first single cab cards.
- 46.86.140 Carriers to comply with requirements of state commission as to forms and procedures.

**46.86.010 Application of chapter.** This chapter shall apply to all interstate commercial vehicle operators whose vehicles are proportionally registered under chapter 46.85 RCW, and who elect to come within the provisions of this chapter. [1967 ex.s. c 94 § 2.]

**Reviser's note:** "This act", 1967 ex.s. c 94, has been changed to "This chapter". 1967 ex.s. c 94 also amended RCW 46.44.095.

**46.86.020 Definitions.** As used in this chapter, unless the context requires otherwise, the terms:

(1) "Administrator" shall mean the employee of the department of motor vehicles designated to administer reciprocal or proportional registration agreements.

(2) "Single cab card" shall mean the single document issued pursuant to the provisions of this chapter to indicate compliance with the various applicable requirements of the department of highways, the department of motor vehicles, the Washington state patrol and the Washington utilities and transportation commission affecting interstate commercial vehicle operators.

(3) "Person" shall include, where applicable, natural persons, corporations, trusts, unincorporated associations and partnerships.

(4) "Participating agencies" shall mean the department of highways, the department of motor vehicles, the Washington state patrol and the Washington utilities and transportation commission.

(5) "Qualified carrier" shall mean a carrier which has qualified and is presently issued one or more single cab cards for some of its vehicles.

(6) "Director" shall mean the director of the department of motor vehicles. [1967 ex.s. c 94 § 3.]

**46.86.030 Joint preparation and adoption of rules and regulations by participating agencies—Conformance with Administrative Procedure Act.** The department of highways, the department of motor vehicles, the Washington state patrol and the Washington utilities and transportation commission are directed to jointly prepare and adopt rules, regulations and procedures to effectuate the purposes of this chapter. The provisions of the Administrative Procedure Act, chapter 34.04 RCW, shall apply to the rules and regulations so adopted. The said agencies are hereby authorized to jointly add to, amend or repeal such rules and regulations as they may deem necessary. [1967 ex.s. c 94 § 4.]

**46.86.040 Single cab card in lieu of evidence of compliance with proportional registration, utilities and transportation commission identification card, and special weight permit.** The single cab card issued pursuant to this chapter shall be in lieu of any separate evidence of compliance with proportional registration issued pursuant to chapter 46.85 RCW, a utilities and transportation

commission identification card issued pursuant to chapter 81.80 RCW and a special weight permit issued pursuant to RCW 46.44.095. [1975 1st ex.s. c 42 § 1; 1967 ex.s. c 94 § 5.]

**46.86.050 Certificate of compliance—Issuance of single cab card—Cancellation, when.** Upon the compliance of a carrier with the respective agency requirements consistent with the intentions of this chapter, a certificate of compliance shall be conveyed by the participating agency to the administrator. Upon receipt of the certificates of compliance and upon receipt of all necessary fees, the administrator shall issue a single cab card.

If a certificate of compliance is withdrawn by any one of the participating agencies, the administrator shall cancel the single cab card under the joint administrative rules of RCW 46.86.030. [1967 ex.s. c 94 § 6.]

**46.86.060 Compliance with other regulations pending issuance of single cab card.** Until such time as a carrier or a vehicle thereof has received a single cab card, the carrier or vehicle thereof shall meet all applicable provisions regulating such carriers and vehicles as though the provisions of this chapter were not in effect. [1967 ex.s. c 94 § 7.]

**46.86.070 Temporary authorization permits—Fees—Rules and regulations.** The administrator is hereby authorized to issue a temporary authorization permit to qualified carriers for vehicles not previously issued a permanent single cab card. The department shall collect a fee of one dollar plus a fifty cent filing fee for each temporary single cab card issued. The department shall have the authority to adopt appropriate rules and regulations for issuance of such temporary authorization permits in accordance with the provisions of RCW 46.86.040. [1967 ex.s. c 94 § 8.]

**46.86.080 Distribution of fees.** The one dollar fee collected pursuant to RCW 46.86.070 shall be placed in the motor vehicle fund. The additional fifty cent filing fee shall be distributed pursuant to RCW 46.01.140. [1967 ex.s. c 94 § 9.]

**46.86.090 Expiration date of single cab cards.** All single cab cards shall expire on December 31st of each year. [1967 ex.s. c 94 § 10.]

**46.86.100 Alternative to compliance with requirements of chapter 81.80 RCW—Signifying by displaying card.** As an alternative to complying with the identification card and identification plate requirements of chapter 81.80 RCW, a qualified carrier may elect to signify compliance with the requirements of this chapter by displaying a single cab card on the vehicles involved. [1967 ex.s. c 94 § 11.]

**46.86.110 Administrator to promote standardization of vehicle qualification requirements with other states.** The administrator shall promote the standardization of vehicle qualification requirements between the state of

Washington and the various other states. [1967 ex.s. c 94 § 12.]

**46.86.120 Requirements of other laws not altered except where stated.** Nothing in this chapter shall be construed to alter the requirements of chapter 81.80 RCW, or the requirements of RCW 46.44.095, or the requirements of chapter 46.85 RCW except as stated in this chapter. [1975 1st ex.s. c 42 § 2; 1967 ex.s. c 94 § 13.]

**46.86.130 Effective date of first single cab cards.** The first of the single cab cards shall be issued to be effective on January 1, 1968. [1967 ex.s. c 94 § 14.]

**46.86.140 Carriers to comply with requirements of state commission as to forms and procedures.** Notwithstanding any other provision of this chapter, qualified carriers shall comply with requirements of the Washington utilities and transportation commission as to forms and procedures specified by that agency to evidence the lawfulness of interstate operations in the state where such forms and procedures are in accordance with those promulgated by federal authority. [1971 ex.s. c 143 § 7.]

**Chapter 46.88**

**OUT-OF-STATE COMMERCIAL VEHICLES—  
INTRASTATE PERMITS**

**Sections**

46.88.010 Commercial vehicles registered in another state—Permits for intrastate operations.

**46.88.010 Commercial vehicles registered in another state—Permits for intrastate operations.** The owner of any commercial vehicle or vehicles lawfully registered in another state and who wishes to use such vehicle or vehicles in this state in intrastate operations for periods less than a year may obtain permits for such operations upon application to the department of motor vehicles or a county auditor. Such permits may be issued for thirty, sixty, or ninety day periods. The cost of each such permit shall include the fees provided for in RCW sections 46.01.140, 46.16.061, 46.16.060 and one-twelfth of the fees provided for in RCW 46.16.070 and 82.44.020 for each thirty days' operations provided for in the permit. [1969 ex.s. c 281 § 32.]

**Effective date—1969 ex.s. c 281:** "This 1969 amendatory 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 except for sections 32 and 54 of this 1969 amendatory act shall take effect immediately. Sections 32 and 54 of this 1969 amendatory act shall take effect January 1, 1970." [1969 ex.s. c 281 § 63.]

Section 32 is codified as RCW 46.88.010, section 54 as RCW 46.16.070.

**Chapter 46.90**

**WASHINGTON MODEL TRAFFIC ORDINANCE**

**Sections**

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**46.90.005 Purpose of this chapter.** The purpose of this chapter is to encourage highway safety and uniform traffic laws by providing a comprehensive compilation of sound, uniform traffic laws to serve as a guide which local authorities may adopt by reference or any part thereof, including all future amendments or additions thereto. Any local authority which adopts this chapter by reference may at any time exclude any section or sections from this chapter which it does not desire to include in its local traffic ordinance. This chapter is not intended to deny any local authority its legislative power, but rather to enhance safe and efficient movement of traffic throughout the state by having current, uniform traffic laws available. [1975 1st ex.s. c 54 § 1.]

**46.90.010 Amendments to this chapter automatically included.** The addition of any new section to, or amendment or repeal of any section in, this chapter by the legislature shall be deemed to amend any city, town, or county, ordinance which has adopted by reference this chapter or any part thereof, and it shall not be necessary for the legislative authority of any city, town, or county to take any action with respect to such addition, amendment, or repeal notwithstanding the provisions of RCW 35.21.180, 35A.12.140, 35A.13.180, and 36.32.120(7). [1975 1st ex.s. c 54 § 2.]

**46.90.100 Chapter 46.04 RCW (Definitions) adopted by reference.** All sections of chapter 46.04 RCW as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full. [1975 1st ex.s. c 54 § 3.]

**46.90.103 Abandoned vehicle.** "Abandoned vehicle" means any vehicle or automobile hulk left within the right of way of any highway or on the property of another without the consent of the owner of such property for a period of twenty-four hours, or longer: *Provided*, That a vehicle or hulk shall not be considered abandoned if it is lawfully parked for a period not exceeding seventy-two hours: *Provided further*, That a vehicle or hulk shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance. [1975 1st ex.s. c 54 § 4.]

**46.90.106 Automobile hulk.** "Automobile hulk" means any portion or portions of a motor vehicle which is inoperative and cannot be made mechanically operative without additional vital parts and a substantial amount of labor. [1975 1st ex.s. c 54 § 5.]

**46.90.109 Bus.** "Bus" means every motor vehicle designed for carrying more than ten passengers and used for transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. [1975 1st ex.s. c 54 § 6.]

**46.90.112 Bus stop.** "Bus stop" means a fixed portion of the highway parallel and adjacent to the curb to be reserved exclusively for buses for layover in operating schedules or while waiting for, loading, or unloading passengers: *Provided*, That such bus provides regularly scheduled service within the jurisdiction of the local authority. [1975 1st ex.s. c 54 § 7.]

**46.90.115 City.** "City" means every incorporated city and town. [1975 1st ex.s. c 54 § 8.]

**46.90.118 Demolish.** "Demolish" means to destroy completely by use of a hydraulic baler and shears, or a shredder. [1975 1st ex.s. c 54 § 9.]

**46.90.121 Department.** "Department" means the department of motor vehicles unless otherwise specified in this chapter. [1975 1st ex.s. c 54 § 10.]



**46.90.124 Garage keeper.** "Garage keeper" means a person, firm, partnership, association, or corporation whose business it is to store vehicles for compensation. [1975 1st ex.s. c 54 § 11.]

**46.90.127 Holidays.** "Holidays" include the first day of January, commonly called New Year's Day; the third Monday of February, being celebrated as the anniversary of the birth of George Washington; the thirtieth day of May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor Day; the fourth Thursday in November, to be known as Thanksgiving Day; the twenty-fifth day of December, commonly called Christmas Day; and any other day specified by ordinance by the local authority to be a holiday.

Whenever any holiday falls upon a Sunday, the following Monday shall be a holiday. [1975 1st ex.s. c 54 § 12.]

**46.90.130 Hulk hauler.** "Hulk hauler" means any person who deals in vehicles for the sole purpose of transporting and/or selling them to a licensed motor vehicle wrecker or scrap processor in substantially the same form in which they are obtained and who may not sell second-hand motor vehicle parts to anyone other than a licensed scrap processor or licensed wrecker. [1975 1st ex.s. c 54 § 13.]

**46.90.133 Loading zone.** "Loading zone" means a space reserved for the exclusive use of vehicles during the loading or unloading of property or passengers. [1975 1st ex.s. c 54 § 14.]

**46.90.136 Official time standard.** "Official time standard" means, whenever certain hours are named, standard time or daylight saving time as may be in current use within the jurisdiction of the local authority. [1975 1st ex.s. c 54 § 15.]

**46.90.139 Ordinance.** "Ordinance" means a city or town ordinance or a county ordinance or resolution. [1975 1st ex.s. c 54 § 16.]

**46.90.142 Parking meter.** "Parking meter" means any mechanical device or meter placed or erected adjacent to a parking meter space, for the purpose of regulating or controlling the period of time of occupancy of such parking meter space by any vehicle. Each parking meter installed shall indicate by proper legend the legal parking time and when operated shall at all times indicate the balance of legal parking time, and at the expiration of such period shall indicate illegal or overtime parking. Each meter shall bear a legend indicating the days and hours when the requirement to deposit coins therein shall apply, the value of the coins to be deposited, and the limited period of time for which parking is lawfully permitted in the parking meter space in which such meter is located. [1975 1st ex.s. c 54 § 17.]

**46.90.145 Parking meter space.** "Parking meter space" means any space within a parking meter zone,

adjacent to a parking meter and which is duly designated for the parking of a single vehicle by appropriate markings on the pavement and/or the curb. [1975 1st ex.s. c 54 § 18.]

**46.90.148 Parking meter zone.** "Parking meter zone" means any highway or part thereof or any off-street parking lot on which parking meters are installed and in operation. [1975 1st ex.s. c 54 § 19.]

**46.90.151 Passenger loading zone.** "Passenger loading zone" means a place reserved for the exclusive use of vehicles while receiving or discharging passengers. [1975 1st ex.s. c 54 § 20.]

**46.90.154 Planting strip.** "Planting strip" means that portion of a highway lying between the constructed curb, or edge of the roadway, and the property line exclusive of the sidewalk area. [1975 1st ex.s. c 54 § 21.]

**46.90.157 Police or police officer.** "Police or police officer" includes the police officers of a city, a town marshal, or the sheriff and his deputies of a county whichever is applicable, but when the term sheriff is used in this chapter, it shall only mean the sheriff. [1975 1st ex.s. c 54 § 22.]

**46.90.160 Police chief or chief of police.** "Police chief or chief of police" includes the police chief or chief police officer of a city, a town marshal, or the sheriff of a county, whichever is applicable, but when the term sheriff is used in this chapter, it shall only mean the sheriff. [1975 1st ex.s. c 54 § 23.]

**46.90.163 Police department.** "Police department" includes the police department of a city or town or the sheriff's office of a county whichever is applicable, but when the term sheriff is used in this chapter, it shall only mean the sheriff. [1975 1st ex.s. c 54 § 24.]

**46.90.166 Registered disposer.** "Registered disposer" means any tow truck operator or garage keeper properly registered pursuant to RCW 46.52.108, who has and who displays at all times in a place conspicuous to the public a valid certificate of registration evidencing his authorization from the department to dispose of abandoned vehicles. [1975 1st ex.s. c 54 § 25.]

**46.90.169 School bus zone.** "School bus zone" means a designated portion of the highway along the curb reserved for loading and unloading school buses during designated hours. [1975 1st ex.s. c 54 § 26.]

**46.90.172 Service parking.** "Service parking" means the use of a parking meter space while rendering service in cleaning, painting, adjusting, or making minor repairs or replacements in or to buildings or building equipment or to public utilities. [1975 1st ex.s. c 54 § 27.]

**46.90.175 Street.** "Street" means a "city street". [1975 1st ex.s. c 54 § 28.]

**46.90.178 Taxicab.** "Taxicab" means a motor vehicle for hire used for the transportation of persons for compensation, and not operated exclusively over a fixed route or between fixed termini. [1975 1st ex.s. c 54 § 29.]

**46.90.181 Taxicab stand.** "Taxicab stand" means a fixed portion of a highway set aside for taxicabs to stand or wait for passengers. [1975 1st ex.s. c 54 § 30.]

**46.90.184 Tow truck operator.** "Tow truck operator" means a person, firm, partnership, association, or corporation which, in its course of business, provides towing services for vehicles and automobile hulks. [1975 1st ex.s. c 54 § 31.]

**46.90.187 Traffic division.** "Traffic division" means the traffic division of the police department of the local authority, or in the event a traffic division is not established, then said term whenever used in this chapter shall be deemed to refer to the police department of the local authority. [1975 1st ex.s. c 54 § 32.]

**46.90.190 "U turn".** "U turn" means turning a vehicle so as to proceed in the opposite direction on the same roadway. [1975 1st ex.s. c 54 § 33.]

**46.90.200 Certain RCW sections adopted by reference.** The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 16.24.065, 16.24.070, 46.08.030, and 46.08-.060. [1975 1st ex.s. c 54 § 34.]

**46.90.205 Public employees to obey traffic regulations.** The provisions of this chapter shall apply to the drivers of all vehicles owned or operated by the United States, the state, or any county, city, town, district, or any other political subdivision of the state, subject to such specific exceptions as are set forth in this chapter. [1975 1st ex.s. c 54 § 35.]

**46.90.210 Police administration.** There is established in the police department of the local authority a traffic division to be under the control of a police officer appointed by, and directly responsible to, the chief of police. [1975 1st ex.s. c 54 § 36.]

**46.90.215 Duty of traffic division.** It shall be the duty of the traffic division with such aid as may be rendered by other members of the police department to enforce the traffic regulations of the local authority, to make arrests for traffic violations, to investigate accidents and to cooperate with the traffic engineer and other officers of the local authority in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the said division by this chapter and the traffic ordinances of the local authority. [1975 1st ex.s. c 54 § 37.]

**46.90.220 Authority of police and fire department officials.** (1) Officers of the police department or such officers as are assigned by the chief of police are authorized to direct all traffic by voice, hand, or signal in conformance with law: *Provided*, That in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of law.

(2) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity. [1975 1st ex.s. c 54 § 38.]

**46.90.225 Records of traffic violations.** (1) The police department or the traffic division thereof shall keep a record of all violations of the traffic ordinances of the local authority or of the state motor vehicle laws of which any person has been charged, with the exception of illegal parking or standing violations, together with a record of the final disposition of all such alleged offenses. Such records shall be so maintained as to show all types of violations and the total of each. Such records shall accumulate during at least a five year period, and from that time on the records shall be maintained complete for at least the most recent five year period.

(2) All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record of all such forms shall be kept.

(3) Records and reports concerning a person shall be available upon request only to that particular person requesting such record or report concerning himself, or the legal guardian thereof, the parent of a minor, or any authorized representative of such interested party, or the attorney or insurer thereof. [1975 1st ex.s. c 54 § 39.]

**46.90.230 Traffic division to investigate accidents.** It shall be the duty of the traffic division, assisted by other members of the police department, to investigate traffic accidents, to arrest, and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents. [1975 1st ex.s. c 54 § 40.]

**46.90.235 Traffic accident studies.** Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the traffic engineer in conducting studies of such accidents and in determining remedial measures. [1975 1st ex.s. c 54 § 41.]

**46.90.240 Traffic accident reports.** The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and the information of the traffic engineer. [1975 1st ex.s. c 54 § 42.]

**46.90.245 Traffic division to submit annual traffic safety report.** The traffic division shall annually prepare a traffic report which shall be filed with the appointing

authority of the local authority. Such report shall contain information on traffic matters in the local authority as follows:

(1) The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;

(2) The number of traffic accidents investigated and other pertinent data on the safety activities of the police;

(3) The plans and recommendations of the division for future traffic safety activities. [1975 1st ex.s. c 54 § 43.]

**46.90.250 Police department to administer bicycle licenses.** The police department or some other office or department designated by the local authority shall administer the bicycle license regulations required by this chapter. [1975 1st ex.s. c 54 § 44.]

**46.90.255 Police department to regulate parking meters.** The police department shall be responsible for the regulation, control, operation, and use of parking meters installed in all parking meter zones. [1975 1st ex.s. c 54 § 45.]

**46.90.260 Traffic engineer.** (1) The office of traffic engineer is established: *Provided*, That if there is no traffic engineer, then the engineer of the local authority shall serve as traffic engineer in addition to his other functions, and shall exercise the powers and duties with respect to traffic as provided in this chapter: *Provided further*, That if there is no engineer in the local authority, then the appointing authority shall designate a person to exercise such powers and duties.

(2) It shall be the general duty of the traffic engineer to determine the installation and maintenance of traffic control devices, to conduct engineering analysis of traffic accidents and to devise remedial measures, to conduct engineering investigations of traffic conditions, to plan the operation of traffic on the highways of the local authority, to cooperate with other officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by any ordinances of the local authority. [1975 1st ex.s. c 54 § 46.]

**46.90.265 Traffic engineer—Authority.** The traffic engineer is authorized:

(1) To place and maintain official traffic control devices when and as required under the traffic ordinances or resolutions of the local authority to make effective the provisions of said ordinances or resolutions, and may place and maintain such additional official traffic control devices as he may deem necessary to regulate, warn, or guide traffic under the traffic ordinances or resolutions of the local authority;

(2) To place and maintain official traffic control devices as he may deem necessary to regulate, warn, or guide traffic for construction, detours, emergencies, and special conditions;

(3) To designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is

particular danger to pedestrians crossing the roadway, and in such other places as he may deem necessary;

(4) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians;

(5) To mark traffic lanes upon the roadway of any highway where a regular alignment of traffic is necessary;

(6) To regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner;

(7) To place official traffic control devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, in accordance with the provisions of this chapter, and such course to be traveled as so indicated may conform to or be other than as prescribed by law;

(8) To determine those intersections at which drivers of vehicles shall not make a right, left, or U turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted;

(9) To erect and maintain stop signs, yield signs, or other official traffic control devices to designate arterial highways or to designate intersections or other roadway junctions at which vehicular traffic on one or more of the roadways shall yield or stop and yield before entering the intersection or junction, except as provided in RCW 46.61.195;

(10) To issue special permits to authorize the backing of a vehicle to the curb for the purpose of loading or unloading property subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property alongside the curb or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized by this section;

(11) To erect signs indicating no parking upon both sides of a highway when the width of the improved roadway does not exceed twenty feet, or upon one side of a highway as indicated by such signs when the width of the improved roadway is between twenty and twenty-eight feet;

(12) To determine when standing or parking may be permitted upon the left-hand side of any roadway when the highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway and to erect signs giving notice thereof;

(13) To determine and designate by proper signs places not exceeding one hundred feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic;

(14) To determine the location of loading zones, passenger loading zones, and tow-away zones and shall place and maintain appropriate signs or curb markings supplemented with the appropriate words stenciled on the curb indicating the same and stating the hours during which the provisions of this chapter are applicable;

(15) To establish bus stops, bus stands, taxicab stands, and stands for other for hire vehicles on such highways in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs or by curb markings supplemented with the appropriate words stenciled on the curb;

(16) To erect and maintain official traffic control devices on any highway or part thereof to impose gross weight limits on the basis of an engineering and traffic investigation;

(17) To erect and maintain official traffic control devices on any highway or part thereof to prohibit the operation of trucks exceeding ten thousand pounds gross weight on the basis of an engineering and traffic investigation: *Provided*, That such devices shall not prohibit necessary local operation on such highways for the purpose of making a pickup or delivery;

(18) To erect and maintain official traffic control devices on any highway or part thereof to impose vehicle size restrictions on the basis of an engineering and traffic investigation;

(19) To determine and designate those heavily traveled highways upon which shall be prohibited any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic on the basis of an engineering and traffic investigation and shall erect appropriate official traffic control devices giving notice thereof;

(20) To install parking meters in the established parking meter zones upon the curb adjacent to each designated parking space;

(21) To designate the parking space adjacent to each parking meter for which such meter is to be used by appropriate markings upon the curb and/or the pavement of the highway;

(22) To post appropriate signs making it unlawful for pedestrians to cross highways in certain crosswalks when such crossing would endanger either pedestrian or vehicular traffic using the highway;

(23) To test new or proposed traffic control devices under actual conditions of traffic. [1975 1st ex.s. c 54 § 47.]

**46.90.270 Local authority—Authority.** After an engineering and traffic investigation by the traffic engineer, the local authority may by resolution:

(1) Decrease maximum speed limits pursuant to RCW 46.61.415;

(2) Increase maximum speed limits pursuant to RCW 46.61.415;

(3) Determine and declare the maximum speed limits on arterial highways pursuant to RCW 46.61.415;

(4) Determine and declare upon what highways angle parking shall be permitted pursuant to RCW 46.61.575(3);

(5) Prohibit, regulate, or limit, stopping, standing, or parking of vehicles on any highway at all times or during such times as shall be indicated by official traffic control devices;

(6) Determine and declare parking meter zones upon those highways or parts thereof where the installation of parking meters will be necessary to regulate parking;

(7) Close any highway or part thereof temporarily to any or all traffic;

(8) Determine and declare one-way highways pursuant to RCW 46.61.135;

(9) Determine and declare arterial highways pursuant to RCW 46.61.195 and 46.61.435. [1975 1st ex.s. c 54 § 48.]

**46.90.275 Traffic safety commission—Powers and duties.** (1) There is established a traffic safety commission to serve without compensation, consisting of the traffic engineer, the chief of police, or, in his discretion as his representative, the chief of the traffic division or other cognizant member of the police department, one representative each from the engineer's office and the attorney's office, and such number of other officers of the local authority and representatives of unofficial bodies as may be determined and appointed by the appointing authority of the local authority. The chairman of the commission shall be appointed by such appointing authority and may be removed by such authority.

(2) It shall be the duty of the traffic safety commission, and to this end it shall have authority within the limits of the funds at its disposal, to coordinate traffic activities, to supervise the preparation and publication of traffic reports, to receive complaints having to do with traffic matters, and to recommend to the legislative body of the local authority and to the traffic engineer, the chief of the traffic division, and other officials, ways and means for improving traffic conditions and the administration and enforcement of traffic regulations. [1975 1st ex.s. c 54 § 49.]

**46.90.300 Certain RCW sections adopted by reference.** The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.12.070, 46.12.080, 46.12.090, 46.12.101, 46.12.260, 46.16.010, 46.16.025, 46.16.030, 46.16.106, 46.16.135, 46.16.137, 46.16.138, 46.16.140, 46.16.145, 46.16.170, 46.16.180, 46.16.240, 46.16.260, 46.16.290, 46.16.380, 46.16.500, 46.16.505, 46.20.011, 46.20.021, 46.20.025, 46.20.027, 46.20.031, 46.20.041, 46.20.045, 46.20.190, 46.20.220, 46.20.308, 46.20.336, 46.20.342, 46.20.343, 46.20.344, 46.20.391, 46.20.410, 46.20.420, 46.20.430, 46.20.440, 46.20.500, 46.32.060, 46.32.070, 46.37.010, 46.37.020, 46.37.030, 46.37.040, 46.37.050, 46.37.060, 46.37.070, 46.37.080, 46.37.090, 46.37.100, 46.37.110, 46.37.120, 46.37.130, 46.37.140, 46.37.150, 46.37.160, 46.37.170, 46.37.180, 46.37.184, 46.37.185, 46.37.186, 46.37.187, 46.37.188, 46.37.190, 46.37.200, 46.37.210, 46.37.220, 46.37.230, 46.37.240, 46.37.250, 46.37.260, 46.37.270, 46.37.280, 46.37.290, 46.37.300, 46.37.310, 46.37.340, 46.37.351, 46.37.360, 46.37.365, 46.37.370, 46.37.380, 46.37.390, 46.37.400, 46.37.410, 46.37.420, 46.37.425, 46.37.430, 46.37.440, 46.37.450, 46.37.460, 46.37.480, 46.37.490, 46.37.500, 46.37.510, 46.37.520, 46.37.530, 46.37.535, 46.37.540, 46.37.550,

46.37.560, 46.37.570, \*46.37.580, 46.37.590, 46.37.600, 46.44.010, 46.44.020, 46.44.030, 46.44.034, 46.44.036, 46.44.037, 46.44.040, 46.44.042, 46.44.044, 46.44.045, 46.44.046, 46.44.047, 46.44.050, 46.44.060, 46.44.070, 46.44.090, 46.44.091, 46.44.092, 46.44.093, 46.44.095, 46.44.096, 46.44.097, 46.44.100, 46.44.120, 46.44.130, 46.44.140, 46.48.170, 46.52.010, 46.52.020, 46.52.030, 46.52.040, 46.52.070, 46.52.080, 46.52.090, 46.52.100, 46.52.119, 46.52.145, and 46.80.010. [1975 1st ex.s. c 54 § 50.]

\*Reviser's note: RCW "46.37.580" was repealed by 1975 1st ex.s. c 24 § 2.

**46.90.330 Authority to remove and impound vehicles on public property—Procedure.** (1) Members of the police department are authorized to remove and impound vehicles by means of towing or otherwise to the nearest garage or other place of safety or to a garage designated or maintained by the police department or otherwise maintained by the local authority, under any of the following circumstances:

(a) When any vehicle is left unattended upon any bridge, viaduct, or causeway, or in any tunnel where such vehicle constitutes an obstruction to traffic;

(b) When any vehicle upon a highway, including tunnels, bridges, or approaches, is so disabled as to constitute an obstruction to traffic or when the person or persons in charge of the vehicle are incapacitated to such an extent as to be unable to provide for its custody or removal and there is no other person present who may properly act as agent for such operator in the care of his vehicle;

(c) When any vehicle is left unattended upon a highway and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic;

(d) When any vehicle is found in a tow-away zone;

(e) When any vehicle operating on a highway is found to be defective in equipment in such manner that it may be considered unsafe;

(f) When the operator of any vehicle is arrested and placed in custody and is not in condition to drive and the vehicle is not in a place of safety and there is no other person present who may properly act as agent for such operator to drive the vehicle to a place of safety.

(2) Members of the police department are authorized to remove and impound any abandoned vehicle, or abandoned junk motor vehicle found on a highway by means of towing or otherwise to the nearest garage or other place of safety or to a garage designated or maintained by the police department or otherwise maintained by the local authority.

(3) Whenever an officer removes and impounds a vehicle from a highway as authorized in subsection (1) of this section, he shall as soon as practicable give or cause personal notice to be given in writing to the owner of such vehicle, if any record exists of the registered or legal owner in the records of the authority last licensing such vehicle, of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

(4) Whenever an officer removes and impounds a vehicle from a highway under subsection (1) of this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three days, then and in that event, the officer shall immediately send or cause to be sent written report of such removal by mail to the department and shall file a copy of such notice with the proprietor of any garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal, and name of the garage or place where the vehicle is stored.

(5) Any costs incurred in the removal and storage of an impounded vehicle shall be a lien upon the vehicle. All towing and storage charges on each vehicle impounded shall be paid by the owner or his agent if the vehicle is redeemed. In the case of abandoned vehicles, all costs of removal and storage shall be paid by the owner or his agent if the vehicle is redeemed, but if not redeemed, such costs shall be received from the proceeds of sale.

(6) The impounding of a vehicle shall not preclude charging the violator with any violation of the law on account of which such vehicle was impounded.

(7) Either a registered or legal owner may claim an impounded vehicle by payment of all charges that have accrued to the time of reclamation. If the vehicle was impounded at the direction of a law enforcement agency, the person in possession of the vehicle prior to the time of reclamation shall notify such agency of the fact that the vehicle has been claimed, and by whom. [1975 1st ex.s. c 54 § 51.]

**46.90.335 Owner of record presumed liable for costs when vehicle abandoned—Exception.** (1) The abandonment of any vehicle or automobile hulk shall constitute a prima facie presumption that the last owner of record is responsible for such abandonment and thus liable for any costs incurred in removing, storing, and disposing of any abandoned vehicle.

(2) A registered owner transferring a vehicle shall be relieved from personal liability under this section and under RCW 46.90.350, 46.90.355, and 46.90.370 if within five days of the transfer he transmits to the department a seller's report of sale on a form prescribed by the director. [1975 1st ex.s. c 54 § 52.]

**46.90.340 Contract with registered disposer to dispose of vehicles and hulks—Compliance required.** (1) The local authority may contract with any tow truck operator who is engaged in removing and storing of vehicles and who is registered as a registered disposer by the department for the purpose of disposing of certain automobile hulks, abandoned junk motor vehicles, and abandoned vehicles.

(2) Any registered disposer under contract to the local authority for the removing and storing of vehicles or hulks shall comply with the administrative regulations relative to the handling and disposing of vehicles or

hulks as may be promulgated by the local authority or the director. [1975 1st ex.s. c 54 § 53.]

**46.90.345 Stolen and abandoned vehicles—Reports of notice—Disposition.** It shall be the duty of the chief of police to report immediately to the chief of the Washington state patrol all motor vehicles reported to them as stolen or recovered, upon forms to be provided by the chief of the Washington state patrol.

In the event that any motor vehicle reported as stolen has been recovered, the person so reporting the same as stolen shall be guilty of a misdemeanor unless he shall report the recovery thereof to the chief of police to whom such motor vehicle was reported as stolen.

It shall be the duty of the chief of police to report to the chief of the Washington state patrol all vehicles or automobile hulks found abandoned on a highway or at any other place and the same shall, at the direction of a law enforcement officer, be placed in the custody of a registered disposer. [1975 1st ex.s. c 54 § 54.]

**46.90.350 Removal and storage of vehicle or hulk—Lien—Notices—Contents.** (1) A registered disposer taking custody of any abandoned vehicle shall remove it to his established place of business where it shall be stored, and such registered disposer shall have a lien upon the abandoned vehicle but not upon any items of personal property therein or upon for services provided in towing and storage of it, and shall also have a claim against the last registered owner of the abandoned vehicle for services provided in towing and storage of it, not to exceed the sum of one hundred dollars.

(2) Within five days after receiving custody of such abandoned vehicle the registered disposer shall submit an abandoned vehicle report giving notice of his custody to the department and the chief of the Washington state patrol. Any registered disposer failing to report such fact within five days shall forfeit any claim for the storage of the vehicle. Within five days after having received the name and address of the owner, he shall notify the registered and legal owner of his custody, and shall send copies of such notice to the chief of the Washington state patrol and to the department. The notice of custody and sale to the registered and legal owner shall be sent by the registered disposer to the last known address of said owner appearing on the records of the department, and such notice shall be sent to the registered and legal owner by certified or registered mail with a five-day return receipt requested. Such notice shall contain a description of the abandoned vehicle including its license number and/or serial number if obtainable, and shall state the amount due the registered disposer for services in the towing and storage of it and the time and place of public sale if the amount remains unpaid.

(3) The department shall supply the last known names and addresses of registered and legal owners of abandoned vehicles appearing on the records of the department to registered disposers on request without charge. [1975 1st ex.s. c 54 § 55.]

**46.90.355 Sale of unclaimed vehicle or hulk—Procedure—Proceeds—Deficiency.** (1) If, after the

expiration of fifteen days from the date of mailing of the notice of custody and sale to the registered and legal owner, the abandoned vehicle remains unclaimed and has not been listed as a stolen or recovered vehicle, then the registered disposer having custody of the abandoned vehicle shall conduct a sale of it at public auction after having first published a notice of the date, place, and time of the auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days before the date of the auction.

(2) The abandoned vehicle shall be sold at the auction to the highest bidder. The proceeds of such sale, after deducting the towing and storage charges due the registered disposer including the cost of sale, which shall be computed as in a public auction sale of personal property by the sheriff, shall be certified one-half to the county treasurer of the county in which the vehicle is located to be credited to the county current expense fund, and one-half to the state treasurer to be credited to the highway safety fund. If the amount bid at the auction is insufficient to compensate the registered disposer for his towing and storage charges and the cost of sale, such registered disposer shall be entitled to assert a claim for any deficiency, not to exceed one hundred dollars less the amount bid at the auction, against the last registered owner of such abandoned vehicle.

(3) After the public auction of any abandoned vehicle the registered disposer shall give the successful bidder an affidavit of sale stating that the sale was conducted under the proper procedures and indicating the disposition of moneys derived from the sale and after such successful bidder has submitted an application for a certificate of title along with applicable fees, taxes, and the affidavit of sale, the director of the department shall issue a certificate of title showing ownership of the vehicle or automobile hulk in the name of the successful bidder at such auction: *Provided*, That a licensed auto wrecker or scrap processor may use such affidavit in lieu of a certificate of title to report the acquisition for wrecking or demolition. [1975 1st ex.s. c 54 § 56.]

**46.90.360 Vehicle left in garage for storage—When deemed abandoned—Notices—Disposal.** In addition to abandoned vehicles, abandoned junk motor vehicles, and impounded vehicles meeting the requirements of RCW 46.90.365, vehicles left in garage storage may be deemed abandoned in the following manner:

(1) A vehicle stored under a fixed contract of storage may be deemed abandoned on the fifth day following expiration of the contract;

(2) A vehicle stored under an open-ended contract of storage may be deemed abandoned at any time by the garage keeper.

All such abandoned vehicles shall be disposed of by a registered disposer in accordance with the procedures prescribed in RCW 46.90.350 and 46.90.355. Any registered disposer failing to report the fact of abandonment to the department and the chief of the Washington state patrol pursuant to RCW 46.90.350, shall forfeit any claim for the storage of any such vehicle. [1975 1st ex.s. c 54 § 57.]

**46.90.365 Disposition of impounded vehicles—**  
**When vehicles deemed abandoned—Procedure.** Any vehicle impounded pursuant to RCW 46.90.330(1) or 46.52.119 and left unclaimed for a period of fifteen days shall be deemed to be an abandoned vehicle. At the expiration of such fifteen day period such vehicle shall be deemed to be in the custody of the sheriff of the county where such vehicle is located and the sheriff of the county shall deliver the vehicle to a registered disposer who shall dispose of such vehicle in the manner provided in RCW 46.90.350 and 46.90.355: *Provided*, That if such vehicle fulfills all of the requirements of RCW 46.52.145(1), it shall be disposed of as provided in RCW 46.90.375. [1975 1st ex.s. c 54 § 58.]

**46.90.370 Abatement and removal of automobile hulks on private property—Contents.** (1) The storage or retention of an automobile hulk on private property is declared to constitute a public nuisance subject to removal and impoundment. The chief of police shall inspect and investigate complaints relative to automobile hulks, or parts thereof on private property. Upon discovery of such nuisance, the police department shall give notice in writing to the last registered owner of record of the automobile hulk and also to the property owner of record that a public hearing may be requested before the governing body of the local authority, and that if no hearing is requested within ten days, the automobile hulk will be removed. Costs of removal may be assessed against the last registered owner of the automobile hulk if the identity of such owner can be determined, or the costs may be assessed against the owner of the property on which the automobile hulk is stored.

(2) If a request for a hearing is received, a notice giving the time, location and date of such hearing on the question of removal and impoundment of the automobile hulk or part thereof as a public nuisance shall be mailed, by certified or registered mail with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record of the automobile hulk unless the automobile hulk is in such condition that identification numbers are not available to determine ownership.

(3) This section shall not apply to:

(a) An automobile hulk, or part thereof, which is completely enclosed within a building in a lawful manner where it is not visible from the highway or other public or private property; or

(b) An automobile hulk, or part thereof, which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer, fenced according to the provisions of RCW 46.80.130.

(4) The owner of the land on which the automobile hulk is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the hulk on the land, with his reasons for such denial. If it is determined at the hearing that the hulk was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence,

then the governing body shall not assess costs of administration or removal of the hulk against the property upon which the hulk is located or otherwise attempt to collect such cost from the property owner.

(5) After notice has been given of the intent of the local authority to dispose of the automobile hulk and after a hearing, if requested, has been held, the automobile hulk or part thereof, shall be removed, at the request of a police officer, and disposed of to a licensed motor vehicle wrecker or hulk hauler with notice to the Washington state patrol and the department that the automobile hulk has been wrecked.

(6) The local authority shall within thirty days after removal of an automobile hulk from private property, file for record with the county auditor to claim a lien for the cost of removal, which shall be in substance in accordance with the provision covering mechanics' liens in chapter 60.04 RCW, and said lien shall be foreclosed in the same manner as such liens. [1975 1st ex.s. c 54 § 59.]

**46.90.375 Disposition of abandoned junk motor vehicles.** (1) Notwithstanding any other provision of law, the chief of police on his own volition, or upon request from a private person having the right to possession of property upon which an abandoned junk motor vehicle has been left, shall inspect and may authorize the disposal of an abandoned junk motor vehicle. The chief of police shall record the make of such vehicle, the serial number if available, and shall also detail the damaged or missing equipment to substantiate a fair market value as scrap only. He shall prepare in duplicate for each such abandoned junk motor vehicle an authorization to dispose on a form provided by the director. He shall issue the original copy of such authorization to dispose to any licensed hulk hauler, motor vehicle wrecker, or scrap processor for the purpose of acquiring an abandoned junk motor vehicle: *Provided*, That such acquisition is for the purpose of ultimate transfer to and demolition by a licensed scrap processor.

(2) Any moneys arising from the disposal of abandoned junk motor vehicles shall be deposited in the county general fund. [1975 1st ex.s. c 54 § 60.]

**46.90.380 Unlawful to abandon junked motor vehicle.** No person shall wilfully leave an abandoned junk motor vehicle on private property for more than seventy-two hours without the permission of the person having the right to possession of the property, or upon or within the right of way of any highway or other property open to the public for purposes of vehicular travel or parking for forty-eight hours or longer without notification to the chief of police of the reasons for leaving the motor vehicle in such a place. For the purposes of this section, the fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment. Any person convicted of abandoning a junk motor vehicle shall be assessed any costs incurred by the county in disposing of such abandoned junk motor vehicle, less any moneys accruing to the county from such disposal. [1975 1st ex.s. c 54 § 61.]

**46.90.400 Provisions of chapter refer to vehicles upon highway—Exceptions.** The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

(1) Where a different place is specifically referred to in a given section;

(2) The provisions of RCW 46.52.010, 46.52.020, 46.52.030, 46.52.070, 46.52.080, 46.52.090, and 46.61-.500 through 46.61.515 shall apply upon highways and elsewhere throughout the jurisdiction of the local authority. [1975 1st ex.s. c 54 § 62.]

**46.90.403 Required obedience to traffic ordinance.** It is unlawful for any person to do any act forbidden or fail to perform any act required by this chapter. [1975 1st ex.s. c 54 § 63.]

**46.90.406 Certain RCW sections adopted by reference.** The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.015, 46.61.020, 46.61.025, 46.61.030, 46.61.035, 46.61.050, 46.61.055, 46.61.060, 46.61.065, 46.61.070, 46.61.075, and 46.61.080. [1975 1st ex.s. c 54 § 64.]

**46.90.409 Traffic control devices required—Stopping, standing, and parking.** No prohibition, regulation, or limitation relating to stopping, standing, or parking imposed under this chapter or any ordinance of the local authority for which traffic control devices are required shall be effective unless official traffic control devices are erected and in place at the time of any alleged offense. [1975 1st ex.s. c 54 § 65.]

**46.90.412 Crossing new pavement and markings.** No person shall ride or drive any animal, bicycle, or vehicle, across any newly made pavement or freshly applied markings on any highway when a sign, cone marker, or other warning device is in place warning persons not to drive across such pavement or marking. [1975 1st ex.s. c 54 § 66.]

**46.90.415 Certain RCW sections adopted by reference.** The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.085, 46.61.100, 46.61.105, 46.61.110, 46.61.115, 46.61.120, 46.61.125, 46.61.130, 46.61.135, 46.61.140, 46.61.145, 46.61.150, 46.61.155, 46.61.160, 46.61.180, 46.61.185, 46.61.190, 46.61.195, 46.61.200, 46.61.205, 46.61.210, 46.61.230, 46.61.235, and 46.61-.240. [1975 1st ex.s. c 54 § 67.]

**46.90.418 Prohibited crossing.** No pedestrian shall cross a roadway except an alley other than in a crosswalk in any business district. [1975 1st ex.s. c 54 § 68.]

**46.90.421 Certain RCW sections adopted by reference.** The following sections of the Revised Code of Washington as now or hereafter amended are hereby

adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.245, 46.61.250, 46.61.255, 46.61.260, 46.61.290, and 46.61.295. [1975 1st ex.s. c 54 § 69.]

**46.90.424 "U" turn restrictions.** It shall be unlawful for a person operating a vehicle to make a U turn at any point other than an intersection or highway end, or to make such U turn on any highway in a business district or where prohibited from doing so by the posting of official signs. [1975 1st ex.s. c 54 § 70.]

**46.90.427 Certain RCW sections adopted by reference.** The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.300, 46.61.305, 46.61.310, 46.61.315, 46.61.340, 46.61.345, 46.61.350, 46.61.355, 46.61.365, 46.61.370, 46.61.375, 46.61.385, 46.61.400, 46.61.415, 46.61.425, 46.61.427, 46.61.435, 46.61.440, 46.61.445, 46.61.450, 46.61.455, 46.61.460, 46.61.465, 46.61.475, 46.61.500, 46.61.506, \*46.61.510, 46.61.515, 46.61.525, 46.61.530, 46.61.535, 46.61.560, 46.61.570, and 46.61-.575. [1975 1st ex.s. c 54 § 71.]

\*Reviser's note: RCW "46.61.510" was repealed by 1975 1st ex.s. c 287 § 6.

**46.90.430 Obedience to angle-parking signs or markings.** Upon those highways which have been signed or marked for angle-parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings. [1975 1st ex.s. c 54 § 72.]

**46.90.433 Parking not to obstruct traffic.** (1) No person shall park a vehicle upon a highway in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(2) No person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property. [1975 1st ex.s. c 54 § 73.]

**46.90.436 Parking for certain purposes unlawful.** (1) No person shall park any vehicle upon any highway for the principal purpose of:

- (a) Displaying advertising;
- (b) Displaying such vehicle for sale;
- (c) Selling merchandise from such vehicle, except when authorized.

(2) No person shall park any vehicle upon any roadway for the principal purpose of washing, greasing, or repairing such vehicle except repairs necessitated by an emergency. [1975 1st ex.s. c 54 § 74.]

**46.90.439 Standing in passenger loading zone.** No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked



as a passenger loading zone during hours when the regulations applicable to the loading zone are effective, and then only for a period not to exceed three minutes. [1975 1st ex.s. c 54 § 75.]

**46.90.442 Standing in loading zone.** (1) No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious unloading and delivery or pickup and loading of property in any place marked as a loading zone during hours when the provisions applicable to such zone are in effect. In no case shall the stop for loading and unloading of property exceed thirty minutes.

(2) The driver of a vehicle may stop temporarily at a loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter such zone to load or unload property. [1975 1st ex.s. c 54 § 76.]

**46.90.445 Standing in a tow-away zone.** No person shall stop, stand, or park a vehicle in a place marked as a tow-away zone during hours when the provisions applicable to such zone are in effect. [1975 1st ex.s. c 54 § 77.]

**46.90.448 Violating permits for loading or unloading at an angle to the curb.** It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any permit issued by the traffic engineer for the backing of a vehicle to the curb for the purpose of loading or unloading property. [1975 1st ex.s. c 54 § 78.]

**46.90.451 Standing or parking on one-way roadways.** In the event a highway includes two or more separate roadways, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. [1975 1st ex.s. c 54 § 79.]

**46.90.454 Stopping, standing, and parking of buses and taxicabs regulated.** (1) The operator of a bus shall not stand or park such vehicle upon any highway at any place other than a designated bus stop. This provision shall not prevent the operator of a bus from temporarily stopping in accordance with other stopping, standing, or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers or their baggage.

(2) The operator of a bus shall enter a bus stop or passenger loading zone on a highway in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not farther than eighteen inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(3) The operator of a taxicab shall not stand or park such vehicle upon any highway at any place other than in a designated taxicab stand. This provision shall not

prevent the operator of a taxicab from temporarily stopping in accordance with other stopping, standing, or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers. [1975 1st ex.s. c 54 § 80.]

**46.90.457 Restricted use of bus stops and taxicab stands.** No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except the driver of a passenger vehicle may temporarily stop there for the purpose of or while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus, or taxicab waiting to enter or about to enter such stop or stand. [1975 1st ex.s. c 54 § 81.]

**46.90.460 Right of way for parking.** The driver of any vehicle who first begins driving or maneuvering his vehicle into a vacant parking space shall have a prior right of way to park in such place, and it shall be unlawful for another driver to attempt to deprive him thereof by blocking his access or otherwise. For the purpose of establishing right of way in this section it shall be considered proper to back into any but a front-in angle parking space. [1975 1st ex.s. c 54 § 82.]

**46.90.463 Certain RCW sections adopted by reference.** The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.580, 46.61.600, 46.61.605, 46.61.610, 46.61.611, 46.61.612, 46.61.615, 46.61.620, 46.61.625, 46.61.630, 46.61.635, 46.61.640, 46.61.645, 46.61.655, 46.61.660, 46.61.665, 46.61.670, 46.61.675, 46.61.680, and 46.61.685. [1975 1st ex.s. c 54 § 83.]

**46.90.466 Funeral processions.** (1) A funeral procession shall proceed to the place of interment by the most direct route which is both legal and practicable.

(2) A funeral procession shall be accompanied by adequate escort vehicles for traffic control purposes as determined by the chief of police.

(3) All motor vehicles in a funeral procession shall be identified by having their headlights turned on or by such other method as may be determined and designated by the chief of police.

(4) All motor vehicles in a funeral procession shall be operated as near to the right-hand edge of the roadway as is practicable and shall follow the vehicle ahead as close as is practicable and safe. [1975 1st ex.s. c 54 § 84.]

**46.90.469 When permits required for parades and processions.** With the exception of funeral processions and parades of the armed forces of the United States, the military forces of this state, and the forces of the police and fire departments, no processions or parades shall be conducted on the highways within the jurisdiction of the local authority except in accordance with a

permit issued by the chief of police and such other regulations as are set forth in this chapter which may be applicable. [1975 1st ex.s. c 54 § 85.]

**46.90.472 Interfering with processions.** (1) No person shall unreasonably interfere with a procession.

(2) No person shall operate a vehicle that is not part of a procession between the vehicles of the procession. This provision shall not apply at intersections where traffic is controlled by traffic control devices unless a police officer is present at such intersections to direct traffic so as to preserve the continuity of the procession. [1975 1st ex.s. c 54 § 86.]

**46.90.475 Boarding or alighting from vehicles.** No person shall board or alight from any vehicle while such vehicle is in motion. [1975 1st ex.s. c 54 § 87.]

**46.90.478 Unlawful riding.** No person shall ride upon any portion of a vehicle not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise. [1975 1st ex.s. c 54 § 88.]

**46.90.481 Certain RCW sections adopted by reference.** The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.700, 46.61.750, 46.61.755, 46.61.760, 46.61.765, 46.61.770, 46.61.775, and 46.61.780. [1975 1st ex.s. c 54 § 89.]

**46.90.500 Bicycle license required.** No person who resides within the jurisdiction of the local authority shall ride or propel a bicycle on any highway or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a license plate or decal is attached thereto as provided in RCW 46.90-.500 through 46.90.540. [1975 1st ex.s. c 54 § 90.]

**46.90.505 Bicycle license application.** Application for a bicycle license and license plate or decal shall be made upon a form provided by and to the chief of police. An annual license fee as prescribed by the local authority shall be paid to the local authority before each license or renewal thereof is granted. Duplicate license plates or decals may be supplied for the same cost as the original plate or decal in the event of loss of the plate or decal. [1975 1st ex.s. c 54 § 91.]

**46.90.510 Issuance of bicycle license.** (1) The chief of police upon receiving proper application therefor is authorized to issue a bicycle license which shall be effective for one calendar year.

(2) The chief of police shall not issue a license for any bicycle when he knows or has reasonable grounds to believe that the applicant is not the owner of, or entitled to the possession of, such bicycle.

(3) The chief of police shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, and a record of all

bicycle license fees collected by him. [1975 1st ex.s. c 54 § 92.]

**46.90.515 Attachment of bicycle license plate or decal.** (1) The chief of police, upon issuing a bicycle license, shall also issue a license plate or decal bearing the license number assigned to the bicycle, and the name of the local authority.

(2) Such license plate or decal shall be firmly attached to the rear mudguard or frame of the bicycle for which issued in such position as to be plainly visible from the rear.

(3) No person shall remove a license plate or decal from a bicycle during the period for which issued except upon a transfer of ownership or in the event the bicycle is dismantled and no longer operated upon any highway within the jurisdiction of the local authority. [1975 1st ex.s. c 54 § 93.]

**46.90.520 Inspection of bicycles.** The chief of police, or an officer assigned such responsibility, may inspect each bicycle before licensing the same and may refuse a license for any bicycle which he determines is in unsafe mechanical condition. [1975 1st ex.s. c 54 § 94.]

**46.90.525 Renewal of bicycle license.** Upon the expiration of any bicycle license, the same may be renewed upon application and payment of the same fee as upon an original application. [1975 1st ex.s. c 54 § 95.]

**46.90.530 Transfer of ownership.** Upon the sale or other transfer of a licensed bicycle, the licensee shall remove the license plate or decal and shall either surrender the same to the chief of police or may upon proper application, but without payment of additional fee, have such plate or decal assigned to another bicycle owned by the applicant. [1975 1st ex.s. c 54 § 96.]

**46.90.535 Rental agencies.** A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license plate or decal is attached thereto as provided herein and such bicycle is equipped with the equipment required by RCW 46.61.780. [1975 1st ex.s. c 54 § 97.]

**46.90.540 Bicycle dealers.** Every person engaged in the business of buying or selling new or second-hand bicycles shall make a report to the chief of police of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom purchased or to whom sold, a description of such bicycle by name or make, the frame number thereof, and number of license plate or decal, if any, found thereon. [1975 1st ex.s. c 54 § 98.]

**46.90.545 Bicycles—Obedience to traffic control devices.** (1) Any person operating a bicycle shall obey the instructions of official traffic control devices applicable to vehicles, unless otherwise directed by a police officer.

(2) Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle shall disobey the directions of any

such sign, except where such person dismounts from the bicycle at the right-hand curb or as close as is practicable to the right edge of the right-hand shoulder to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians. [1975 1st ex.s. c 54 § 99.]

**46.90.550 Bicycles—Parking.** No person shall park a bicycle upon a highway other than:

- (1) Off the roadway except in designated areas;
- (2) Upon the sidewalk in a rack to support the bicycle;
- (3) Against a building; or
- (4) In such manner as to afford the least obstruction to pedestrian traffic. [1975 1st ex.s. c 54 § 100.]

**46.90.555 Bicycles—Riding on sidewalks.** (1) No person shall ride a bicycle upon a sidewalk in a business district.

(2) A person may ride a bicycle on any other sidewalk or any roadway unless restricted or prohibited by traffic control devices.

(3) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian. [1975 1st ex.s. c 54 § 101.]

**46.90.560 Bicycles—Penalties.** Every person convicted of a violation of any provision of RCW 46.90.500 through 46.90.540 shall be guilty of a misdemeanor. [1975 1st ex.s. c 54 § 102.]

**46.90.565 Unclaimed bicycles.** All unclaimed bicycles in the custody of the police department shall be disposed of as provided in chapter 63.32 RCW. [1975 1st ex.s. c 54 § 103.]

**46.90.600 Parking meter spaces.** No person shall park a vehicle in any designated parking meter space during the restricted or regulated time applicable to the parking meter zone in which such meter is located so that any part of such vehicle occupies more than one such space or protrudes beyond the markings designating such space, except that a vehicle which is of a size too large to be parked within a single designated parking meter space shall be permitted to occupy two adjoining parking meter spaces when coins shall have been deposited in the parking meter for each space so occupied as is required for the parking of other vehicles in such spaces. [1975 1st ex.s. c 54 § 104.]

**46.90.610 Parking meters—Deposit of coins and time limits.** (1) No person shall park a vehicle in any parking meter space alongside of and next to which a parking meter has been installed during the restricted and regulated time applicable to the parking meter zone in which such meter is located unless a United States coin or coins of the appropriate denomination as indicated on the parking meter shall have been deposited therein, or shall have been previously deposited therein for an unexpired interval of time, and said meter has been placed in operation.

(2) No person shall permit a vehicle within his control to be parked in any parking meter space during the restricted and regulated time applicable to the parking meter zone in which such meter is located while the parking meter for such space indicates by signal that the lawful parking time in such space has expired. This provision shall not apply to the act of parking or the necessary time which is required to deposit immediately thereafter a coin or coins in such meter.

(3) No person shall park a vehicle in any parking meter space for a consecutive period of time longer than that limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located, irrespective of the number or amounts of the coins deposited in such meter.

(4) The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this chapter prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times. [1975 1st ex.s. c 54 § 105.]

**46.90.620 Parking meters—Use of slugs prohibited.** No person shall deposit or attempt to deposit in any parking meter any bent coin, slug, button, or any other device or substance as substitutes for United States coins. [1975 1st ex.s. c 54 § 106.]

**46.90.630 Tampering with parking meter.** No person shall deface, injure, tamper with, open, or wilfully break, destroy, or impair the usefulness of any parking meter. [1975 1st ex.s. c 54 § 107.]

**46.90.640 Parking meters—Rule of evidence.** The parking or standing of any motor vehicle in a parking space, at which space the parking meter displays the sign or signal indicating illegal parking, shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in such space for a period longer than permitted by this chapter. [1975 1st ex.s. c 54 § 108.]

**46.90.650 Parking meters—Application of proceeds.** (1) The coins required to be deposited in parking meters are levied and assessed as fees to cover the regulation and control of parking upon highways, the costs of parking meters, their installation, inspection, supervision, operation, repair, and maintenance, control and use of parking spaces, and regulating the parking of vehicles in parking meter zones; and the costs of acquiring, establishing, improving, maintaining, and operating public off-street parking facilities.

(2) The coins deposited in parking meters shall be collected by the duly authorized agents of the local authority and shall be deposited by them as directed by the local authority.

(3) The local authority shall pay from the moneys collected from parking meters the costs of any parking meters purchased and installed as provided herein, and expenses incurred for their installation, inspection, service, supervision, repair, and maintenance, for making collections from such parking meters, and for the enforcement of provisions herein applicable to parking

meter zones. The net proceeds derived from the operation of parking meters after the payment of such costs and expenses, may be used for parking studies and for the acquisition, establishment, improvement, maintenance, and operation of public off-street parking facilities. [1975 1st ex.s. c 54 § 109.]

**46.90.660 Service parking.** The chief of police is authorized to issue a permit for service parking upon payment of the fee prescribed by the local authority and upon the following conditions:

(1) Application shall be made to the chief of police on such forms as the chief of police shall prescribe. The applicant shall set forth the applicant's business and the necessity for such permit. The chief of police shall investigate the facts as necessary.

(2) If it appears that a necessity exists, the chief of police may authorize the issuance of such permit under the conditions prescribed in this section.

(3) Upon issuance of the permit, the permittee shall be issued a hood to use in covering any parking meter. As many hoods may be issued upon payment of the prescribed fee as the chief of police deems necessary or convenient for the applicant. The hood shall be provided with a padlock, two keys, and an identification card attached with a blank space thereon.

(4) Upon entering any parking meter space available, the permittee shall place the hood over the parking meter and lock the same and shall indicate in such blank space the exact place where the service work is being rendered.

(5) The permittee shall not place the hood over any meter when the space is occupied by another vehicle, and shall before vacating the space at the conclusion of the work remove the hood. The hood shall not be allowed to remain in place for over one hour when the space is not occupied by an authorized vehicle, nor shall it be allowed to remain in place after 6 p.m. on any weekday or on any Sunday or holiday. It shall not be used during hours when parking or stopping in the parking meter space is prohibited. No vehicle licensed as a passenger car shall be parked in the space covered by the hooded parking meter.

(6) The chief of police may revoke any permit if the service parking hood is used for any purpose other than that authorized in this section or for any violation of this chapter. Upon revocation, the hood shall immediately be returned to the police department and all fees paid shall be forfeited. Police officers finding such hood in use shall investigate the use being made thereof, and if it is found in violation of this section shall report the facts to the chief of police.

(7) Any permit issued under this section shall unless revoked be valid for a period of one year.

(8) The permittee shall also pay a deposit in an amount prescribed by the local authority at the time of issuance of the hood, padlock, and keys, which shall remain the property of the local authority. In case a hood, a padlock, or key becomes lost or destroyed or so defaced that it is no longer usable, the permittee shall forfeit such deposit. [1975 1st ex.s. c 54 § 110.]

**46.90.700 Certain RCW sections adopted by reference.** The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.64.010, 46.64.015, 46.64.020, 46.64.025, 46.64.030, and 46.64.048. [1975 1st ex.s. c 54 § 111.]

**46.90.710 Penalties.** Unless another penalty is expressly provided by law, any person who is convicted of violating or failing to comply with any of the provisions of this chapter shall be punished by a fine of not more than two hundred fifty dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment. [1975 1st ex.s. c 54 § 112.]

**46.90.720 Citation on illegally parked vehicle.** Whenever any motor vehicle without driver is found parked, standing, or stopped in violation of this chapter, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation. [1975 1st ex.s. c 54 § 113.]

**46.90.730 Failure to comply with traffic citation attached to parked vehicle.** If a violator of any provision of this chapter on stopping, standing, or parking does not appear in response to a traffic citation affixed to such motor vehicle within a period of five days, the clerk of the traffic court shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five days, a warrant of arrest will be issued. [1975 1st ex.s. c 54 § 114.]

**46.90.740 Presumption in reference to illegal parking.** (1) In any prosecution charging a violation of any law or regulation governing the stopping, standing, or parking of a vehicle, proof that the particular vehicle described in the complaint was stopping, standing, or parking in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such violation, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

(2) The foregoing stated presumption shall apply only when the procedure as prescribed in RCW 46.90.720 and 46.90.730 has been followed. [1975 1st ex.s. c 54 § 115.]

**46.90.900 Certain RCW sections adopted by reference.** The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.98.020, 46.98.030, 46.98.040, 47.36.060, 47.36.110, 47.36.180, 47.36.200, 47.36.220, 47.52.010,

47.52.011, 47.52.040, 47.52.110, 47.52.120, 70.84.020, 70.84.040, and 70.93.060. [1975 1st ex.s. c 54 § 116.]

**46.90.910 Uniformity of interpretation.** This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those local authorities which enact it. [1975 1st ex.s. c 54 § 117.]

**46.90.920 Short title.** This chapter may be known and cited as the "Washington Model Traffic Ordinance." [1975 1st ex.s. c 54 § 118.]

**46.90.930 Chapter not retroactive.** This chapter shall not have a retroactive effect and shall not apply to any traffic accident, to any cause of action arising out of a traffic accident or judgment arising therefrom, or to any violation of a traffic ordinance of the local authority, occurring prior to the effective date of this chapter. [1975 1st ex.s. c 54 § 119.]

**46.90.940 Severability—1975 1st ex.s. c 54.** If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected. [1975 1st ex.s. c 54 § 120.]

**46.90.950 Effect of headings.** Section headings contained in this chapter shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or extent of the provisions of any section hereof. [1975 1st ex.s. c 54 § 121.]

## Chapter 46.98 CONSTRUCTION

### Sections

46.98.010	Continuation of existing law.
46.98.020	Provisions to be construed in <i>pari materia</i> .
46.98.030	Title, chapter, section headings not part of law.
46.98.040	Invalidity of part of title not to affect remainder.
46.98.041	Severability—1963 ex.s. c 3.
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46.98.043	Severability—1969 ex.s. c 281.
46.98.050	Repeals and saving.
46.98.060	Emergency—1961 c 12.

**46.98.010 Continuation of existing law.** The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments. [1961 c 12 § 46.98.010.]

**46.98.020 Provisions to be construed in *pari materia*.** The provisions of this title shall be construed in *pari materia* even though as a matter of prior legislative history they were not originally enacted in the same statute. The provisions of this title shall also be construed in *pari materia* with the provisions of Title 47 RCW, and with other laws relating to highways, roads, streets, bridges, ferries and vehicles. This section shall not operate retroactively. [1961 c 12 § 46.98.020.]

**46.98.030 Title, chapter, section headings not part of law.** Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law. [1961 c 12 § 46.98.030.]

**46.98.040 Invalidity of part of title not to affect remainder.** If any provision of this title or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected. [1961 c 12 § 46.98.040.]

**46.98.041 Severability—1963 ex.s. c 3.** See RCW 47.98.041.

**46.98.042 Severability—1965 ex.s. c 170.** See RCW 47.98.042.

**46.98.043 Severability—1969 ex.s. c 281.** See RCW 47.98.045.

**46.98.050 Repeals and saving.** The following acts or parts of acts are repealed:

- (1) Section 279, page 976, chapter 249, Laws of 1909;
- (2) Chapter 57, Laws of 1915;
- (3) Chapter 142, Laws of 1915;
- (4) Chapter 40, Laws of 1917;
- (5) Chapter 155, Laws of 1917;
- (6) Chapter 46, Laws of 1919;
- (7) Chapter 59, Laws of 1919;
- (8) Chapter 178, Laws of 1919;
- (9) Chapter 6, Laws of 1921;
- (10) Chapter 96, Laws of 1921;
- (11) Chapter 108, Laws of 1921;
- (12) Chapter 122, Laws of 1923;
- (13) Chapter 181, Laws of 1923;
- (14) Chapter 47, Laws of 1925 extraordinary session;
- (15) Chapter 185, Laws of 1925 extraordinary session;
- (16) Chapter 105, Laws of 1927;
- (17) Chapter 284, Laws of 1927;
- (18) Chapter 309, Laws of 1927;
- (19) Chapter 99, Laws of 1929;
- (20) Chapter 163, Laws of 1929;
- (21) Chapter 178, Laws of 1929;
- (22) Chapter 180, Laws of 1929;
- (23) Chapter 120, Laws of 1931;
- (24) Chapter 138, Laws of 1931;
- (25) Chapter 140, Laws of 1931;
- (26) Chapter 41, Laws of 1933;
- (27) Chapter 73, Laws of 1933;
- (28) Chapter 156, Laws of 1933;
- (29) Chapter 111, Laws of 1935;
- (30) Chapter 188, Laws of 1937;
- (31) Sections 1 through 126 and 128 through 159, chapter 189, Laws of 1937;
- (32) Chapter 208, Laws of 1937;
- (33) Chapter 35, Laws of 1939;
- (34) Chapter 154, Laws of 1939;
- (35) Sections 1 through 39 and 41, chapter 158, Laws of 1939;

- (36) Sections 1 through 6, and 9 through 30, chapter 181, Laws of 1939;
- (37) Chapter 182, Laws of 1939;
- (38) Chapter 213, Laws of 1939;
- (39) Chapter 116, Laws of 1941;
- (40) Chapter 122, Laws of 1941;
- (41) Chapter 224, Laws of 1941;
- (42) Chapter 232, Laws of 1941;
- (43) Chapter 246, Laws of 1941;
- (44) Chapter 26, Laws of 1943;
- (45) Chapter 83, Laws of 1943;
- (46) Chapter 115, Laws of 1943;
- (47) Chapter 133, Laws of 1943;
- (48) Chapter 140, Laws of 1943;
- (49) Chapter 151, Laws of 1943;
- (50) Chapter 153, Laws of 1943;
- (51) Chapter 154, Laws of 1943;
- (52) Chapter 184, Laws of 1943;
- (53) Chapter 194, Laws of 1943;
- (54) Chapter 25, Laws of 1945;
- (55) Chapter 44, Laws of 1945;
- (56) Chapter 105, Laws of 1945;
- (57) Chapter 151, Laws of 1945;
- (58) Chapter 171, Laws of 1945;
- (59) Chapter 177, Laws of 1945;
- (60) Chapter 260, Laws of 1945;
- (61) Chapter 11, Laws of 1947;
- (62) Chapter 33, Laws of 1947;
- (63) Chapter 89, Laws of 1947;
- (64) Chapter 97, Laws of 1947;
- (65) Chapter 158, Laws of 1947;
- (66) Chapter 164, Laws of 1947;
- (67) Chapter 176, Laws of 1947;
- (68) Chapter 200, Laws of 1947;
- (69) Chapter 220, Laws of 1947;
- (70) Chapter 253, Laws of 1947;
- (71) Chapter 262, Laws of 1947;
- (72) Chapter 267, Laws of 1947;
- (73) Chapter 52, Laws of 1949;
- (74) Sections 3 and 4, chapter 75, Laws of 1949;
- (75) Chapter 90, Laws of 1949;
- (76) Chapter 101, Laws of 1949;
- (77) Chapter 130, Laws of 1949;
- (78) Chapter 143, Laws of 1949;
- (79) Chapter 157, Laws of 1949;
- (80) Chapter 174, Laws of 1949;
- (81) Sections 1 through 12, 14 through 16 and 19, chapter 196, Laws of 1949;
- (82) Chapter 208, Laws of 1949;
- (83) Chapter 211, Laws of 1949 (except section 31-u);
- (84) Sections 8 through 11, chapter 220, Laws of 1949;
- (85) Chapter 221, Laws of 1949;
- (86) Section 3, chapter 234, Laws of 1949;
- (87) Chapter 15, Laws of 1950 extraordinary session;
- (88) Chapter 28, Laws of 1951;
- (89) Chapter 56, Laws of 1951;
- (90) Chapter 76, Laws of 1951;
- (91) Chapter 102, Laws of 1951;
- (92) Chapter 150, Laws of 1951;
- (93) Chapter 175, Laws of 1951;
- (94) Chapter 219, Laws of 1951;
- (95) Chapter 241, Laws of 1951;
- (96) Sections 1 through 41, 44 through 47 and 49, chapter 269, Laws of 1951;
- (97) Section 46, chapter 271, Laws of 1951;
- (98) Chapter 12, Laws of 1953;
- (99) Chapter 23, Laws of 1953;
- (100) Chapter 31, Laws of 1953;
- (101) Chapter 40, Laws of 1953;
- (102) Chapter 72, Laws of 1953;
- (103) Chapter 125, Laws of 1953;
- (104) Chapter 155, Laws of 1953;
- (105) Chapter 161, Laws of 1953;
- (106) Chapter 221, Laws of 1953;
- (107) Chapter 227, Laws of 1953;
- (108) Chapter 248, Laws of 1953;
- (109) Chapter 252, Laws of 1953;
- (110) Sections 2 through 8 and 10 through 16, chapter 254, Laws of 1953;
- (111) Chapter 278, Laws of 1953;
- (112) Chapter 76, Laws of 1955;
- (113) Chapter 89, Laws of 1955;
- (114) Chapter 100, Laws of 1955;
- (115) Sections 21 through 24, chapter 139, Laws of 1955;
- (116) Sections 1 through 5 and 7, chapter 146, Laws of 1955;
- (117) Chapter 172, Laws of 1955;
- (118) Chapter 177, Laws of 1955;
- (119) Chapter 185, Laws of 1955;
- (120) Chapter 243, Laws of 1955;
- (121) Sections 1 through 5, chapter 259, Laws of 1955;
- (122) Chapter 265 Laws of 1955;
- (123) Chapter 269, Laws of 1955;
- (124) Chapter 283, Laws of 1955;
- (125) Section 21, chapter 285, Laws of 1955;
- (126) Chapter 363, Laws of 1955;
- (127) Chapter 381, Laws of 1955;
- (128) Sections 1 through 7, 9 through 11, 15 through 19, 21 through 25, 27 and 28, chapter 384, Laws of 1955;
- (129) Chapter 393, Laws of 1955;
- (130) Chapter 66, Laws of 1957;
- (131) Chapter 75, Laws of 1957;
- (132) Chapter 87, Laws of 1957;
- (133) Chapter 96, Laws of 1957;
- (134) Chapter 104, Laws of 1957;
- (135) Chapter 105, Laws of 1957;
- (136) Chapter 107, Laws of 1957;
- (137) Chapter 109, Laws of 1957;
- (138) Chapter 132, Laws of 1957;
- (139) Chapter 145, Laws of 1957;
- (140) Sections 10 and 11, chapter 175, Laws of 1957;
- (141) Chapter 242, Laws of 1957;
- (142) Sections 1 through 9 and 11, chapter 261, Laws of 1957;
- (143) Chapter 268, Laws of 1957;
- (144) Sections 16 and 17, chapter 269, Laws of 1957;
- (145) Sections 3 and 4, chapter 271, Laws of 1957;
- (146) Chapter 273, Laws of 1957;
- (147) Chapter 294, Laws of 1957;

- (148) Chapter 38, Laws of 1959;
- (149) Chapter 42, Laws of 1959;
- (150) Chapter 44, Laws of 1959;
- (151) Chapter 49, Laws of 1959;
- (152) Chapter 66, Laws of 1959;
- (153) Chapter 81, Laws of 1959;
- (154) Chapter 121, Laws of 1959;
- (155) Chapter 135, Laws of 1959;
- (156) Chapter 136, Laws of 1959;
- (157) Chapter 166, Laws of 1959;
- (158) Chapter 182, Laws of 1959;
- (159) Chapter 239, Laws of 1959;
- (160) Chapter 241, Laws of 1959;
- (161) Chapter 284, Laws of 1959;
- (162) Sections 21 through 32, chapter 319, Laws of 1959; and
- (163) Section 1, chapter 4, Laws of 1959 first extraordinary session.

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office or appointment or employment of any person appointed or employed thereunder. [1961 c 12 § 46.98.050.]

**46.98.060 Emergency—1961 c 12.** This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing institutions and shall take effect immediately. [1961 c 12 § 46.98.060.]





# TITLE 47

## PUBLIC HIGHWAYS

### Chapters

- 47.01 Highway commission.
- 47.02 Highway commission buildings.
- 47.04 General provisions.
- 47.05 Priority programming for highway development.
- 47.08 Highway funds.
- 47.10 Highway construction bonds.
- 47.12 Acquisition and disposition of state highway property.
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- 47.44 Franchises on state highways.
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- 47.61 Acquisition of new ferry vessels pursuant to urban mass transportation act of 1964.
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- 47.98 Construction.

*Abandoned highways, transfer to counties, cities: RCW 36.75.090.*

*Accidents and reports: Chapter 46.52 RCW.*

*Annual report of street operations to director of highways: RCW 35.21.260.*

*Arterial highways, designation: RCW 46.61.195.*

*Bicycles, operation: Chapter 46.61 RCW.*

*City streets, sidewalks, etc.: Chapters 35.68–35.79 RCW.*

*Columbia basin project road systems: RCW 36.81.140.*

*Contractor's bond: Chapter 39.08 RCW.*

*Contractors on highway projects prequalified under RCW 47.28.070 are exempt from registration of contractors act: RCW 18.27.090.*

*Conveyance of real property by public bodies—Recording: RCW 65.08.095.*

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*County roads and bridges: Chapters 36.75–36.88 RCW.*

*Dangerous substances or devices, placing on highway: RCW 9.66.050, 70.93.060.*

*Design standards committee: Chapter 43.32 RCW.*

*Design standards committee for arterial streets: Chapter 35.78 RCW.*

*Driving while intoxicated when engaged in discharge of business duties: RCW 9.91.020.*

*Electrical installations, chapter 19.28 RCW not applicable on state highway rights of way if equal or better standards enforced by highway commission: RCW 19.28.380.*

*Fences: Chapter 16.60 RCW.*

*Fireworks, transportation, etc.: Chapter 70.77 RCW.*

*Glass, tacks, rubbish, etc., throwing in highway: RCW 9.66.050, 46.61.645.*

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*Hospitalization and medical aid for public employees and dependents—Premiums, governmental contributions authorized: RCW 41.04.180, 41.04.190.*

*Jurisdiction over operation of motor vehicles by Indians: Chapter 37.12 RCW.*

*Liens for labor, materials on public works: Chapter 60.28 RCW.*

*Littering on public highway: RCW 70.93.060.*

*Mine to market roads: Chapter 78.48 RCW.*

*Obstructing highway is public nuisance: RCW 9.66.010.*

*Off-street parking, cities: Chapter 35.86 RCW.*

*Off-street parking, towns: RCW 35.27.550–35.27.590.*

*Platted streets as public highways: RCW 58.08.035, 58.08.050.*

*Port districts, toll facilities: Chapter 53.34 RCW.*

*Range areas, road signs: RCW 16.24.060.*

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*Single cab cards for interstate commercial vehicles, duty of department of highways to prepare rules and regulations: RCW 46.86.030.*

*Size, weight, load of vehicles: Chapter 46.44 RCW.*

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*State parks and recreation commission may plant trees along highway: RCW 43.51.040.*

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*Viaducts, bridges, elevated roadways, tunnels, etc., authority of cities to construct: Chapter 35.85 RCW.*

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### Chapter 47.01 HIGHWAY COMMISSION

#### Sections

- 47.01.010 Legislative declaration.
- 47.01.020 Commission created—Appointment of members—Terms.

- 47.01.030 Members—Qualifications—Removal.
- 47.01.040 Members—Compensation and travel expenses.
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- 47.01.060 Exercise of powers—Rules and regulations.
- 47.01.070 Director's prior assignments may be delegated.
- 47.01.080 Meetings of commission—Rules and regulations.
- 47.01.090 Meetings—Notice—Quorum.
- 47.01.100 Director of highways—Appointment—General duties.
- 47.01.110 Director of highways—Qualifications.
- 47.01.120 Director of highways—Term—Removal.
- 47.01.130 Director of highways—Salary.
- 47.01.141 Commission's report to legislature and governor—Budget.
- 47.01.145 Study reports available to legislators upon request.
- 47.01.160 Commission—Specific powers enumerated.
- 47.01.170 Commission—Right of entry.
- 47.01.180 Commission—Roads and bridges in state parks.
- 47.01.190 Commission—Assistant director of highways for state aid.
- 47.01.210 Commission—Contract without bid or bond with public utilities and municipal corporations.
- 47.01.220 Commission—Report to legislature on highway needs through legislative transportation committee and senate and house transportation and utilities committees.
- 47.01.230 Division of toll facilities created—Powers relating to toll bridges and facilities and state ferries.
- 47.01.240 Commission and board to coordinate long range needs studies.

*Designee of highway commission member of reciprocity commission on registration of vehicles: RCW 46.85.030.*

*Interagency committee for outdoor recreation, director of highways member of: RCW 43.99.110.*

*Interstate commercial vehicles, single cab cards, department duties as participating agency: Chapter 46.86 RCW.*

*Study of alternative methods of financing cross-sound transportation facilities: RCW 44.40.026.*

*Traffic safety commission, director of highways member of: RCW 43.59.030.*

*Urban arterial board, duties concerning: RCW 47.26.120.*

*Washington state recreation trails system, state highway department participation: RCW 67.32.140.*

**47.01.010 Legislative declaration.** The administration of highway affairs has become a matter of major public importance involving vast sums of money, the development of commerce and resources, the employment of great numbers of persons, the promotion of recreation and the welfare of every citizen of the state. It demands the highest order of business and technical administration, accompanied by continuity of sound long-range highway policies, freedom from political interference and changes of personnel, and an organization attracting the services of qualified talented administrators and meriting the confidence of the people. [1961 c 13 § 47.01.010. Prior: 1951 c 247 § 1.]

**47.01.020 Commission created—Appointment of members—Terms.** There is hereby created a state highway commission consisting of five members, all of whom shall be residents of this state and who shall be appointed by the governor with the consent of the senate for terms of office as herein provided, and with the qualifications herein specified. Within ninety days after March 19, 1951, the governor shall appoint the first members of said state highway commission: One member to serve two years; one member to serve three years; one member to serve four years; one member to serve five years; and one member to serve six years from the

first day of July, 1951. Upon expiration of said original terms subsequent appointments shall be for six years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. [1961 c 13 § 47.01.020. Prior: 1951 c 247 § 2. Formerly RCW 43.27.070.]

**47.01.030 Members—Qualifications—Removal.** No two members of said state highway commission shall at the time of appointment or thereafter during their respective terms of office be residents of the same congressional district, and not more than three members of said state highway commission shall reside at the time of appointment or thereafter in one part of the state divided north and south by the summit of the Cascade mountains. Not more than three members of said state highway commission shall at the time of appointment or thereafter during their respective terms of office be members of the same major political party. No elective state official or state officer or state employee shall be a member of said commission. No state highway commissioner shall be removed from office by the governor before the expiration of his term unless for a disqualifying change of residence or for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office by the superior court of the state of Washington in and for Thurston county upon petition and show cause proceedings duly brought therefor in said court and directed to the commissioner in question. [1965 ex.s. c 1 § 1; 1961 c 13 § 47.01.030. Prior: 1951 c 247 § 3. Formerly RCW 43.27.080.]

**47.01.040 Members—Compensation and travel expenses.** Each member of the state highway commission shall receive forty dollars for each day actually spent in the performance of his duties and travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended in going to, attending and returning from meetings of the commission, and in the discharge of such duties as may be requested of him by a majority vote of the commission, but in no event shall a commissioner be paid in any one fiscal year for more than one hundred twenty days, except the chairman of the commission who may be paid for not more than one hundred fifty days. [1975-'76 2nd ex.s. c 34 § 138; 1965 ex.s. c 170 § 31; 1961 c 13 § 47.01.040. Prior: 1951 c 247 § 13. Formerly RCW 43.27.090.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

*Highway commission members of toll bridge authority—Compensation and travel expenses limitation: RCW 47.56.023.*

**47.01.050 Powers of commission.** The state highway commission is hereby vested with all powers, authority, functions and duties vested in or required to be performed by the director of highways or the state department of highways as of July 1, 1951. Full and complete jurisdiction and authority over the administration of state highways and all matters connected therewith or related thereto is hereby granted the said state highway commission except only insofar as the same may have

been heretofore or may be hereafter specifically granted to the director or department of licenses, the public service commission [utilities and transportation commission], the state commission on equipment, the Washington state patrol or its chief, the Washington toll bridge authority, or the governing bodies of cities and towns. [1961 c 13 § 47.01.050. Prior: 1951 c 247 § 4. Formerly RCW 43.27.100.]

**47.01.060 Exercise of powers—Rules and regulations.** On and after July 1, 1951, the state highway commission shall take over, assume and exercise all of the powers, authority and functions and perform all of the duties then vested in or required to be performed by the director of highways and the department of highways. Thereafter the state highway commission shall assume and exercise full and complete jurisdiction and authority over the administration of the state highways and all matters connected therewith or related thereto as hereinabove set forth in RCW 47.01.050. The state highway commission shall establish such rules and regulations as may be deemed wise and lay down policies of procedure and generally supervise and control the operation of said functions within the terms of this title and pursuant to the laws of this state, and the said commission is hereby clothed with all necessary powers to carry out the terms thereof. [1961 c 13 § 47.01.060. Prior: 1951 c 247 § 7. Formerly RCW 43.27.110.]

**47.01.070 Director's prior assignments may be delegated.** In all situations wherein the director of highways was on July 1, 1951 designated as a member of any board, commission, committee, or authority, the state highway commission shall hereafter determine who shall serve as such member. [1961 c 13 § 47.01.070. Prior: 1951 c 247 § 5. Formerly RCW 43.27.120.]

**47.01.080 Meetings of commission—Rules and regulations.** The first appointed members of the state highway commission shall meet in the offices of the department of highways at the state capitol and organize as a state highway commission during the first week in July, 1951, or as soon thereafter as possible. At the first annual meeting and at each annual meeting thereafter the commission shall elect a secretary who may be, but need not be, a member of said commission, and the commission shall elect a chairman from its own membership who shall hold office for one year. Election as chairman shall not interfere with the member's right to vote on all matters before the commission. The commission shall meet at such other times as it deems advisable, but at least once every thirty days, and shall from time to time adopt rules and regulations not inconsistent with the provisions of this title for its own government, and to regulate and discharge its duties, and to exercise its powers under this title. [1961 c 13 § 47.01.080. Prior: 1951 c 247 § 6. Formerly RCW 43.27.130.]

**47.01.090 Meetings—Notice—Quorum.** The commission shall act collectively in harmony with recorded resolutions or motions adopted by a majority of the commission at regular or special meetings, notice of

which meetings shall be given to all members pursuant to the rules of said commission. Three members shall constitute a quorum at any meeting, but no resolution, motion, or other decision of the commission shall be adopted or passed without the favorable vote of at least three members. [1961 c 13 § 47.01.090. Prior: 1951 c 247 § 8. Formerly RCW 43.27.140.]

**47.01.100 Director of highways—Appointment—General duties.** The state highway commission shall select and appoint the director of highways who after appointment shall be an ex officio member of the commission without a vote. He shall be the chief executive officer of the commission responsible only to it, and shall carry into effect the commission's order and shall be guided by policies laid down by it. As the executive head, he shall direct all activities and supervise the work of the staff of the department. [1961 c 13 § 47.01.100. Prior: 1951 c 247 § 9. Formerly RCW 43.27.150.]

**47.01.110 Director of highways—Qualifications.** The director of highways shall be fully competent as a highway engineer and as an executive. He shall be a registered professional engineer and shall be a graduate in engineering of an accredited university or college or have in lieu thereof experience as a civil engineer in responsible charge of work equivalent to such education, and in addition experience in highway or road construction for a period of not less than five years. He need not be a resident of the state at the time of his appointment. [1961 c 13 § 47.01.110. Prior: 1951 c 247 § 10. Formerly RCW 43.27.160.]

**47.01.120 Director of highways—Term—Removal.** The director of highways shall hold office indefinitely but may be dismissed by the commission at any time for incompetence, neglect of duty, malfeasance in office or failure to carry out the commission's policies. Before a motion for dismissal shall be acted upon by the state highway commission, the director of highways shall be granted a hearing on formal written charges before the full commission. [1961 c 13 § 47.01.120. Prior: 1951 c 247 § 11. Formerly RCW 43.27.170.]

**47.01.130 Director of highways—Salary.** The salary of the director of highways shall be as fixed by the governor in accordance with the provisions of RCW 43.03.040. [1961 c 307 § 10; 1961 c 13 § 47.01.130. Prior: 1957 c 172 § 31; 1951 c 247 § 12. Formerly RCW 43.27.180.]

**47.01.141 Commission's report to legislature and governor—Budget.** The highway commission shall submit reports to the governor and legislature at the time each regular session of the legislature convenes, including but not limited to the following information:

(1) The amount of money expended by or under its direction during the preceding two fiscal years including data and information as shall show a strict accounting of sums expended;

(2) Projects constructed or under construction in the preceding two fiscal years;

(3) Such operational activities of the preceding two fiscal years as the commission may deem important and recommendations for the future operations of the commission;

(4) A summary of the proposed construction program by functional classification of highways including the national system of interstate and defense highways for the ensuing six years with the portion thereof to be accomplished during the ensuing biennium shown in detail with estimated costs therefor.

In addition, the highway commission shall submit a budget in accordance with RCW 47.05.070. [1973 2nd ex.s. c 12 § 1.]

*Commission's report to legislature on highway needs: RCW 47.01.220.*

**47.01.145 Study reports available to legislators upon request.** Whenever a study report prepared by the Washington state highway commission for the legislative transportation committee is made available to the committee or its members, the report shall, upon request, be made available to any member of the Washington state legislature. [1971 ex.s. c 195 § 6; 1967 ex.s. c 145 § 78.]

**Severability—1971 ex.s. c 195:** See note following RCW 44.40.010.

*Budget, plan for highway development: Chapter 47.05 RCW.*

**47.01.160 Commission—Specific powers enumerated.** The state highway commission shall have the power and it shall be its duty:

(1) To conduct, control and supervise the state department of highways, and to designate and establish such department of highway district or branch offices as may be necessary and convenient, and, subject to the provisions of chapter 41.06 RCW, to appoint and employ and to determine the powers and duties together with the salaries and other expenses of such engineering, clerical, mechanical, and any and all other assistants as may be necessary or convenient in the exercise of the powers and in the discharge of its duties as the state highway commission: *Provided*, That the highway commission may delegate to the director of highways the authority to employ, appoint, discipline, or discharge employees of the department of highways: *Provided further*, That the director may delegate, by order, this authority to his subordinates as he deems appropriate, but the director shall be responsible for the official acts of such subordinates.

(2) To keep at the office of the commission in the highway building at the state capitol a record of all proceedings and orders pertaining to the matters under its direction and copies of all maps, plans and specifications prepared by it.

(3) To acquire property as authorized by law and to construct and maintain thereon any buildings or structures necessary and convenient for the exercise of the powers and the discharge of the duties of the commission and to construct and maintain any buildings or structures and appurtenances and facilities necessary or convenient to the health and safety and for the accommodation of persons traveling upon the state highways.

(4) To employ such qualified engineers who shall be registered professional engineers under the laws of the state of Washington, assistants and such other services and to provide such superintendents of construction, repair or maintenance work on any state highways as may be necessary to accomplish the completion thereof, and the expense so incurred together with the cost of any right of way necessary therefor, or land incidental thereto, shall be charged against the funds appropriated for the construction, repair or maintenance of state highways.

(5) To exercise all the powers and perform all the duties necessary, convenient, or incidental to the laying out, locating, relocating, surveying, constructing, altering, repairing, improving, and maintaining of any state highway, and of any bridges, culverts and embankments necessary or important therefor or for the protection or preservation thereof, and channel changes therefor and to examine and allow or disallow bills for any work done or materials furnished and to certify all claims allowed to the state treasurer.

(6) To collect and compile and to publish, if it is deemed advisable, statistics relative to public highways throughout the state; to collect such information in regard thereto as is deemed expedient; to investigate and determine upon various methods of highway construction adaptable to different sections of the state; to investigate and determine the best methods of construction and maintenance of highways, roads and bridges; to gather and compile such other information relating thereto as shall be deemed appropriate, and to employ highway funds for the purpose of constructing test roads within the state of Washington and conducting investigations and research thereof in the state of Washington or elsewhere; to conduct on any highways, roads, or streets of this state, physical, traffic or other nature of inventory or survey considered of value in determining highway, road or street uses and needs.

(7) To exercise all powers and to perform all duties by any law granted to or imposed upon the state highway board, the state highway commission, the state highway committee, the director of public works by and through the division of highways, the supervisor of highways, and the state highway engineer.

(8) To exercise all other powers and perform all other duties now or hereafter provided by law. [1974 ex.s. c 29 § 1. Prior: 1973 2nd ex.s. c 12 § 2; 1973 c 106 § 21; 1971 ex.s. c 115 § 1; 1965 ex.s. c 170 § 29; 1961 c 13 § 47.01.160; prior: 1937 c 53 § 3; RRS § 6400-3. Formerly RCW 43.27.020.]

**47.01.170 Commission—Right of entry.** The commission or its duly authorized and acting assistants, agents or appointees shall have the right to enter upon any land, real estate or premises in this state, whether public or private, for purposes of making examinations, locations, surveys and appraisals for highway purposes. The making of any such entry for said purposes shall not constitute any trespass by the commission or by its duly authorized and acting assistants, agents or appointees. [1961 c 13 § 47.01.170. Prior: 1945 c 176 § 1; Rem. Supp. 1945 § 6400-3f. Formerly RCW 43.27.030.]

**47.01.180 Commission—Roads and bridges in state parks.** The commission is hereby authorized at the request of, and upon plans approved by the state parks committee, to construct and maintain vehicular roads, highways and bridges within the limits of the several state parks. [1961 c 13 § 47.01.180. Prior: 1943 c 253 § 1; Rem. Supp. 1943 § 6402-35. Formerly RCW 43.27.040.]

**47.01.190 Commission—Assistant director of highways for state aid.** The commission shall appoint, with the approval of the governor, a qualified assistant to be designated as "assistant director of highways for state aid" whose duties shall consist of the administration of the program of state aid in the matter of county roads and city streets. [1961 c 13 § 47.01.190. Prior: 1949 c 220 § 2; Rem. Supp. 1949 § 4600-3g. Formerly RCW 43.27.050.]

**47.01.210 Commission—Contract without bid or bond with public utilities and municipal corporations.** It shall be lawful for the Washington state highway commission to contract without advertising or bid, or performance bond, with any public utility, whether publicly or privately operated, or with any municipal corporation or political subdivision of the state, for the performance of any work or the furnishing of any service of a type ordinarily performed or furnished by such utility, or by such municipal corporation or political subdivision, whenever, in the opinion of said commission, the interest of the public will be best served. [1961 c 13 § 47.01.210. Prior: 1955 c 84 § 1; 1953 c 100 § 1. Formerly RCW 43.27.105.]

**47.01.220 Commission—Report to legislature on highway needs through legislative transportation committee and senate and house transportation and utilities committees.** The state highway commission shall report to the legislature through the legislative transportation committee and senate and house transportation and utilities committees on the highway needs of the state. [1973 2nd ex.s. c 12 § 3; 1961 c 13 § 47.01.220. Prior: 1957 c 172 § 30. Formerly RCW 43.27.192.]

*Commission's report to legislature and governor: RCW 47.01.141.*

**47.01.230 Division of toll facilities created—Powers relating to toll bridges and facilities and state ferries.** See RCW 47.56.030 and 47.56.034.

**47.01.240 Commission and board to coordinate long range needs studies.** The Washington state highway commission and the urban arterial board shall coordinate their activities relative to long range needs studies, in accordance with the provisions of chapter 47.05 RCW and RCW 47.26.170, respectively, in order that long range needs data may be developed and maintained on an integrated and and comparable basis. Needs data for county roads and city streets in nonurban areas shall be provided by the counties and cities to the Washington state highway commission in such form and extent as requested by the commission, after consultation with the county road administration board and the association of

Washington cities, in order that needs data may be obtained on a comparable basis for all highways, roads and streets in Washington. [1971 ex.s. c 195 § 10.]

**Severability—1971 ex.s. c 195:** See note following RCW 44.40.010.

## Chapter 47.02 HIGHWAY COMMISSION BUILDINGS

### Sections

- 47.02.010 Buildings on east capitol site authorized—Financing—Submittal of plans for advice and approval.
- 47.02.020 Issuance and sale of limited obligation bonds.
- 47.02.030 Bonds—Term—Terms and conditions.
- 47.02.040 Bonds—Signatures—Registration—Where payable—Negotiable instruments.
- 47.02.050 Bonds—Denominations—Manner and terms of sale—Legal investment for state funds.
- 47.02.060 Bonds—Bond proceeds—Deposit and use.
- 47.02.070 Bonds—Statement describing nature of obligation—Pledge of excise taxes.
- 47.02.080 Bonds—Designation of funds to repay bonds and interest.
- 47.02.090 Bonds—Repayment procedure—Highway bond retirement fund.
- 47.02.100 Bonds—Sums in excess of retirement requirements—Use.
- 47.02.110 Bonds—Appropriation from motor vehicle fund.

**47.02.010 Buildings on east capitol site authorized—Financing—Submittal of plans for advice and approval.** The Washington state highway commission is authorized in accordance with the provisions of this chapter and RCW 79.24.500 through 79.24.600 to provide for the acquisition of land and the construction of buildings, laboratories and facilities on the east capitol site for the use of the Washington state highway commission and the department of highways and to finance payment thereof by bonds payable out of special funds from the proceeds of state excise taxes on motor vehicle fuels, or by gifts, bequests or grants or by such additional funds as the legislature may provide. Before start of construction the plans shall be submitted to the state capitol committee for approval and to the joint committee on highways for its advice. [1965 ex.s. c 167 § 1.]

**47.02.020 Issuance and sale of limited obligation bonds.** In order to finance the immediate acquisition and construction of the buildings and facilities referred to in RCW 47.02.010 there shall be issued and sold limited obligation bonds of the state of Washington in the sum of four million dollars, or such amount thereof and at such times as determined to be necessary by the state highway commission. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the Washington state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary for the orderly progress of said project. [1965 ex.s. c 167 § 2.]

**47.02.030 Bonds—Term—Terms and conditions.** Each of such bonds shall be made payable at any

time not exceeding thirty years from the date of its issuance with such reserved rights of prior redemption, bearing such interest, and such terms and conditions as the state finance committee may prescribe, to be specified therein. [1965 ex.s. c 167 § 3.]

**47.02.040 Bonds—Signatures—Registration—Where payable—Negotiable instruments.** The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bond shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments. [1965 ex.s. c 167 § 4.]

**47.02.050 Bonds—Denominations—Manner and terms of sale—Legal investment for state funds.** The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of this chapter shall be legal investment for any of the funds of the state, except the permanent school fund. [1965 ex.s. c 167 § 5.]

**47.02.060 Bonds—Bond proceeds—Deposit and use.** The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the acquisition of the land and construction of the buildings and facilities referred to in RCW 47.02-.010, and for payment of the expenses incurred in the drafting, printing, issuance and sale of any such bonds. [1965 ex.s. c 167 § 6.]

**47.02.070 Bonds—Statement describing nature of obligation—Pledge of excise taxes.** Bonds issued under the provisions of this chapter shall distinctly state that they are not a general obligation of the state but are payable in the manner provided in this chapter from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 and chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of this chapter and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued

under the provisions of this chapter. [1965 ex.s. c 167 § 7.]

**47.02.080 Bonds—Designation of funds to repay bonds and interest.** Any funds required to repay such bonds, or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is, or may be appropriated to the highway department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds. [1965 ex.s. c 167 § 8.]

**47.02.090 Bonds—Repayment procedure—Highway bond retirement fund.** At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments under the provisions of this chapter when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times. [1965 ex.s. c 167 § 9.]

**47.02.100 Bonds—Sums in excess of retirement requirements—Use.** Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels payable into the highway bond retirement fund shall prove more than is required for the payment of interest on bonds when due or current retirement of bonds, or in the event there is appropriated from time to time additional amounts to be placed in the said bond retirement fund, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period. [1965 ex.s. c 167 § 10.]

**47.02.110 Bonds—Appropriation from motor vehicle fund.** There is hereby appropriated from the motor vehicle fund to the state highway commission for the

biennium ending June 30, 1967, the sum of four million dollars, or so much thereof as may be necessary to carry out the provisions of this chapter, but no money shall be available under this appropriation from said fund unless a like amount of bonds provided for herein are sold and the money derived therefrom deposited to the credit of such fund. [1965 ex.s. c 167 § 11.]

**Chapter 47.04  
GENERAL PROVISIONS**

Sections

47.04.010 Definitions.

47.04.020 Classification of highways.

47.04.040 Title to rights of way vested in state.

47.04.050 Acceptance of federal acts.

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47.04.140 Counties obtaining federal aid for construction, reconstruction, etc., of ferry boats—Provisions applicable to ferry operations.

*Abandoned junk motor vehicles: RCW 46.52.145 through 46.52.160.*  
*Mobile home movement permits: RCW 46.16.104 through 46.16.106.*

**47.04.010 Definitions.** The following words and phrases, wherever used in this title, shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary or unless otherwise defined in the chapter of which they are a part:

(1) "Alley." A highway within the ordinary meaning of alley not designated for general travel and primarily used as a means of access to the rear of residences and business establishments;

(2) "Arterial highway." Every highway, as herein defined, or portion thereof designated as such by proper authority;

(3) "Business district." The territory contiguous to and including a highway, as herein defined, when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway;

(4) "Center line." The line, marked or unmarked parallel to and equidistant from the sides of a two-way

traffic roadway of a highway except where otherwise indicated by painted lines or markers;

(5) "Center of intersection." The point of intersection of the center lines of the roadways of intersecting highways;

(6) "City street." Every highway as herein defined, or part thereof located within the limits of incorporated cities and towns, except alleys;

(7) "Combination of vehicles." Every combination of motor vehicle and motor vehicle, motor vehicle and trailer, or motor vehicle and semitrailer;

(8) "Commercial vehicle." Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire;

(9) "County road." Every highway as herein defined, or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a state highway, or branch thereof;

(10) "Crosswalk." The portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk;

(11) "Intersection area." (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or more highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

(b) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection;

(c) The junction of an alley with a street or highway shall not constitute an intersection;

(12) "Intersection control area." The intersection area as herein defined, together with such modification of the adjacent roadway area as results from the arc or curb corners and together with any marked or unmarked crosswalks adjacent to the intersection;

(13) "Laned highway." A highway the roadway of which is divided into clearly marked lanes for vehicular traffic;

(14) "Local authorities." Every county, municipal, or other local public board or body having authority to adopt local police regulations under the Constitution and laws of this state;

(15) "Marked crosswalk." Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof;

(16) "Metal tire." Every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material;

(17) "Motor truck." Any motor vehicle, as herein defined, designed or used for the transportation of commodities, merchandise, produce, freight, or animals;

(18) "Motor vehicle." Every vehicle, as herein defined, which is in itself a self-propelled unit;

(19) "Multiple lane highway." Any highway the roadway of which is of sufficient width to reasonably accommodate two or more separate lanes of vehicular traffic in the same direction, each lane of which shall be not less than the maximum legal vehicle width, and whether or not such lanes are marked;

(20) "Operator." Every person who drives or is in actual physical control of a vehicle as herein defined;

(21) "Peace officer." Any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statute or statutes relative to the highways of this state;

(22) "Pedestrian." Any person afoot;

(23) "Person." Every natural person, firm, copartnership, corporation, association, or organization;

(24) "Pneumatic tires." Every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon;

(25) "Private road or driveway." Every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons;

(26) "Highway." Every way, lane, road, street, boulevard, and every way or place in the state of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns;

(27) "Railroad." A carrier of persons or property upon vehicles, other than street cars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns;

(28) "Railroad sign or signal." Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train;

(29) "Residence district." The territory contiguous to and including the highway, as herein defined, not comprising a business district, as herein defined, when the property on such highway for a continuous distance of three hundred feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business;

(30) "Roadway." The paved, improved, or proper driving portion of a highway designed, or ordinarily used for vehicular travel;

(31) "Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards, or otherwise so as to be plainly discernible;

(32) "Sidewalk." That property between the curb lines or the lateral lines of a roadway, as herein defined, and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a highway and dedicated to use by pedestrians;

(33) "Solid tire." Every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon;

(34) "State highway." Every highway as herein defined, or part thereof, which has been designated as a state highway, or branch thereof, by legislative enactment;

(35) "Street car." A vehicle other than a train, as herein defined, for the transporting of persons or property and operated upon stationary rails principally within incorporated cities and towns;

(36) "Traffic." Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together while using any highways for purposes of travel;

(37) "Traffic control signal." Any traffic device, as herein defined, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled;

(38) "Traffic devices." All signs, signals, markings, and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic;

(39) "Train." A vehicle propelled by steam, electricity, or other motive power with or without cars coupled thereto, operated upon stationary rails, except street cars;

(40) "Vehicle." Every device capable of being moved upon a highway and in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

Words and phrases used herein in the past, present, or future tense shall include the past, present, and future tenses; words and phrases used herein in the masculine, feminine, or neuter gender shall include the masculine, feminine, and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary. [1975 c 62 § 50; 1967 ex.s. c 145 § 42; 1961 c 13 § 47.04.010. Prior: 1937 c 53 § 1; RRS § 6400-1.]

**Severability**—1975 c 62: See note following RCW 36.75.010.

**47.04.020 Classification of highways.** All public highways in the state of Washington, or portions thereof, outside incorporated cities and towns shall be divided and classified as state highways and county roads. All state highways and branches thereof shall be established by the legislature of the state of Washington by appropriate general location and termini. Any prior distinctions between highways as primary or secondary are hereby abolished. All powers granted to, or duties imposed upon, the state highway commission with regard to either primary or secondary state highways shall be construed to relate to all state highways. Whenever these terms are used, either jointly or independently, each shall be construed to include all state highways. All public highways in the state of Washington, or portions thereof, outside incorporated cities and towns, not established as state highways, are



hereby declared to be county roads. [1967 ex.s. c 145 § 41; 1963 c 24 § 3; 1961 c 13 § 47.04.020. Prior: 1937 c 207 § 1; RRS § 6402-1; 1937 c 53 § 5; RRS § 6400-5; 1913 c 65 § 1; RRS § 6790.]

*Establishment of continuing system for designation of highways—  
Signs: RCW 47.36.095.*

**47.04.040 Title to rights of way vested in state.** Upon and after April 1, 1937, all rights of way of any primary state highways, together with all appurtenances thereto, the right or interest in or to which was, or is, in any county, road district, township, local improvement district, independent highway district, or other highway or road district or political subdivision of the state of Washington shall be and the same is hereby transferred to and vested in the state of Washington for use in conjunction with such primary state highways under the highway commission.

All public highways in the state of Washington which have been designated to be primary state highways or secondary state highways or classified as primary roads and which have been constructed and improved and maintained for a period of seven years prior to April 1, 1937, at the expense of the state shall operate to vest in the state of Washington all right, title, and interest to the right of ways thereof, including the roadway and ditches and existing drainage facilities, together with all appurtenances thereto and no informalities in the records of title to such public highways shall be construed to invalidate or vacate such public highways or to divest the state of Washington of any right, title and interest in the right of way thereof. [1961 c 13 § 47.04-.040. Prior: 1937 c 53 § 29; RRS § 6400-29.]

**47.04.050 Acceptance of federal acts.** The state of Washington hereby assents to the purposes, provisions, terms and conditions of the grant of money provided in an act of congress entitled: "An act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts, grants and appropriations amendatory and supplementary thereto and affecting the state of Washington. [1961 c 13 § 47.04.050. Prior: 1937 c 53 § 43; RRS § 6400-43; 1917 c 76 § 1; RRS § 6844.]

**47.04.060 Commission to administer federal grants.** The highway commission is hereby authorized and directed to act for and on behalf of the state of Washington, and any civil subdivision of the state, in all things pertaining to the selection, construction and maintenance of highways and roads under the provisions of the act of congress approved July 11, 1916, and any and all acts amendatory thereto; and to enter into such agreement with the secretary of commerce or other duly authorized agent of the United States as may from time to time be desirable or necessary to secure the money or aid for any section of state highway, county road or city or town street selected by law for construction or improvement through an appropriation for the period in which said construction or improvement is to be made. Said money to be added to and expended in connection with the appropriation aforesaid; and to apply thereto, as

may be required, cooperative expenditures from the motor vehicle fund, which may have been appropriated by the state legislature, and from any highway, road or street fund of any civil subdivision, and which are available for the construction and maintenance of any section of state highway, county road or city or town street selected as aforesaid for such aid and improvement. [1961 c 13 § 47.04.060. Prior: 1937 c 53 § 47; RRS § 6400-47; 1917 c 76 § 5, part; RRS § 6848, part.]

**47.04.070 Procedure to conform with federal requirements.** In all matters relating to the cooperative construction or improvement of any state highway, county road or city or town street for which federal funds or aid is secured under any act of congress, the highway commission shall act in the manner provided by state law relating to state highway construction from the motor vehicle fund, so far as the same may be consistent with the provisions of such act of congress and the rules and regulations made by the secretary of commerce or other authorized agent of the United States government pursuant to such act, to which the procedure shall be adapted by the highway commission as may be necessary. [1961 c 13 § 47.04.070. Prior: 1937 c 53 § 44; RRS § 6400-44; 1917 c 76 § 5, part; RRS § 6848, part.]

**47.04.080 State may cooperate with other governments and agencies.** The highway commission is empowered to join financially or otherwise with any other state or any county, city, or town of any other state, or with any foreign country, or any province or district of any foreign country, or with the federal government or any agency thereof, or with any or all thereof, for the erecting, constructing, operating, or maintaining of any bridge, trestle, or any other structure, for the continuation or connection of any state highway across any stream, body of water, gulch, navigable water, swamp, or other topographical formation requiring any such structure and forming a boundary between the state of Washington and any other state or foreign country, and for the purchase or condemnation of right of way therefor. [1973 1st ex.s. c 151 § 11; 1961 c 13 § 47.04.080. Prior: 1937 c 53 § 47 1/2; RRS § 6400-47 1/2.]

**47.04.081 Urban public transportation systems—  
Participation of highway commission in planning, development and establishment of system.** The highway commission is empowered to join financially or otherwise with any public agency or any county, city or town in the state of Washington or any other state, or with the federal government or any agency thereof, or with any or all thereof for the planning, development and establishment of urban public transportation systems in conjunction with new or existing highway facilities. [1967 c 108 § 13; 1965 ex.s. c 170 § 63.]

*Urban public transportation system defined: RCW 47.04.082.*

**47.04.082 Urban public transportation systems—  
Defined.** As used in this act the term "urban public transportation system" shall mean a system for the public transportation of persons or property by buses, street

cars, trains, electric trolley coaches, other public transit vehicles, or any combination thereof operating in or through predominantly urban areas and owned and operated by the state, any city or county or any municipal corporation of the state, including all structures, facilities, vehicles and other property rights and interest forming a part of such a system. [1967 c 108 § 1.]

**Reviser's note:** "this act" refers to 1967 c 108, codified herein as RCW 47.04.082, 47.04.083, 47.98.044, and the 1967 amendments to RCW 47.04.081, 47.08.070, 47.12.010, 47.12.250, 47.28.140, 47.44.010, 47.44.040, 47.48.010, 47.52.010, 47.52.090, and 47.56.256.

**47.04.083 Urban public transportation systems—Declaration of public policy—Use of motor vehicle funds, city street or county road funds.** The separate and uncoordinated development of public highways and urban public transportation systems is wasteful of this state's natural and financial resources. It is the public policy of this state to encourage wherever feasible the joint planning, construction and maintenance of public highways and urban public transportation systems serving common geographical areas as joint use facilities. To this end the legislature declares it to be a highway purpose to use motor vehicle funds, city and town street funds or county road funds to pay the full proportionate highway, street or road share of the costs of design, right of way acquisition, construction and maintenance of any highway, street or road to be used jointly with an urban public transportation system. [1967 c 108 § 2.]

**47.04.090 Penalty.** It shall be a misdemeanor for any person to violate any of the provisions of this title unless such violation is by this title or other law of this state declared to be a felony or a gross misdemeanor.

Unless another penalty is in this title provided, every person convicted of a misdemeanor for violation of any provisions of this title shall be punished accordingly. [1961 c 13 § 47.04.090. Prior: 1937 c 53 § 95; RRS § 6400-95.]

**47.04.100 Temporary route pending construction of new highway—Streets, roads not to be maintained as.** Unless otherwise provided, whenever by statute a new highway or extension is added to the state highway system, no existing city street or county road shall be maintained or improved by the state highway commission as a temporary route of such new highway or extension pending the construction of the new highway or extension on the location adopted by the state highway commission. [1973 1st ex.s. c 151 § 12; 1965 ex.s. c 170 § 34.]

**47.04.110 Environmental impact of construction or reconstruction of highways—State policy declared—Purposes of RCW 47.04.110-47.04.130.** It is declared to be the public policy of the state of Washington that in the location, design and construction of state highways, every effort shall be made to minimize and eliminate effects which are adverse to the natural and human environment of the state. Such factors as the dislocation of people, the dislocation of residences, the dislocation of businesses and the creation of air and water pollution situations shall be considered when constructing state

highways. Therefore, the purposes of RCW 47.04.110 through 47.04.130 are:

(1) To declare a state policy which will encourage productive and enjoyable harmony between man and his environment;

(2) To promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of the citizens of this state; and

(3) To enrich the understanding of ecological systems and natural resources important to the state; and

(4) To provide an efficient highway network serving the commercial, recreational and personal needs of the people of this state. [1971 ex.s. c 24 § 1.]

**47.04.120 Environmental impact of construction or reconstruction of highways—Report on environmental impact.** Whenever the department of highways determines that a state highway project will significantly affect the quality of human environment, and in every case when a state highway is to be constructed in a new location or a state highway reconstruction project will require additional right of way, the department of highways, prior to holding the first public hearing relating to the location or design of the highway, shall prepare a report on the environmental impact which may reasonably be expected to occur as a result of such constructions: *Provided*, That if in respect to any project on which one or more hearings have occurred prior to August 9, 1971, the department of highways shall prepare the environmental report prior to conducting the next public hearing.

The environmental report shall consider:

(1) The environmental impact of the highway including its effect on the quality of the air and water and the effect on existing residential and business developments;

(2) Any adverse environmental effects which cannot be avoided as a result of the construction of the highway;

(3) Alternatives to the proposed project;

(4) The relationship between local short term uses of man's environment and the maintenance and enhancement of long term productivity; and

(5) Any irreversible and irretrievable commitments or resources which would be involved in the proposed project. [1971 ex.s. c 24 § 2.]

**47.04.130 Environmental impact of construction or reconstruction of highways—Environmental review statement.** The environmental impact report shall be transmitted to the director of the department of ecology not less than thirty days prior to the public hearing or next public hearing as provided in RCW 47.04.120. The director of the department of ecology shall prepare a written environmental review statement on the project which shall contain a statement of any environmental problems and adverse environmental impact, natural or human, which he believes may reasonably be expected to occur as a result of the project. The environmental review statement shall also contain a statement of any beneficial environmental impact or any amenities either natural or human which may reasonably be expected to occur as a result of the project: *Provided*, That if the

director of the department of ecology determines that the project will have no significant environmental impact, his written statement to that effect shall constitute a review statement.

The director of the department of ecology shall transmit copies of the review statement to the department of highways, to any interested citizens, and to representatives of the news media in the area in which the proposed or existing highway is located not less than five days prior to the public hearing or next public hearing referred to in RCW 47.04.120. [1971 ex.s. c 24 § 3.]

**47.04.140 Counties obtaining federal aid for construction, reconstruction, etc., of ferry boats—Provisions applicable to ferry operations.** Whenever a county which operates or proposes to operate ferries obtains federal aid for the construction, reconstruction, or modification of any ferry boat under Title 23, United States Code, the following provisions shall apply to the county's operation of its ferries:

(1) The county shall obtain from the Washington state highway commission a franchise authorizing such ferry operations. The county's application for a franchise or amended franchise shall designate all ferry routes it proposes to operate. The commission shall issue the franchise or amended franchise for the operation of each route which it finds is not otherwise served by adequate transportation facilities. A county may terminate any ferry route without approval of the commission.

(2) At least thirty days before applying for federal aid for the construction, reconstruction, or modification of any of its ferries, and thereafter whenever new tolls or charges are proposed for use of its ferries, the county shall file with the commission for its approval, the current or proposed schedule of tolls and charges for use of its ferries. The commission shall approve such tolls and charges, unless it finds that the aggregate revenues to be derived from the county's ferry operations will exceed the amount required to pay the actual and necessary costs of operation, maintenance, and repair of the county's ferries.

(3) The commission shall adopt regulations for the implementation of this section including provisions affording the right to a hearing to any county prior to finally denying approval of any proposed ferry route or schedule of tolls and charges for use of the county's ferries. [1975-'76 2nd ex.s. c 65 § 1.]

**Chapter 47.05  
PRIORITY PROGRAMMING FOR HIGHWAY  
DEVELOPMENT**

Sections	
47.05.010	Declaration of purpose.
47.05.020	Functional classification of highways.
47.05.030	Long range plan for improvements—Objectives— Categories—Priorities.
47.05.035	Allocation of revenues, factors—Graduated rates of development.
47.05.040	Six year comprehensive highway construction program and financial plan—Adoption—Biennial revision— Apportionment.

- 47.05.051 Six year comprehensive highway construction program—Priority selection criteria—Departure from criteria—Biennial revision.
- 47.05.055 Application of chapter 143, Laws of 1975 1st ex. sess.—Deviations from plans.
- 47.05.070 Budget recommendation to be presented to governor and legislature—Contents.

*State highway improvement projects in urban areas, priority programming to be accorded: RCW 47.26.070.*

**47.05.010 Declaration of purpose.** The legislature finds that anticipated revenues available for state highways for the foreseeable future will fall substantially short of the amount required to satisfy all of the state highway needs. It is the purpose of this chapter to establish a policy of priority programming for highway development having as its basis the rational selection of projects according to factual need, systematically scheduled to carry out defined objectives within limits of money and manpower, and fixed in advance with reasonable flexibility to meet changed conditions. [1969 ex.s. c 39 § 1; 1963 c 173 § 1.]

**47.05.020 Functional classification of highways.** The state highway commission is hereby directed to conduct periodic analyses of the entire state highway system, and based thereon, to subdivide and classify according to their function and importance all designated state highways and those added from time to time other than the national system of interstate and defense highways and periodically review and revise the classifications, into the following additional four functional classes:

(1) The "principal state highway system" which shall comprise not to exceed twenty percent of the total state highway mileage other than the interstate system.

(2) The "major state highway system" which shall comprise not to exceed thirty-five percent of the total state highway mileage other than the interstate system.

(3) The "collector state highway system" which shall comprise not to exceed thirty-five percent of the total state highway mileage other than the interstate system.

(4) The "other state highway system". In making such functional classification the highway commission shall be governed by reasonable rules and regulations adopted by the commission, and give consideration to the following criteria:

(a) Urban population centers within and without the state stratified and ranked according to size;

(b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business and industry;

(c) Feasibility of route, including availability of alternate routes within and without the state;

(d) Directness of travel and distance between points of economic importance;

(e) Length of trips;

(f) Character and volume of traffic;

(g) Preferential consideration for multiple service;

(h) Reasonable spacing depending upon population density; and

(i) System continuity, except for the "other" system. [1969 ex.s. c 39 § 2; 1963 c 173 § 2.]

**47.05.030 Long range plan for improvements—Objectives—Categories—Priorities.** The state highway commission shall adopt and periodically revise after consultation with the legislative transportation committee and senate and house transportation and utilities committees a long range plan for highway improvements, specifying highway planning objectives for each of the highway categories, "A", "B", and "C", defined in this section, based upon needs for the ensuing fourteen year advance planning period, and within the framework of revenue estimates for such period. The plan shall be based upon the improvement needs for state highways as determined by the highway commission from time to time.

With such reasonable deviations as may be required to effectively utilize the available funds and to adjust to unanticipated delays in programmed projects, the highway commission shall allocate the estimated available funds among the following described categories of highway improvements, so as to carry out the commission's highway planning objectives within a fourteen year advance planning period:

(1) Category A shall consist of those improvements necessary to sustain the structural, safety, and operational integrity of the existing state highway system (other than improvements to the interstate system to be funded with federal aid at the regular interstate rate under federal law and regulations).

(2) Category B shall consist of improvements for the continued development of the interstate system to be funded with federal aid at the regular interstate rate under federal law and regulations.

(3) Category C shall consist of the development of major transportation improvements (other than improvements to the interstate system to be funded with federal aid at the regular interstate rate under federal law and regulations) including designated but unconstructed highways which are vital to the state-wide transportation network. [1975 1st ex.s. c 143 § 1; 1973 2nd ex.s. c 12 § 4; 1969 ex.s. c 39 § 3; 1965 ex.s. c 170 § 33; 1963 c 173 § 3.]

**47.05.035 Allocation of revenues, factors—Graduated rates of development.** (1) The commission, in preparing the long range plan for highway improvements, shall allocate the estimated revenues for the fourteen year period among categories A, B, and C, giving primary consideration to the following factors:

(a) The relative needs in each of the categories of improvements;

(b) The need to provide adequate funding for category A improvements to protect the state's investment in its existing highway system; and

(c) The continuity of future highway development of all categories of improvements with those previously programmed.

(2) The commission in preparing the long range plan shall establish graduated rates of development of category A improvements according to functional class importance. [1975 1st ex.s. c 143 § 2.]

**47.05.040 Six year comprehensive highway construction program and financial plan—Adoption—Biennial revision—Apportionment.** (1) Prior to October 1 of each even-numbered year, the state highway commission shall adopt and thereafter shall biennially revise after consultation with the legislative transportation committee and senate and house transportation and utilities committees a comprehensive six year program and financial plan for highway construction, maintenance, and planning activities.

(2) The highway construction program for the ensuing six years shall allocate to category A improvements as a whole, and then to each of the five functional classes of state highways, that percentage of the estimated available construction funds as will be necessary to accomplish the commission's long range plan for highway improvements. The commission shall then apportion the available category A construction funds, according to functional class, among the several highway districts in the proportion that the estimated remaining category A improvement needs for each functional class of highway within each highway district bears to the total of such estimated needs for each functional class remaining unsatisfied throughout the state.

(3) The commission shall allocate to category B improvements for the ensuing six years, the estimated available federal aid interstate funds and state matching funds as necessary to accomplish the commission's long range plan for category B highway improvements throughout the state.

(4) The commission shall allocate to category C improvements for the ensuing six years, the remaining estimated available construction funds to accomplish to the extent possible the commission's long range plan for category C highway improvements throughout the state. [1975 1st ex.s. c 143 § 3; 1973 2nd ex.s. c 12 § 5; 1969 ex.s. c 39 § 4; 1963 c 173 § 4.]

**47.05.051 Six year comprehensive highway construction program—Priority selection criteria—Departure from criteria—Biennial revision.** (1) The six year comprehensive highway construction program for each category of improvements shall be based upon a priority selection system within the budget limits established for the category. The commission using the criteria set forth in RCW 47.05.030, as now or hereafter amended, shall determine the category of each highway improvement.

(2) Selection of specific category A projects for the six year program shall be based on the priority of each highway section proposed to be improved or constructed in relation to other highway sections within the same functional class and within the respective highway district taking into account the criteria set forth in subsection (4) of this section.

(3) Selection of specific category B projects for the six year program shall be based on the priority of each interstate system highway section proposed to be improved or constructed in relation to other interstate highway sections within the state taking into account the criteria set forth in subsection (4) of this section.

(4) The priority of each category A and B project as provided in subsections (2) and (3) of this section shall

be determined in accordance with the following criteria (not necessarily in order of importance):

(a) Its structural ability to carry loads imposed upon it;

(b) Its capacity to move traffic at reasonable speeds without undue congestion;

(c) Its adequacy of alignment and related geometrics;

(d) Its accident experience; and

(e) Its fatal accident experience.

(5) Selection of specific category C projects for the six year program shall be based on the priority of each highway section proposed to be improved in relation to other highway sections within the state with full regard to the structural, geometric, safety, and operational adequacy of the existing highway section taking into account the following:

(a) Continuity of development of the highway transportation network;

(b) Coordination with the development of other modes of transportation;

(c) The stated long range goals of the local area and its transportation plan;

(d) Its potential social, economic, and environmental impacts;

(e) Public views concerning proposed improvements;

(f) The conservation of energy resources and the capacity of the transportation corridor to move people and goods safely and at reasonable speeds; and

(g) Feasibility of financing the full proposed improvement.

(6) The commission in selecting any project for improvement in categories A, B, or C may depart from the priority of projects so established (a) to the extent that otherwise funds cannot be utilized feasibly within the program, (b) as may be required by a court judgment, legally binding agreement or state and federal laws and regulations, (c) as may be required to coordinate with federal, local or other state agency construction projects, (d) to take advantage of some substantial financial benefit that may be available, (e) for continuity of route development, or (f) because of changed financial or physical conditions of an unforeseen or emergent nature. The commission shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority of projects.

(7) The six year construction program shall be revised biennially in accordance with revisions in functional classification or priority ratings resulting from changed conditions. The program shall be extended for an additional two years, to six years in the future, on July 1st of each odd-numbered year. [1975 1st ex.s. c 143 § 4.]

**47.05.055 Application of chapter 143, Laws of 1975 1st ex. sess.—Deviations from plans.** The provisions of \*this 1975 amendatory act modifying existing procedures for priority programming for highway development as set forth in chapter 47.05 RCW, shall first apply to the long range plan for improvements for the period 1977 to 1991, and shall first apply to the preparation of the six year highway construction program for the period 1977 to 1983. For the biennium ending June

30, 1977, the commission may deviate from the existing long range plan and the six year plan whenever it shall determine that further development of any project, regardless of location or functional class, may be incompatible with the modified procedures prescribed by \*this 1975 amendatory act and the long range plan and the six year plan being developed pursuant thereto for the periods 1977 to 1991 and 1977 to 1983 respectively. [1975 1st ex.s. c 143 § 6.]

**\*Reviser's note:** \*this 1975 amendatory act\* [1975 1st ex.s. c 143] consisted of amendments to RCW 47.05.030 and 47.05.040, the enactment of the instant section and RCW 47.05.035 and 47.05.051, and the repeal of RCW 47.05.050.

**47.05.070 Budget recommendation to be presented to governor and legislature—Contents.** The state highway commission shall prepare and present to the governor and to the legislature at the time of its convening, a recommended budget for the ensuing biennium. The biennial budget shall include details of proposed expenditures, performance and public service criteria for construction, maintenance, and planning activities in consonance with the six-year comprehensive program and financial plan adopted under provisions of RCW 47.05.040. [1973 2nd ex.s. c 12 § 7; 1963 c 173 § 7.]

## Chapter 47.08 HIGHWAY FUNDS

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*Highway funds, constitutional limitations: State Constitution Art. 2, § 40 (Amendment 18).*

**47.08.010 Control of allocated funds.** Whenever there is provided an allocation for the construction or improvement of state highways the same shall be under the sole charge and direct control of the highway commission. [1961 c 13 § 47.08.010. Prior: 1937 c 53 § 32, part; RRS § 6400-32, part.]

**47.08.020 State to match federal funds.** For the construction, alteration, repair and improvement of state highways, county roads, or city and town streets in the

state of Washington which are part of the public highway system, the good faith of the state of Washington is hereby pledged to make available funds sufficient to equal the sums appropriated to the state by or under the United States government during succeeding fiscal years and to use and expend the same within one year after the fiscal year for which appropriated, and in the manner and under the rules and regulations imposed by the secretary of commerce and to maintain, or cause to be maintained, the highways or roads constructed or improved with the aid of funds so appropriated, and to make adequate provisions for carrying out such maintenance. [1961 c 13 § 47.08.020. Prior: 1937 c 53 § 46; RRS § 6400-46; 1917 c 76 § 3; RRS § 6846.]

**47.08.030 Allocation of fines and forfeitures.** All fines and forfeitures collected for violation of any of the provisions of this title when the violation thereof occurred outside of any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the county road fund of the county in which the violation occurred; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund: *Provided*, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

All fines and forfeitures collected for the violation of any of the provisions of this title when the violation thereof occurred inside any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the city street fund of such incorporated city or town for the construction and maintenance of city streets; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund: *Provided*, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. [1969 ex.s. c 199 § 26; 1961 c 13 § 47.08.030. Prior: 1949 c 75 § 1; 1937 c 53 § 96; Rem. Supp. 1949 § 6400-96.]

**47.08.040 Contracts with United States as to state highway property.** Whenever it is or may become necessary or desirable for the federal government or any agency thereof to acquire an interest in or in any way damage any property or interest therein owned by the state of Washington and used in connection with any highway in the state of Washington in connection with any federal project for the development of any river within or partially within the state of Washington, the highway commission of the state of Washington shall be and hereby is authorized, empowered and directed to negotiate and enter into an agreement with the proper agency of the federal government as to the rights which shall be acquired, the compensation which shall be made therefor and the character of instruments by which said rights shall be conveyed, and as to any other matters

which may be necessary in order to satisfy the requirements of the federal government: *Provided*, That if the agreement is required to be reduced to writing, the writing be approved as to form by the attorney general of the state of Washington. [1961 c 13 § 47.08.040. Prior: 1937 c 113 § 1; RRS § 6450-91.]

**47.08.050 Contracts with United States as to state highway property—Governor to execute instrument to the United States** Whenever in pursuance of the authority contained in RCW 47.08.040 the highway commission shall have entered into an agreement with the federal government or any agency thereof requiring the execution of any deed, flowage easement, or instrument of any nature, to the said federal government or agency, and the said instrument is approved as to form by the attorney general of the state of Washington, the governor of the state of Washington shall be and he hereby is authorized and directed without further authority and in the name of the state of Washington to execute and deliver to the proper agency of the federal government any such instrument or instruments which shall be, when attested by the secretary of state, binding upon the state of Washington. [1961 c 13 § 47.08.050. Prior: 1937 c 113 § 2; RRS § 6450-92.]

**47.08.060 Contracts with United States as to state highway property—Disposal of funds from the United States** Whenever any moneys shall be realized by the state of Washington as a result of any agreement authorized by RCW 47.08.040, the same shall be deposited in the treasury of the state of Washington to the credit of the motor vehicle fund, and shall be available for highway purposes only. [1967 ex.s. c 145 § 45; 1961 c 13 § 47.08.060. Prior: 1937 c 113 § 3; RRS § 6450-93.]

**47.08.070 Cooperation in public works projects, urban public transportation systems.** When in the opinion of the highway commission it appears that any state highway will be benefited or improved by the construction of any public works project, including any urban public transportation system, within the state of Washington by any of the departments of the state of Washington, by the federal government, or by any agency, instrumentality or municipal corporation of either the state of Washington or the United States, the highway commission is hereby authorized to enter into cooperative agreements with any such state department, with the United States, or with any agency, instrumentality or municipal corporation of either the state of Washington or the United States, wherein the state of Washington, acting through its highway commission, will participate in the cost of the public works project in such amount as may be determined by the highway commission to be the value of the benefits or improvements to the particular state highway derived from the construction of said public works project. Under any such agreement the highway commission may contribute to the cost of the public works project by making direct payment to the particular state department, federal government or to any agency, instrumentality or municipal

corporation of either the state or the United States, or any thereof, which may be involved in said project, from any funds appropriated to the highway commission and available for highway purposes, or by doing a portion of the project either by day labor or by contract, or in any other manner as may be deemed advisable and necessary by the highway commission. [1967 c 108 § 3; 1961 c 13 § 47.08.070. Prior: 1945 c 127 § 2; Rem. Supp. 1945 § 6400–121.]

*Urban public transportation system defined: RCW 47.04.082.*

**47.08.080 Funds when commission is in charge of county road improvements.** In the event that any funds should become available from the federal government, or otherwise, for expenditure in conjunction with county funds, for the construction, alteration, repair or improvement of any county road of any county and the same is to be performed by the highway commission, the state treasurer shall, upon notice from the highway commission thereof, set aside from any moneys in the motor vehicle fund credited to any such county, the cost thereof, together with the cost of engineering, supervision, and other proper items, or so much of the money in the state treasury to the credit of such county as may be necessary for use in conjunction with funds from the federal government to accomplish such work, the same to be performed by the highway commission and paid from the money so set aside upon vouchers approved and submitted by the highway commission in the same manner as payment is made for such work on state highways: *Provided*, That the board of county commissioners of any such county shall have, by proper resolution, filed in duplicate in the office of the highway commission and approved by it, determined the county road construction, alteration, repair or improvement to be performed in such county and the same is found to conform in all respects to the requirements necessary for the use of such funds of the federal government. [1973 c 106 § 22; 1961 c 13 § 47.08.080. Prior: 1937 c 187 § 59; RRS § 6450–59.]

**47.08.090 Funds when commission is in charge of city street improvements.** In the event that any funds should become available from the federal government or otherwise for expenditure in conjunction with funds accruing to any incorporated city or town for the construction, alteration, repair or improvement of its city streets designated as forming a part of the route of any state highway through such incorporated city or town and the same is to be performed by the highway commission, the state treasurer shall, upon notice from the highway commission thereof, set aside from any moneys in the motor vehicle fund credited to such incorporated city or town, the cost thereof or so much money in the state treasury to the credit of such incorporated city or town as may be necessary in conjunction with such funds from the federal government or otherwise to accomplish such work, the same to be paid by the state auditor from the money so set aside upon vouchers approved and submitted by the highway commission in the same manner as payment is made for work on state highways. In the event that any such incorporated city or town shall have

agreed with the state of Washington or the federal government as a condition precedent to the acquiring of federal funds for construction on any city street of such incorporated city or town designated as forming a part of the route of any state highways, that the same will be maintained to a standard and such incorporated city or town fails to so maintain such city street, then the highway commission may perform such maintenance and the state auditor is authorized to deduct the cost thereof from any funds credited or to be credited to such incorporated city or town and pay the same on vouchers approved and submitted by the highway commission in the same manner as payment is made for work performed on state highways. [1973 c 106 § 23; 1961 c 13 § 47.08.090. Prior: 1937 c 187 § 65; RRS § 6450–65.]

**47.08.100 Illegal use of county or city road funds—Procedure to correct.** The highway commission is authorized from time to time to investigate expenditures from the county road fund and the city street fund; and if it determines that unauthorized, illegal or wrongful expenditures are being or have been made from said fund it is authorized to proceed as follows: If the county road fund is involved it shall notify in writing the board of county commissioners and the county treasurer of its determination; and if the city street fund is involved it shall notify the city council or commission and the mayor and city treasurer of the city or town of its determination. In its determination the highway commission is authorized to demand of said officials that the wrongful or illegal expenditures shall be stopped, adjusted, or remedied and that restitution of any wrongful or illegal diversion or use shall be made; and it may notify said officials that if the wrong is not stopped, remedied, or adjusted, or restitution made to its satisfaction within a specified period fixed by it, it will direct the withholding of further payments to the county or city from the motor vehicle fund. The county or city shall have ten days after such notice is given within which to correct or remedy the wrong, or wrongful and illegal practices, to make restitution or to adjust the matter to the satisfaction of the highway commission.

If no correction, remedy, adjustment or restitution is made within said ten days to the satisfaction of the commission it shall have power to request in writing that the state treasurer withhold further payments from the motor vehicle fund to such county or city; and it shall be the duty of the state treasurer upon being so notified to withhold further payments from the motor vehicle fund to the county or city involved until such officials are notified in writing by the commission that payments may be resumed.

The commission is also authorized to notify in writing the prosecuting attorney of the county in which such violation occurs of the facts, and it shall be the duty of the prosecuting attorney to file charges and to criminally prosecute any and all persons guilty of any such violation. [1973 c 106 § 24; 1961 c 13 § 47.08.100. Prior: 1943 c 82 § 13, part; 1937 c 187 § 66, part; Rem. Supp. 1943 § 6450–66, part.]

**47.08.110 Penalty for misuse of county or city road funds—General penalty.** It shall be unlawful and a misdemeanor, unless the same is by this title or other law of this state declared to be a felony or gross misdemeanor, to divert or use, or authorize, permit or participate in the diversion or use of any moneys in the county road fund or in the city street fund for any other purpose or in any other manner than that authorized by law. [1961 c 13 § 47.08.110. Prior: 1943 c 82 § 13, part; 1937 c 187 § 66, part; Rem. Supp. 1943 § 6450-66, part.]

**47.08.120 Highway equipment fund.** There is hereby created in the state treasury a state fund to be known as the "highway equipment fund," the same to be used by the highway commission as a revolving fund to be expended for salaries, wages and operations required for the repair, replacement, purchase and operation of equipment and for purchase of equipment, materials and supplies to be used as follows: (1) In the administration and operation of this fund; (2) in the administration, maintenance and construction of highways and highway facilities; and (3) for the operation by the highway commission of an automobile pool of state owned vehicles.

The highway equipment fund shall be credited, in the case of equipment, with a reasonable rental assessed upon the use of such equipment by the various state departments, and in the case of materials and supplies, with a reasonable charge for such materials and supplies. Such credit for rental and charges for materials and supplies shall be charged against the proper appropriation therefor.

Equipment may be rented and materials and supplies may be sold out of this fund to any federal, state, county or city political subdivision or governmental agency. The terms and charges for such rental and the prices for such sale shall be solely within the discretion of the highway commission and its determination of the charge for rental or sale price shall be considered a reasonable rental charge or a reasonable sale price. Any political subdivision or governmental agency shall make payment for such rental or for purchase of such materials or supplies directly to the highway equipment fund at the office of the state highway commission at Olympia. [1961 c 13 § 47.08.120. Prior: 1943 c 135 § 1; 1935 c 144 § 10; Rem. Supp. 1943 § 6600-1c.]

**47.08.121 Highway equipment fund declared revolving fund of proprietary nature—Use.** The "highway equipment fund" as established by RCW 47.08.120 is declared to be a revolving fund of a proprietary nature and moneys that are or will be deposited in this fund are hereby authorized for expenditures for the purposes provided by law. [1961 c 13 § 47.08.121. Prior: 1959 c 326 § 3.]

**47.08.130 Custody of federal funds—Disbursement.** The state treasurer is hereby authorized and directed to receive and have custody of such funds and warrants drawn by the secretary of commerce or other authorized agent of the United States as are made available for payment by the secretary of the treasury of

the United States under the provisions of the federal aid road act approved July 11, 1916, and all acts amendatory or supplementary thereto, disbursing the same under such terms and conditions as may be prescribed by the secretary of commerce or by the secretary of the treasury or other authorized agent of the United States. The state treasurer is further authorized and directed to pay from the motor vehicle fund for the use of the highway commission such funds as may be necessary upon any project in anticipation of reimbursement by the government of the United States. [1961 c 13 § 47.08.130. Prior: 1937 c 53 § 45; RRS § 6400-45; 1931 c 129 § 1; 1929 c 146 § 1; 1927 c 214 § 1; 1925 c 4 § 1; 1923 c 41 § 1; 1921 c 89 § 1; 1919 c 56 § 1; RRS § 6850.]

## Chapter 47.10 HIGHWAY CONSTRUCTION BONDS

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 47.10.788 Sums in excess of retirement requirements—Use.

### FIRST PRIORITY PROJECT—1951 ACT

**47.10.010 First priority highway projects—Declaration of.** Reconstruction of primary state highway No. 1 from Oregon to British Columbia, construction of four traffic lanes at Snoqualmie Pass, construction of an adequate highway bridge from Pasco to Kennewick and construction of county arterial highways and farm to market roads in Grant, Franklin and Adams counties to coincide with the opening of lands for settlement in the Columbia Basin irrigation project, are declared to be highway projects of the first priority. The construction of such projects is required in the interest of the public safety and for the orderly development of the state. The reimbursement of the motor vehicle fund for money used to purchase Agate Pass Bridge bonds will also make possible other war emergency or high priority highway construction. The threat of war makes acceleration of construction a vital necessity at this time. [1961 c 13 § 47.10.010. Prior: 1951 c 121 § 1.]

**47.10.020 Bond issue authorized—Use of motor vehicle fund.** To provide funds for accelerating construction of these first priority projects, and to reimburse the motor vehicle fund for money expended for Agate Pass Bridge construction there shall be issued and sold limited obligation bonds of the state of Washington in the sum of sixty-six million seven hundred three thousand, six hundred and twenty-five dollars. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall, when notified by the Washington state highway commission, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of the first priority projects: *Provided*, That if funds are available in the motor vehicle fund in an amount greater than is necessary to pay current demands such funds may be used to finance these first priority projects until such time as bonds are sold, as provided by law, at which time the motor vehicle fund shall be reimbursed. [1961 c 13 § 47.10.020. Prior: 1955 c 117 § 1; 1951 c 121 § 2.]

**47.10.030 Form and term of bonds.** Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on

presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued under authority of RCW 47.10.010 through 47.10.140 shall be fully negotiable instruments. [1961 c 13 § 47.10.030. Prior: 1951 c 121 § 3.]

**47.10.040 Bonds not general obligations—Taxes pledged.** Bonds issued under the provisions of RCW 47.10.010 through 47.10.140 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.010 through 47.10.140 from the proceeds of all state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and RCW 82.36.020, 82.36.230, 82.36.250, and 82.36.400, as derived from chapter 58, Laws of 1933, as amended, and as last amended by chapter 220, Laws of 1949; and chapter 82.40 RCW and RCW 82.40.020, as derived from chapter 127, Laws of 1941, as amended, and as last amended by chapter 220, Laws of 1949. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.010 through 47.10.140, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay the principal and interest on all bonds issued under the provisions of RCW 47.10.010 through 47.10.140 when due. [1961 c 13 § 47.10.040. Prior: 1951 c 121 § 4.]

**47.10.050 Sale of bonds.** The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.010 through 47.10.140 shall be legal investment for any of the funds of the state, except the permanent school fund: *Provided*, That bonds authorized herein to reimburse the motor vehicle fund for the cost of the Agate Pass Bridge construction shall be sold at the earliest date which the committee finds feasible. [1961 c 13 § 47.10.050. Prior: 1951 c 121 § 5.]

**47.10.060 Proceeds—Deposit and use.** The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of such first priority projects, reimbursement of the motor vehicle fund for money expended for construction of the Agate Pass Bridge in order to make such money available for war emergency highway projects or other high priority highway uses, and payment of the expense incurred in the printing, issuance and sale of any such bonds. [1961 c 13 § 47.10.060. Prior: 1951 c 121 § 6.]

**47.10.070 Source of funds for payment of principal and interest.** Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the highway department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds: *Provided*, That money required hereunder to pay interest on or to retire any bonds issued for Columbia Basin county arterial highways or farm to market roads shall be repaid by any such county or counties wherein such highways or roads are constructed in the manner set forth in RCW 47.10.110. [1961 c 13 § 47.10.070. Prior: 1951 c 121 § 7.]

**47.10.080 Highway bond retirement fund.** At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.10.070, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, which is hereby established, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times. [1961 c 13 § 47.10.080. Prior: 1951 c 121 § 8.]

**47.10.090 Excess sums in bond retirement fund—Use.** Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period. [1961 c 13 § 47.10.090. Prior: 1951 c 121 § 11.]

**47.10.100 Allocation of bonds.** The bonds authorized herein are allocated to the first priority projects as follows:

(1) Forty-nine million two hundred fifty thousand dollars of the total issue for the acceleration of the reconstruction of primary state highway No. 1, said amount to be expended on said primary state highway No. 1 as follows: Thirty-three million five hundred thousand dollars between Everett, Seattle, Tacoma, Olympia, Chehalis, Centralia, Kelso, Vancouver, and the Oregon boundary line, and fifteen million seven hundred fifty thousand dollars between Everett and the Canadian boundary line;

(2) Six million five hundred thousand dollars of the total issue for the construction of the highway bridge from Pasco to Kennewick;

(3) Four million two hundred fifty thousand dollars of the total issue for the construction of a four lane highway at Snoqualmie Pass;

(4) Five million dollars of the total issue for the construction of Columbia Basin county arterial highways and farm to market roads in Grant, Franklin and Adams counties, for which the state must be reimbursed as provided in RCW 47.10.110; and

(5) One million seven hundred three thousand six hundred twenty-five dollars of the total issue for reimbursement of the motor vehicle fund for money spent for Washington toll bridge authority bonds purchased in connection with the construction of the Agate Pass Bridge, said sum of one million seven hundred three thousand six hundred twenty-five dollars to be used when it becomes available in the motor vehicle fund, under allotments to be made by the director of highways, for war emergency or other high priority highway projects: *Provided*, That no bonds shall be issued for Columbia Basin county arterial highway and road purposes unless expenditures are actually required for the settlement of lands ready for irrigation in the Columbia Basin project and all construction of arterial highways and roads in such counties shall be accomplished by the engineering forces of the various counties under the supervision of the director of highways. [1961 c 13 § 47.10.100. Prior: 1951 c 121 § 12.]

**47.10.110 Columbia Basin highway projects—Reimbursement by counties.** The director of highways shall report separately to the state finance committee all sums expended from funds resulting from the sale of bonds for Columbia Basin county arterial highways and farm to market roads in Grant, Franklin and Adams counties under the provisions of RCW 47.10.010 through 47.10.140. Such counties shall repay to the state all the cost of any Columbia Basin highway or road facilities actually constructed under the provisions of RCW 47.10.010 through 47.10.140 within each of such counties as follows: The state finance committee, at least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any such bonds, shall ascertain the percentage of the motor vehicle funds arising from the excise taxes on motor vehicle fuels, which is to be transferred to such counties under the provisions of law which will be necessary to

pay all of the interest upon or retire when due all of the portion of said bonds chargeable to expenditures incurred under the provisions of RCW 47.10.010 through 47.10.140 in each of said counties. The state finance committee shall notify the state treasurer of this estimate and the treasurer shall thereafter, when distributions are made from the motor vehicle fund to counties, retain such percentage of the total sums credited to such counties as aforesaid in the motor vehicle fund arising from the excise taxes on motor vehicle fuels until such fund is fully reimbursed for all expenditures under RCW 47.10.010 through 47.10.140 in Grant, Adams and Franklin counties. Any money so retained shall be available for state highway purposes. [1961 c 13 § 47.10.110. Prior: 1951 c 121 § 9.]

**47.10.120 Columbia Basin highway projects—**  
**Limit as to amounts currently retained.** The sums retained from motor vehicle funds arising from the excise taxes on motor vehicle fuel, of any such counties shall not exceed in any distribution period fifty percent of the total amount to be credited to such county. If there shall be a deficit in the amount available for reimbursement of the motor vehicle fund, due to this provision, then such deficit shall continue to be a charge against any sums due any such county from the motor vehicle fund from such excise taxes until the full cost of such Columbia Basin highway facilities is paid. [1961 c 13 § 47.10.120. Prior: 1951 c 121 § 10.]

**47.10.130 Agate Pass Bridge to become toll free—**  
**Cancellation of Agate Pass bonds.** When the state finance committee has made arrangements for the sale of sufficient bonds to reimburse the motor vehicle fund in the sum of one million seven hundred three thousand six hundred twenty-five dollars as aforesaid, the committee shall notify the Washington toll bridge authority and the authority is thereafter directed to transfer the Agate Pass Bridge to the highway department for operation as a toll free part of the state highway system. The bonds of the authority issued to construct the Agate Pass Bridge shall then be canceled. [1961 c 13 § 47.10.130. Prior: 1951 c 121 § 13.]

**47.10.140 Appropriation from motor vehicle fund.** There is appropriated from the motor vehicle fund for the biennium ending March 31, 1953 the sum of sixty-six million seven hundred three thousand six hundred and twenty-five dollars, or so much thereof as may be necessary, to carry out the provisions of RCW 47.10.010 through 47.10.140, but no money shall be available under this appropriation from said fund unless a like amount of the bonds provided for herein are sold and the money derived deposited to the credit of such fund. [1961 c 13 § 47.10.140. Prior: 1951 c 121 § 15.]

#### ADDITIONAL BONDS—1953 ACT

**47.10.150 Declaration of necessity for additional funds.** Increased construction costs for highway and bridge construction since the enactment of a highway bond issue by the 1951 legislature makes necessary

additional money with which to complete the sections of primary state highway No. 1 planned from funds allocated under RCW 47.10.010 through 47.10.140 and it is vital to the economy of the state and the safety of the traffic that these sections shall be completed to relieve traffic congestions, to add capacity in event of war, and to presently insure greater safety to highway users; the rapid increase of traffic across Snoqualmie Pass necessitates continued improvement of primary state highway No. 2 to provide four-lane paving contiguous to Snoqualmie Pass as the funds will permit; the rapid increase of traffic and the facilitation of movement of military forces and equipment from the military centers of the state makes imperative the construction of a highway from primary state highway No. 2 beginning approximately four miles west of North Bend thence southwesterly by the most feasible route by the way of Auburn to a junction with primary state highway No. 1 in the vicinity of Milton; said highway to follow approximately the route surveyed by the director of highways and covered in the report filed by him with the 1951 legislature commonly known as the "Echo Lake Route," as the funds provided for herein will permit; the construction of secondary state highways in to the Columbia Basin area is immediately necessary to provide needed state arterial highways for the irrigated lands of the Columbia Basin areas to market centers and thereby encourage the full development of the basin project. The construction of such projects is required in the interest of the public safety and for the orderly development of the state. The threat of war makes acceleration of construction a vital necessity at this time. [1961 c 13 § 47.10.150. Prior: 1953 c 154 § 1.]

**47.10.160 Additional bonds—**  
**Issuance and sale authorized—**  
**Use of motor vehicle fund.** To provide funds for accelerating construction of these priority projects there shall be issued and sold limited obligation bonds of the state of Washington in the sum of eighteen million dollars. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall, when notified by the Washington state highway commission, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of the first priority projects: *Provided*, That if funds are available in the motor vehicle fund in an amount greater than is necessary to pay current demands such funds may be used to finance these first priority projects until such time as bonds are sold, as provided by law, at which time the motor vehicle fund shall be reimbursed. [1961 c 13 § 47.10.160. Prior: 1955 c 117 § 2; 1953 c 154 § 2.]

**47.10.170 Additional bonds—**  
**Form and term of bonds.** Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of

which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued under authority of RCW 47.10.150 through 47.10.270 shall be fully negotiable instruments. [1961 c 13 § 47.10.170. Prior: 1953 c 154 § 3.]

**47.10.180 Additional bonds—Bonds not general obligations—Taxes pledged.** Bonds issued under the provisions of RCW 47.10.150 through 47.10.270 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.150 through 47.10.270 from the proceeds of all state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and RCW 82.36.020, 82.36.230, 82.36.250, and 82.36.400, as derived from chapter 58, Laws of 1933, as amended, and as last amended by chapter 220, Laws of 1949; and chapter 82.40 RCW and RCW 82.40.020, as derived from chapter 127, Laws of 1941, as amended, and as last amended by chapter 220, Laws of 1949. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.150 through 47.10.270 and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay the principal and interest on all bonds issued under the provisions of RCW 47.10.150 through 47.10.270 when due. [1961 c 13 § 47.10.180. Prior: 1953 c 154 § 4.]

**47.10.190 Additional bonds—Sale of bonds.** The bonds issued under RCW 47.10.150 through 47.10.270 shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.150 through 47.10.270 shall be legal investment for any of the funds of the state, except the permanent school fund. [1961 c 13 § 47.10.190. Prior: 1953 c 154 § 5.]

**47.10.200 Additional bonds—Proceeds—Deposit and use.** The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of such priority projects, and payment of the expense incurred in the printing, issuance and sale of any such bonds. [1961 c 13 § 47.10.200. Prior: 1953 c 154 § 6.]

**47.10.210 Additional bonds—Source of funds for payment of principal and interest.** Any funds required to repay such bonds, or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the highway department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds. [1961 c 13 § 47.10.210. Prior: 1953 c 154 § 7.]

**47.10.220 Additional bonds—Highway bond retirement fund.** At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments under RCW 47.10.150 through 47.10.270 when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimate so that all requirements for interest and principal of all bonds issued shall be fully met at all times. [1961 c 13 § 47.10.220. Prior: 1953 c 154 § 8.]

**47.10.230 Additional bonds—Excess sums in bond retirement fund—Use.** Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period. [1961 c 13 § 47.10.230. Prior: 1953 c 154 § 9.]

**47.10.240 Additional bonds—Allocation—Primary state highway No. 1.** Seven million dollars of the total issue of the bonds authorized by RCW 47.10.150 through 47.10.270 are allocated for accelerating the completion of four-lane construction of primary state highway No. 1. [1961 c 13 § 47.10.240. Prior: 1953 c 154 § 10.]

**47.10.250 Additional bonds—Allocation—Primary state highway No. 2, Snoqualmie Pass.** Five million dollars of the total issue of the bonds authorized by RCW 47.10.150 through 47.10.270 are allocated for accelerating four-lane construction of primary state highway No. 2 contiguous to Snoqualmie Pass. [1961 c 13 § 47.10.250. Prior: 1953 c 154 § 11.]

**47.10.260 Additional bonds—Allocation—Columbia Basin highways.** Three million dollars of the total issue of the bonds authorized by RCW 47.10.150 through 47.10.270 are allocated for accelerating the construction of secondary state highways in the Columbia Basin area. [1961 c 13 § 47.10.260. Prior: 1953 c 154 § 12.]

**47.10.270 Additional bonds—Allocation—Echo Lake route.** Three million dollars of the total issue of the bonds authorized by RCW 47.10.150 through 47.10.270 are allocated insofar as said funds will permit to the construction of a highway from primary state highway No. 2 beginning approximately four miles west of North Bend thence southwesterly by the most feasible route by the way of Auburn to a junction with primary state highway No. 1 in the vicinity of Milton. [1961 c 13 § 47.10.270. Prior: 1953 c 154 § 13.]

#### ADDITIONAL BONDS—1955 ACT

**47.10.280 Construction in Grant, Franklin, Adams counties authorized—Declaration of priority.** Construction of county arterial highways and farm to market roads in Grant, Franklin and Adams counties to coincide with the opening of lands for settlement in the Columbia Basin irrigation project, is declared to be a project of the first priority. The construction of said project is required in the interest of the public safety and for the orderly development of the state. [1961 c 13 § 47.10.280. Prior: 1955 c 311 § 1.]

**47.10.290 Construction in Grant, Franklin, Adams counties authorized—Issuance and sale of bonds.** To provide funds for construction of this first priority project, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of four million three hundred thousand dollars.

The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall, when notified by the director of highways, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of this first priority project. [1961 c 13 § 47.10.290. Prior: 1955 c 311 § 2.]

**47.10.300 Construction in Grant, Franklin, Adams counties authorized—Form and term of bonds.** Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption as the state finance committee may prescribe to be specified

therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signatures may be printed facsimile. Any bonds may be registered in the name of the holder by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued under authority of RCW 47.10.280 through 47.10.400 shall be fully negotiable instruments. [1961 c 13 § 47.10.300. Prior: 1955 c 311 § 3.]

**47.10.310 Construction in Grant, Franklin, Adams counties authorized—Bonds not general obligations—Taxes pledged.** Bonds issued under the provisions of RCW 47.10.280 through 47.10.400 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.280 through 47.10.400 from the proceeds of all state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW, and RCW 82.36.020, 82.36.230, 82.36.250 and 82.36.400; and chapter 82.40 RCW and RCW 82.40.020. The proceeds of such excise taxes are pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.280 through 47.10.400. The legislature agrees to continue to impose the same excise taxes on motor fuels in amounts sufficient to pay the principal and interest on all bonds issued under the provisions of RCW 47.10.280 through 47.10.400 when due. [1961 c 13 § 47.10.310. Prior: 1955 c 311 § 4.]

**47.10.320 Construction in Grant, Franklin, Adams counties authorized—Sale of bonds.** The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee. They may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If such bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale. It shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.280 through 47.10.400 shall be legal investment for any of the funds of the state, except the permanent school fund. [1961 c 13 § 47.10.320. Prior: 1955 c 311 § 5.]

**47.10.330 Construction in Grant, Franklin, Adams counties authorized—Bond proceeds—Deposit and use.** The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of this first priority project, and payment of the expense incurred in the printing, issuance and sale of any such bonds. [1961 c 13 § 47.10.330. Prior: 1955 c 311 § 6.]

**47.10.340 Construction in Grant, Franklin, Adams counties authorized—Source of funds for payment of bond principal and interest.** Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the highway department for state highway purposes. They shall never constitute a charge against any allocation of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds: *Provided*, That money required hereunder to pay interest on or to retire any bonds issued for Columbia Basin county arterial highways or farm to market roads shall be repaid by any such county or counties wherein such highways or roads are constructed in the manner set forth in RCW 47.10.360. [1961 c 13 § 47.10.340. Prior: 1955 c 311 § 7.]

**47.10.350 Construction in Grant, Franklin, Adams counties authorized—Highway bond retirement fund.** At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.10.340, the percentage of receipts in money of the motor vehicle fuels, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, which is hereby established, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times. [1961 c 13 § 47.10.350. Prior: 1955 c 311 § 8.]

**47.10.360 Construction in Grant, Franklin, Adams counties authorized—Reimbursement by counties.** The director of highways shall report to the state finance committee all sums expended from funds resulting from the sale of bonds for Columbia Basin county arterial highways and farm to market roads in Grant, Franklin and Adams counties under the provisions of RCW 47.10.280 through 47.10.400. Said counties shall repay to the state all the cost of any Columbia Basin highway or road facilities actually constructed under the provisions of RCW 47.10.280 through 47.10.400 within each of said counties as follows: The state finance committee,

at least one year prior to the date any such interest is due and payable on such bonds or before the maturity date of any such bonds, shall ascertain the percentage of the motor vehicle funds arising from the excise taxes on motor vehicle fuels, which is to be transferred to such counties under the provisions of law which will be necessary to pay all of the interest upon or retire when due all of the portion of said bonds chargeable to expenditures incurred under the provisions of RCW 47.10.280 through 47.10.400 in each of said counties. The state finance committee shall notify the state treasurer of this estimate and the treasurer shall thereafter, when distributions are made from the motor vehicle fund to counties, retain such percentage of the total sums credited to such counties as aforesaid in the motor vehicle fund arising from such excise taxes on motor vehicle fuels until such fund is fully reimbursed for all expenditures under RCW 47.10.280 through 47.10.400 in Grant, Adams and Franklin counties. Any money so retained shall be available for state highway purposes. [1961 c 13 § 47.10.360. Prior: 1955 c 311 § 9.]

**47.10.370 Construction in Grant, Franklin, Adams counties authorized—Limit as to amounts currently retained from excise taxes.** The sums retained from motor vehicle funds, arising from the excise taxes on motor vehicle fuel, of any such counties shall not exceed in any distribution period fifty percent of the total amount to be credited to such county. If there shall be a deficit in the amount available for reimbursement of the motor vehicle fund, due to this provision, then such deficit shall continue to be a charge against any sums due any such county from the motor vehicle fund from such excise taxes until the full cost of such Columbia Basin highway facilities is paid. [1961 c 13 § 47.10.370. Prior: 1955 c 311 § 10.]

**47.10.380 Construction in Grant, Franklin, Adams counties authorized—Excess sums in bond retirement fund—Use.** Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period. [1961 c 13 § 47.10.380. Prior: 1955 c 311 § 11.]

**47.10.390 Construction in Grant, Franklin, Adams counties authorized—Allocation of funds to each county.** The bonds authorized herein are allocated to the counties as follows:

- (1) For Adams county—six hundred thousand dollars.
- (2) For Franklin county—one million five hundred thousand dollars.
- (3) For Grant county—two million two hundred thousand dollars:

*Provided*, That no bonds shall be issued for Columbia Basin county arterial highway and road purposes unless expenditures are actually required for the settlement of lands ready for irrigation in the Columbia Basin project and all construction of arterial highways and roads in such counties shall be accomplished by the engineering forces of the various counties under the supervision of the director of highways. [1961 c 13 § 47.10.390. Prior: 1955 c 311 § 12.]

**47.10.400 Construction in Grant, Franklin, Adams counties authorized—Appropriation from motor vehicle fund.** There is appropriated from the motor vehicle fund for the biennium ending June 30, 1957 the sum of four million three hundred thousand dollars, or so much thereof as may be necessary, to carry out the provisions of RCW 47.10.280 through 47.10.400, but no money shall be available under this appropriation from said fund unless a like amount of the bonds provided for herein are sold and the money derived deposited to the credit of such fund. [1961 c 13 § 47.10.400. Prior: 1955 c 311 § 13.]

#### ADDITIONAL BONDS—1957 ACT

**47.10.410 Echo Lake route—Declaration of necessity.** Increased costs for highway and bridge construction since the enactment of the highway bond issues authorized by the 1951, 1953 and 1955 legislatures makes necessary additional money with which to complete that portion of primary state highway No. 2, beginning approximately four miles west of North Bend thence southwesterly by the most feasible route by way of Auburn to a junction with primary state highway No. 1 in the vicinity of Milton, commonly known as the "Echo Lake Route." It is vital to the economy of the state and traffic safety that this project be constructed as soon as the funds provided herein will permit. [1961 c 13 § 47.10.410. Prior: 1957 c 206 § 1.]

**47.10.420 Echo Lake route—Additional bond issue authorized—Use of motor vehicle fund.** To provide additional funds for the construction of the "Echo Lake Route," in addition to bonds authorized to be sold by RCW 47.10.160 and as allocated by RCW 47.10.270, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of three million dollars. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall when notified by the Washington state highway commission, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of this project: *Provided*, That if funds are available in the motor vehicle fund in an amount greater than is necessary to pay current demands, moneys appropriated to the state highway commission for highway purposes may be used to finance this project until such time as bonds are sold, as provided by law, at which time the motor vehicle fund shall

be reimbursed. [1961 c 13 § 47.10.420. Prior: 1957 c 206 § 2.]

**47.10.430 Echo Lake route—Form and term of bonds.** Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption bearing such interest, and such terms and conditions as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued under authority of RCW 47.10.410 through 47.10.500 shall be fully negotiable instruments. [1961 c 13 § 47.10.430. Prior: 1957 c 206 § 3.]

**47.10.440 Echo Lake route—Bonds not general obligations—Taxes pledged.** Bonds issued under the provisions of RCW 47.10.410 through 47.10.500 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.410 through 47.10.500 from the proceeds of all state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and RCW 82.36.020, 82.36.230, 82.36.250, and 82.36.400, as derived from chapter 58, Laws of 1933, as amended, and as last amended by chapter 220, Laws of 1949, and chapter 82.40 RCW and RCW 82.40.020, as derived from chapter 127, Laws of 1941, as amended, and as last amended by chapter 220, Laws of 1949. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.410 through 47.10.500 and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay the principal and interest on all bonds issued under the provisions of RCW 47.10.410 through 47.10.500. [1961 c 13 § 47.10.440. Prior: 1957 c 206 § 4.]

**47.10.450 Echo Lake route—Sale of bonds.** The bonds issued under the terms of RCW 47.10.410 through 47.10.500 shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.150 through 47.10.270 shall be legal investment for any of the funds of the state, except



the permanent school fund. [1961 c 13 § 47.10.450. Prior: 1957 c 206 § 5.]

**47.10.460 Echo Lake route—Proceeds—Deposit and use.** The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of the project referred to in RCW 47.10.410, and payment of the expense incurred in the printing, issuance and sale of any such bonds. [1961 c 13 § 47.10.460. Prior: 1957 c 206 § 6.]

**47.10.470 Echo Lake route—Source of funds for payment of principal and interest.** Any funds required to repay such bonds, or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the highway department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds. [1961 c 13 § 47.10.470. Prior: 1957 c 206 § 7.]

**47.10.480 Echo Lake route—Highway bond retirement fund.** At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments under RCW 47.10.410 through 47.10.500 when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times. [1961 c 13 § 47.10.480. Prior: 1957 c 206 § 8.]

**47.10.490 Echo Lake route—Excess sums in bond retirement fund—Use.** Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption

of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period. [1961 c 13 § 47.10.490. Prior: 1957 c 206 § 9.]

**47.10.500 Echo Lake route—Appropriation from motor vehicle fund.** There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1959 the sum of three million dollars, or so much thereof as may be necessary to carry out the provisions of RCW 47.10.410 through 47.10.500, but no money shall be available under this appropriation from said fund unless a like amount of bonds provided for herein are sold and the moneys derived therefrom are deposited to the credit of such fund. [1961 c 13 § 47.10.500. Prior: 1957 c 206 § 10.]

#### TACOMA-SEATTLE-EVERETT FACILITY— 1957 ACT

**47.10.700 Tacoma-Seattle-Everett facility—Declaration of necessity.** Increased traffic and increased costs of highway and bridge construction make necessary additional moneys with which to complete the sections of primary state highway No. 1 through and between the cities of Tacoma, Seattle, and Everett and as an additional alternate route by-passing Seattle east of Lake Washington. It is vital to the economy of the state and the safety of traffic that these sections shall be completed to relieve traffic congestions, to insure greater safety to highway users, and to assure an adequate through highway to accommodate traffic from bridges across Lake Washington as soon as possible. [1961 c 13 § 47.10.700. Prior: 1957 c 189 § 1.]

**47.10.702 Tacoma-Seattle-Everett facility—To be part of federal system as limited access—Federal standards and conditions to be met.** This highway project shall be constructed as a part of the federal interstate highway system as a fully controlled limited access facility and shall meet the standards and specifications required by the state of Washington and the secretary of commerce of the United States in order to qualify for federal grants in aid as provided for in the federal-aid highway act of 1956. The state shall perform all conditions precedent to payment in advance of apportionment as provided by section 108(h) of the federal-aid highway act of 1956 so as to be entitled to federal aid funds for the project covered by RCW 47.10.700 through 47.10.724 when such funds are apportioned. [1961 c 13 § 47.10.702. Prior: 1957 c 189 § 2.]

**47.10.704 Tacoma-Seattle-Everett facility—Powers and duties of highway commission—Route of project.** In order to facilitate vehicular traffic through and between the cities of Tacoma, Seattle and Everett and to remove the present handicaps and hazards over and along primary state highway No. 1 as presently established, the state highway commission is authorized to realign, redesign and reconstruct primary state highway No. 1 upon a newly located right of way or upon portions of existing right of way through and between

the cities of Tacoma, Seattle and Everett and as an additional alternate route bypassing Seattle east of Lake Washington. The route of the proposed project is established as follows: Beginning in the vicinity of Ponders Corner, thence in a general northeasterly and northerly direction through the cities of Tacoma and Seattle to a point in the vicinity of the city of Everett and as an additional alternate route bypassing Seattle east of Lake Washington. [1961 c 13 § 47.10.704. Prior: 1957 c 189 § 3.]

**47.10.706 Tacoma–Seattle–Everett facility—Issuance and sale of bonds authorized.** In order to finance the immediate construction of the project referred to in RCW 47.10.700 pending receipt of federal grants in aid and in accordance with the federal–aid highway act of 1956, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of forty–five million dollars or such amount thereof and at such times as determined to be necessary by the state highway commission. No bonds shall be issued under the provisions of RCW 47.10.700 through 47.10.724 until the congress of the United States shall approve the estimated cost of completing the federal interstate system to be submitted to it within ten days subsequent to January 2, 1958, as provided by section 108(d), federal–aid highway act of 1956. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the Washington state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as may be necessary for the orderly progress of said project. [1967 ex.s. c 7 § 1; 1961 c 13 § 47.10.706. Prior: 1957 c 189 § 4.]

**47.10.708 Tacoma–Seattle–Everett facility—Form and term of bonds.** Each of such bonds shall be made payable at any time not exceeding twenty–five years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments. [1961 c 13 § 47.10.708. Prior: 1957 c 189 § 5.]

**47.10.710 Tacoma–Seattle–Everett facility—Sale of bonds.** The bonds issued hereunder shall be in denominations to be prescribed by the state finance

committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.700 through 47.10.724 shall be legal investment for any of the funds of the state, except the permanent school fund. [1961 c 13 § 47.10.710. Prior: 1957 c 189 § 6.]

**47.10.712 Tacoma–Seattle–Everett facility—Proceeds from bonds—Deposit and use.** The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of the project referred to in RCW 47.10.700, 47.10.702 and 47.10.704, and for payment of the expense incurred in the drafting, printing, issuance, and sale of any such bonds. [1961 c 13 § 47.10.712. Prior: 1957 c 189 § 7.]

**47.10.714 Tacoma–Seattle–Everett facility—Bonds not general obligations—Taxes pledged.** Bonds issued under the provisions of RCW 47.10.700 through 47.10.724 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.700 through 47.10.724 from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and RCW 82.36.020, 82.36.230, 82.36.250 and 82.36.400, as derived from chapter 58, Laws of 1933, as amended, and as last amended by chapter 220, Laws of 1949; and chapter 82.40 RCW and RCW 82.40.020, as derived from chapter 127, Laws of 1941, as amended, and as last amended by chapter 220, Laws of 1949. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.700 through 47.10.724, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.10.700 through 47.10.724. [1961 c 13 § 47.10.714. Prior: 1957 c 189 § 8.]

**47.10.716 Tacoma–Seattle–Everett facility—Source of funds for payment of principal and interest.** Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is, or may be appropriated to the highway department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds. [1961 c 13 § 47.10.716. Prior: 1957 c 189 § 9.]

**47.10.718 Tacoma-Seattle-Everett facility—Additional security for payment of bonds—Pledge of federal funds.** As additional security for payment of the principal amount of any or all of the bonds to be issued hereunder, the state finance committee, with the consent of the state highway commission, may pledge all or any portion of the federal aid funds received or from time to time to be received by the state from the United States under the provisions of the federal-aid highway act of 1956 for the construction of all or any part of the project referred to in RCW 47.10.700, 47.10.702 and 47.10.704. [1961 c 13 § 47.10.718. Prior: 1957 c 189 § 10.]

**47.10.720 Tacoma-Seattle-Everett facility—Highway bond retirement fund.** At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.10.716, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which, together with federal funds which may be pledged as provided in RCW 47.10.718, shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the bond retirement fund, which fund shall be available solely for payment of interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times. [1961 c 13 § 47.10.720. Prior: 1957 c 189 § 11.]

**47.10.722 Tacoma-Seattle-Everett facility—Excess sums in bond retirement fund—Use.** Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels and the federal funds which may be pledged as provided in RCW 47.10.718, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period. [1961 c 13 § 47.10.722. Prior: 1957 c 189 § 12.]

**47.10.724 Tacoma-Seattle-Everett facility—Appropriation from motor vehicle fund.** There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1959 the sum of forty-five million dollars, or so much thereof as may be necessary to carry out the provisions

of RCW 47.10.700 through 47.10.724, but no money shall be available under this appropriation from said fund unless a like amount of bonds provided for herein are sold and the money derived therefrom deposited to the credit of such fund. [1967 ex.s. c 7 § 2; 1961 c 13 § 47.10.724. Prior: 1957 c 189 § 13.]

#### ADDITIONAL BONDS—1965 ACT

**47.10.726 Construction in Grant, Franklin, Adams counties authorized—Declaration of public interest.** Construction of county arterial highways and farm to market roads in Grant, Franklin and Adams counties to coincide with the opening of additional lands for settlement in the Columbia Basin irrigation project, is declared to be a project required in the interest of the public safety and for the orderly development of the state. [1965 c 121 § 1.]

**47.10.727 Construction in Grant, Franklin, Adams counties authorized—Issuance and sale of limited obligation bonds.** To provide funds for construction of this project, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of one million eight hundred and fifty thousand dollars.

The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall, when notified by the director of highways, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of this project. [1965 c 121 § 2.]

**47.10.728 Construction in Grant, Franklin, Adams counties authorized—Form and term of bonds.** Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signatures may be printed facsimile. The coupons attached to the bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued under authority of RCW 47.10.726 through 47.10.738 shall be fully negotiable instruments. [1965 c 121 § 3.]

**47.10.729 Construction in Grant, Franklin, Adams counties authorized—Bonds not general obligations—Taxes pledged.** Bonds issued under the provisions of RCW 47.10.726 through 47.10.738 shall distinctly state that they are not a general obligation of

the state, but are payable in the manner provided in RCW 47.10.726 through 47.10.738 from the proceeds of all state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and chapter 82.40 RCW. The proceeds of such excise taxes are pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.726 through 47.10.738. The legislature agrees to continue to impose the same excise taxes on motor fuels in amounts sufficient to pay the principal and interest on all bonds issued under the provisions of RCW 47.10.726 through 47.10.738 when due. [1965 c 121 § 4.]

**47.10.730 Construction in Grant, Franklin, Adams counties authorized—Sale of bonds—Legal investment for state funds.** The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee. They may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. The bonds shall be sold at public sale. It shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.726 through 47.10.738 shall be legal investment for any of the funds of the state, except the permanent school fund. [1965 c 121 § 5.]

**47.10.731 Construction in Grant, Franklin, Adams counties authorized—Bond proceeds—Deposit and use.** The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of the project authorized by RCW 47.10.726 through 47.10.738, and payment of the expense incurred in the printing, issuance and sale of any such bonds, in which expense shall be included the sum of one eighth of one percent of the amount of the issue to cover the cost of servicing said issue, such sum to be deposited in the general fund. [1965 c 121 § 6.]

**47.10.732 Construction in Grant, Franklin, Adams counties authorized—Source of funds for payment of bond principal and interest.** Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the highway department for state highway purposes. They shall never constitute a charge against any allocation of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds: *Provided*, That money required hereunder to pay interest on or to retire any bonds issued as authorized by RCW 47.10.726 through 47.10.738 shall be repaid by the county or counties wherein the highways or roads are constructed in the manner set forth in RCW 47.10.734. [1965 c 121 § 7.]

**47.10.733 Construction in Grant, Franklin, Adams counties authorized—Highway bond retirement fund.** At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate the percentage of receipts in money of the motor vehicle \*fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, which is hereby established, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times. [1965 c 121 § 8.]

*\*Reviser's note: "fuels" appearing in the session law is hereinabove corrected to read "fund"; see comparable provisions in RCW 47.10.080, 47.10.220, 47.10.480 and 47.10.720.*

**47.10.734 Construction in Grant, Franklin, Adams counties authorized—Repayment to state by Grant, Franklin and Adams counties by retention of funds.** The director of highways shall report to the state finance committee all sums expended from funds resulting from the sale of bonds authorized by RCW 47.10.726 through 47.10.738. Grant, Franklin and Adams counties shall repay to the state all the cost of highway or road facilities actually constructed under the provisions of RCW 47.10.726 through 47.10.738 within each of said counties as follows: The state finance committee, at least one year prior to the date any such interest is due and payable on such bonds or before the maturity date of any such bonds, shall ascertain the percentage of the motor vehicle funds arising from the excise taxes on motor vehicle fuels, which is to be transferred to such counties under the provisions of law which will be necessary to pay all of the interest upon or retire when due all of the portion of said bonds sold under the provisions of RCW 47.10.726 through 47.10.738 in each of said counties. The state finance committee shall notify the state treasurer of this estimate and the treasurer shall thereafter, when distributions are made from the motor vehicle fund to counties, retain such percentage of the total sums credited to such counties as aforesaid in the motor vehicle fund arising from such excise taxes on motor vehicle fuels until such fund is fully reimbursed for all expenditures under RCW 47.10.726 through 47.10.738 in Grant, Adams and Franklin counties. Any money so retained shall be available for state highway purposes. [1965 c 121 § 9.]

**47.10.735 Construction in Grant, Franklin, Adams counties authorized—Repayment, limitation as to amount of funds retained—Deficits.** The sums retained from motor vehicle funds, arising from the excise taxes on motor vehicle fuel, of any such counties as provided in RCW 47.10.734, together with the sums similarly retained under the provisions of RCW 47.10.010 through 47.10.140 and RCW 47.10.280 through 47.10.400 shall not exceed in any distribution period fifty percent of the total amount to be credited to such county. If there shall be a deficit in the amount available for reimbursement of the motor vehicle fund, due to this provision, then such deficit shall continue to be a charge against any sums due any such county from the motor vehicle fund from such excise taxes until the full cost of such highway facilities is paid. [1965 c 121 § 10.]

**47.10.736 Construction in Grant, Franklin, Adams counties authorized—Sums in excess of retirement requirements—Use.** Whenever the percentages of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period. [1965 c 121 § 11.]

**47.10.737 Construction in Grant, Franklin, Adams counties authorized—Allocation of bonds to counties—Conditions upon issuance—Use of county engineering forces.** The bonds authorized herein are allocated to the counties as follows:

(1) For Adams county—one hundred thousand dollars.

(2) For Franklin county—four hundred fifty thousand dollars.

(3) For Grant county—one million three hundred thousand dollars:

*Provided*, That no bonds shall be issued for Columbia Basin county arterial highway and road purposes unless expenditures are actually required for the settlement of lands ready for irrigation in the Columbia Basin project and all construction of arterial highways and roads in such counties shall be accomplished by the engineering forces of the various counties under the supervision of the director of highways. [1965 c 121 § 12.]

**47.10.738 Construction in Grant, Franklin, Adams counties authorized—Appropriation from motor vehicle fund.** There is appropriated from the motor vehicle fund for the biennium ending June 30, 1967 the sum of one million eight hundred fifty thousand dollars, or so much thereof as may be necessary, to carry out the provisions of RCW 47.10.726 through 47.10.738. [1965 c 121 § 13.]

#### ADDITIONAL BONDS—CONSTRUCTION AND IMPROVEMENT—1967 ACT

**47.10.751 Additional funds—Declaration of necessity.** Increased costs of construction combined with an unprecedented increase in motor vehicle use in this state have created an urgent demand for additional highway construction funds. It is vital to the economy of this state and the safety of the public that additional funds be provided for the construction of state highways. [1967 ex.s. c 7 § 3.]

**47.10.752 Additional funds—Issuance and sale of limited obligation bonds.** In order to provide funds for the construction and improvement of state highways, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of thirty million dollars or such amount thereof and at such times as determined to be necessary by the state highway commission. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the state highway commission. [1967 ex.s. c 7 § 4.]

**47.10.753 Additional funds—Form and term of bonds.** Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments. [1967 ex.s. c 7 § 5.]

**47.10.754 Additional funds—Sale of bonds—Legal investment for state funds.** The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If the bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of

RCW 47.10.751 through 47.10.760 shall be legal investment for any of the funds of the state, except the permanent school fund. [1967 ex.s. c 7 § 6.]

**47.10.755 Additional funds—Bond proceeds—Deposit and use.** The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of state highways and for payment of the expenses incurred in the printing, issuance, and sale of any such bonds. [1967 ex.s. c 7 § 7.]

**47.10.756 Additional funds—Bonds not general obligations—Taxes pledged.** Bonds issued under the provisions of RCW 47.10.751 through 47.10.760 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.751 through 47.10.760 from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.751 through 47.10.760, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.10.751 through 47.10.760. [1967 ex.s. c 7 § 8.]

**47.10.757 Additional funds—Source of funds for payment of bond principal and interest.** Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is or may be appropriated to the state highway commission for state highway purposes, and shall never constitute a charge against any allocations of any other such funds to the state, counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available to the state for construction of state highways proves insufficient to meet the requirements for bond retirement or interest on any such bonds. [1967 ex.s. c 7 § 9.]

**47.10.758 Additional funds—Highway bond retirement fund.** At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any such bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.10.757, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to

the bond retirement fund, hereby created, which fund shall be available solely for payment of interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times. [1967 ex.s. c 7 § 10.]

**47.10.759 Additional funds—Sums in excess of retirement requirements—Use.** Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle fuels payable into the bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period. [1967 ex.s. c 7 § 11.]

**47.10.760 Additional funds—Appropriation from motor vehicle fund.** There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1969, the sum of thirty million dollars, or so much thereof as may be necessary to carry out the provisions of RCW 47.10.751 through 47.10.760. [1967 ex.s. c 7 § 12.]

#### RESERVE FUNDS FOR HIGHWAY, STREET, AND ROAD PURPOSES—1967 ACT

**47.10.761 Reserve funds—Purposes.** It is the purpose of RCW 47.10.761 through 47.10.771, to provide reserve funds to the state highway commission for the following purposes:

- (1) For construction, reconstruction, or repair of any state highway made necessary by slides, storm damage, or other unexpected or unusual causes.
- (2) For construction or improvement of any state highway when necessary to alleviate or prevent intolerable traffic congestion caused by extraordinary and unanticipated economic development within any area of the state.
- (3) To advance funds to any city or county to be used exclusively for the construction or improvement of any city street or county road when necessary to alleviate or prevent intolerable traffic congestion caused by extraordinary and unanticipated economic development within a particular area of the state. Before funds provided by the sale of bonds as authorized in RCW 47.10.761 through 47.10.770, are loaned to any city or county for the purposes specified herein, the state highway commission shall enter into an agreement with the city or county providing for repayment to the motor vehicle fund of such funds, together with the amount of bond interest thereon, from the city's or the county's share of the motor vehicle funds arising from excise taxes on motor

vehicle fuels, over a period not to exceed twenty-five years. [1967 ex.s. c 7 § 13.]

**47.10.762 Issuance and sale of limited obligation bonds.** In order to provide reserve funds for the purposes specified in RCW 47.10.761, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of twenty-five million dollars or such amount thereof and at such times as may be determined to be necessary by the state highway commission. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the Washington state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary for the orderly scheduled construction of the interstate highway system. [1967 ex.s. c 7 § 14.]

**47.10.763 Bonds—Term—Terms and conditions—Signatures—Registration—Where payable—Negotiable instruments.** Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments. [1967 ex.s. c 7 § 15.]

**47.10.764 Bonds—Denominations—Manner and terms of sale—Legal investment for state funds.** The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If the bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.761 through 47.10.771 shall be legal investment for any of the funds of the state, except the permanent school fund. [1967 ex.s. c 7 § 16.]

**47.10.765 Bonds—Bond proceeds—Deposit and use.** The money arising from the sale of said bonds shall

be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the purposes enumerated in RCW 47.10.761 and for payment of the expense incurred in the drafting, printing, issuance and sale of any such bonds. [1967 ex.s. c 7 § 17.]

**47.10.766 Bonds—Statement describing nature of obligation—Pledge of excise taxes.** Bonds issued under the provisions of RCW 47.10.761 through 47.10.771 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.761 through 47.10.771 from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.761 through 47.10.771, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.10.761 through 47.10.771. [1967 ex.s. c 7 § 18.]

**47.10.767 Bonds—Designation of funds to repay bonds and interest.** Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is, or may be appropriated to the highway department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds. [1967 ex.s. c 7 § 19.]

**47.10.768 Bonds—Federal aid funds may be pledged.** As additional security for payment of the principal amount of any or all of the bonds to be issued hereunder, the state finance committee, with the consent of the state highway commission, may pledge all or any portion of the federal aid funds received or from time to time to be received by the state from the United States under the provisions of the federal-aid highway act of 1956, as amended, for the construction of Washington's portion of the national system of interstate and defense highways. [1967 ex.s. c 7 § 20.]

**47.10.769 Bonds—Repayment procedure—Bond retirement fund.** At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.10.767, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which, together with federal funds which may be

pledged as provided in RCW 47.10.768, shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the bond retirement fund, which fund shall be available solely for payment of interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times. [1967 ex.s. c 7 § 21.]

**47.10.770 Bonds—Sums in excess of retirement requirements—Use.** Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels and the federal funds which may be pledged as provided in RCW 47.10.768, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period. [1967 ex.s. c 7 § 22.]

**47.10.771 Bonds—Appropriation from motor vehicle fund.** There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1969, the sum of twenty-five million dollars, or so much thereof as may be necessary to carry out the provisions of RCW 47.10.761 through 47.10.771. [1967 ex.s. c 7 § 23.]

#### STATE HIGHWAYS IN URBAN AREAS

**47.10.775 Issuance and sale of limited obligation bonds, terms, conditions, retirement, use of proceeds, etc.** See RCW 47.26.400–47.26.410.

#### COUNTY AND CITY ARTERIALS IN URBAN AREAS

**47.10.777 Issuance and sale of limited obligation bonds, terms, conditions, retirement, use of proceeds, etc.** See RCW 47.26.420–47.26.460.

#### RESERVE FUNDS FOR STATE HIGHWAYS— 1975-'76 ACT

**47.10.780 Purpose.** It is the purpose of RCW 47.10.780 through 47.10.788 to provide sufficient reserve funds (to the extent that the authorization of bonds in RCW 47.10.781 permits) to ensure that there shall be

available for expenditure by the state highway commission from the motor vehicle fund, the sum of thirty-eight million dollars in state moneys for the location, design, right of way, and construction of state highways in the biennium ending June 30, 1979, after first deducting all other sums appropriated and duly allotted for expenditure from the motor vehicle fund (1) to other agencies, (2) for debt service requirements, and (3) for other state highway purposes.

As used in this section the term "state moneys" shall mean moneys derived from state taxes, fees, fines, and forfeitures, and the proceeds from the sale of highway construction bonds including bonds authorized by RCW 47.10.781. [1975-'76 2nd ex.s. c 66 § 1.]

**47.10.781 Issuance and sale of general obligation bonds.** In order to provide reserve funds for the purposes specified in RCW 47.10.780, there shall be issued and sold general obligation bonds of the state of Washington in the sum of thirty million dollars or such amount thereof and at such times as may be determined to be necessary by the state highway commission. The issuance, sale, and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the state highway commission, shall provide for the issuance, sale, and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as the state highway commission shall determine to be necessary to meet the purposes specified in RCW 47.10.780, but in no event shall any bonds authorized herein be sold after July 31, 1979. [1975-'76 2nd ex.s. c 66 § 2.]

**47.10.782 Terms and conditions—Signatures—Registration—Where payable—Negotiable instruments.** Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments. [1975-'76 2nd ex.s. c 66 § 3.]

**47.10.783 Denominations—Manner and terms of sale—Legal investment for state funds.** The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may



prescribe. If the bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.781 shall be legal investment for any of the funds of the state, except the permanent school fund. [1975-'76 2nd ex.s. c 66 § 4.]

**47.10.784 Bond proceeds—Deposit and use.** The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the purposes enumerated in RCW 47.10.780 and for payment of the expense incurred in the drafting, printing, issuance, and sale of any such bonds. [1975-'76 2nd ex.s. c 66 § 5.]

**47.10.785 Statement of general obligation—Pledge of excise taxes.** Bonds issued under the provisions of RCW 47.10.781 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal of and interest on such bonds shall be first payable in the manner provided in RCW 47.10.780 through 47.10.788 from the proceeds of state excise taxes on motor vehicle fuels imposed by chapters 82.36, 82.37, and 82.38 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.781, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.10.780 through 47.10.788. [1975-'76 2nd ex.s. c 66 § 6.]

**47.10.786 Designation of funds to repay bonds and interest.** Any funds required to repay such bonds, or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is, or may be appropriated to the highway department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements, for bond retirement or interest on any such bonds. [1975-'76 2nd ex.s. c 66 § 7.]

**47.10.787 Repayment procedure—Bond retirement fund.** At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any such bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.10.786, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on

motor vehicle fuels, for each month of the year which shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the bond retirement fund, hereby created, which fund shall be available solely for payment of interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the state treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times. [1975-'76 2nd ex.s. c 66 § 8.]

**47.10.788 Sums in excess of retirement requirements—Use.** Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle fuels payable into the bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period. [1975-'76 2nd ex.s. c 66 § 9.]

## Chapter 47.12 ACQUISITION AND DISPOSITION OF STATE HIGHWAY PROPERTY

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*Acquisition of rights of way, city streets: RCW 47.24.030.*

**47.12.010 Acquisition of property authorized—**  
**Condemnation actions—**—Cost. Whenever it is necessary to secure any lands or interests in land for a right of way for any state highway, or for the drainage thereof or construction of a protection therefor or so as to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or any point of danger to public travel or to provide a visual or sound buffer between highways and adjacent properties or for the purpose of acquiring sand pits, gravel pits, borrow pits, stone quarries or any other land for the extraction of materials for construction or maintenance or both, or for any site for the erection upon and use as a maintenance camp, of any state highway, or any site for other necessary structures or for structures for the health and accommodation of persons traveling or stopping upon the state highways of this state, or any site for the construction and maintenance of structures and facilities adjacent to, under, upon, within, or above the right of way of any state highway for exclusive or nonexclusive use by an urban public transportation system, or for any

other highway purpose, together with right of way to reach such property and gain access thereto, the highway commission is authorized to acquire such lands or interests in land in behalf of the state by gift, purchase or condemnation. In case of condemnation to secure such lands or interests in land, the action shall be brought in the name of the state of Washington in the manner provided for the acquiring of property for the public uses of the state, and in such action the selection of the lands or interests in land by the highway commission shall, in the absence of bad faith, arbitrary, capricious or fraudulent action, be conclusive upon the court and judge before which the action is brought that said lands or interests in land are necessary for public use for the purposes sought. The cost and expense of such lands or interests in land may be paid as a part of the cost of the state highway for which such right of way, drainage, unobstructed vision, sand pits, gravel pits, borrow pits, stone quarries, maintenance camp sites and structure sites or other lands are acquired. [1967 c 108 § 4; 1961 c 13 § 47.12.010. Prior: 1937 c 53 § 25, part; RRS § 6400-25, part.]

*Urban public transportation system defined: RCW 47.04.082.*

**47.12.011 Purchase options authorized.** Whenever it becomes necessary or feasible to purchase rights of way for state highways, and the Washington state highway commission deems it to be in the best interest of the general public, the commission may, and it is hereby authorized, to secure options for purchase of property needed or proposed for any entire project or section thereof or proposed alignment for the location or relocation of any highway, for review by the commission before final adoption or acquisition. [1961 c 13 § 47.12.011. Prior: 1955 c 49 § 1.]

**47.12.020 Acquisition of state lands, rights, and materials—**—**Duties when use no longer required—**  
**Payment for timber and materials.** Whenever it is necessary to locate and construct a state highway over and across any of the public lands of the state of Washington, including tide or shore lands or any oyster reserve which has been or may hereafter be established, or in the construction or maintenance of any state highway to have additional land, for drainage thereof or construction of a protection therefor or to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or any point of danger to public travel or to open up and use materials from any sand pit, gravel pit, borrow pit, stone quarry or other land for the extraction of materials for the construction or maintenance or both, or any site for other necessary structures, or for structures for the health and accommodation of persons traveling or stopping upon such state highway, or for any other public highway purpose, together with any necessary right of way to reach such property and gain access thereto, the highway commission shall file in the office of the commissioner of public lands a map showing the location of such state highway over and across such land, or the additional land needed, for drainage thereof or construction of a protection therefor or for unobstructed vision as

above provided therefor, or the location of such sand pit, gravel pit, stone quarry, maintenance camp site, structure site or other lands, together with right of way to reach such property and gain access thereto within such lands, with reference to a United States government survey, and upon the filing of such map, the easement of such right of way, or for such additional land, for drainage thereof or construction of a protection thereof or for such unobstructed vision therefor or for locating, opening up and using materials from any such sand pit, gravel pit, borrow pit, stone quarry or lands for the extraction of material or for the erection or occupancy of any such maintenance camp or erection of other structure together with any such required right of way thereto, shall be reserved to the state and such land when sold, leased, or otherwise disposed of, shall be sold, leased or disposed of subject to such right of way and subject to any such use of additional land for drainage or protection or for unobstructed vision and subject to any such established sand pit, gravel pit, borrow pit, stone quarry or location for the extraction of material or erection of other structure together with any such required right of way thereto and to the right of the state to use and remove materials therefrom for the construction upon and maintenance of any state highway, and subject to the occupancy and use of any such maintenance camp site or other structure site together with such right of way thereto: *Provided*, That as soon as the state shall no longer require any such sand pit, gravel pit, borrow pit, stone quarry, location for the extraction of material, maintenance camp site or other structure site, it shall be the duty of the highway commission forthwith to so certify to the commissioner of public lands, and from and after the receipt and filing of such certificate in the office of said commissioner of public lands the lands described therein shall thereafter be freed from any such use and occupancy for such purposes: *Provided, further*, That if there be timber on any such public lands of the state of Washington or portion thereof required under the provisions of this section for the right of way of any state highway, or for the drainage thereof or construction of a protection therefor or so as to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or a point of danger to public travel or any sand pits, gravel pits, borrow pits, stone quarry or other land for the extraction of materials or for any site for the erection upon or use as a maintenance camp or other necessary structure or structures or any other proper highway purposes or necessary for right of way to reach any such property and gain access thereto, the highway commission shall pay to the commissioner of public lands the reasonable appraised value of any such timber thereon and no such land shall be used by the highway commission for any of the purposes set forth in this section until payment for such timber shall have been made: *Provided, further*, That the highway commission shall pay to the commissioner of public lands for any materials extracted for construction or maintenance, or both, from any sand pit, gravel pit, borrow pit, stone quarry, or other location for the extraction of materials located upon public lands of the state of Washington the fair

market value, but in no event to exceed five cents a cubic yard, for all such materials so extracted, and before the extraction of such materials shall obtain from the commissioner of public lands a permit for such extraction setting forth the terms and conditions under which such materials may be extracted from such public lands. "State highway" as used in this section shall include limited access facilities established under chapter 47.52 RCW. [1961 c 156 § 1; 1961 c 13 § 47.12.020. Prior: 1953 c 54 § 1; 1937 c 53 § 25, part; RRS § 6400-25, part. Formerly RCW 47.12.020 and 47.12.030.]

**47.12.040 Acquisition of property from a political subdivision.** Whenever it is necessary to secure any lands for primary or secondary state highway right of way or other state highway purposes, the title to which is in any county of the state or in any political or municipal subdivision of the state, which land is not at the time being used as a public highway, the board of county commissioners or the board of directors or governing body of any such political or municipal subdivision are authorized to directly lease, sell or convey by gift such land or any interest therein to the state of Washington, without requiring competitive bids or notice to the public, and at such price as the board, directors or governing body may deem for the best interests of the county or for the best interests of the political or municipal subdivision of the state. The board of county commissioners or the directors or governing body of any political or municipal subdivision are empowered to execute a deed or other proper instrument to such land, passing title to the state of Washington, and such instrument need not require consideration other than the benefit which may be derived by the grantor on account of the use thereof. Whenever any state highway is established by legislative enactment and such state highway is upon the former route of an county road, the board of county commissioners shall cause the title to the existing right of way or so much thereof as the highway commission shall require to be transferred to the state of Washington by proper instrument. [1961 c 13 § 47.12.040. Prior: 1943 c 266 § 1; 1937 c 53 § 26; Rem. Supp. 1943 § 6400-26.]

**47.12.050 Work on remaining land as payment.** Whenever it is considered in the securing of any lands for state highway purpose, whether by condemnation or otherwise, that it is for the best interest of the state, for specific structural items of damage claimed the court or judge may order or the person whose lands are sought may agree that a portion or all work or labor necessary to the land or remaining land by reason of the taking by way of damage, be performed by the state through the highway commission as all or a part of the consideration or satisfaction of the judgment therefor, in which event the highway commission may perform such work as a portion of the right of way cost of such state highway. [1961 c 13 § 47.12.050. Prior: 1937 c 53 § 27; RRS § 6400-27.]

**47.12.060 Sale or exchange of rights or land not needed for highway purposes—Sale by public auction only, when.** When a state highway is relocated and the

old route is abandoned, and the new route crosses land owned by a person who owns land abutting on the old route, the Washington state highway commission may agree with the owner to convey to him title to the old route or a part thereof as all or part consideration for his land to be taken for the new route.

Whenever the state has abandoned any highway rights of way, pit sites, stock pile sites or owns land not needed for highway purposes, the Washington state highway commission may sell same to abutting owners for the fair market value or exchange with any person as a consideration or part consideration for lands or property rights needed by the state, or may sell same by public auction whenever it is deemed in the public interest to do so: *Provided*, That whenever the commission finds that it is in the public interest to sell such property to an abutting private owner and there are two or more abutting owners, the commission shall sell the same only by public auction unless every abutting owner but one signs a statement signifying he does not intend to bid on or purchase such property.

The Washington state highway commission shall certify the agreement to the director of highways with a description of the property to be conveyed, and the director of highways shall execute the deed which shall be duly acknowledged and deliver it to the grantee. [1975 1st ex.s. c 96 § 1; 1961 c 13 § 47.12.060. Prior: 1955 c 384 § 13; prior: 1945 c 146 § 1, part; 1937 c 53 § 28, part; Rem. Supp. 1945 § 6400-28, part.]

**47.12.070 Sale or exchange of rights or land not needed for highway purposes—Sale or lease to a city or county—Proceeds.** If the Washington state highway commission deems that any land is no longer required for state highway purposes and that it is in the public interest so to do, said highway commission may negotiate for the sale of the land to a city or county of the state. The state highway commission shall certify the agreement for the sale to the director of highways, with a description of the land and the terms of the sale, and the director of highways shall execute the deed which shall be duly acknowledged and deliver it to the grantee.

Any moneys received pursuant to the provisions of this section shall be deposited in the motor vehicle fund. [1975 1st ex.s. c 96 § 2; 1969 c 91 § 2; 1961 c 13 § 47.12.070. Prior: 1955 c 384 § 14; prior: 1945 c 146 § 1, part; 1937 c 53 § 28, part; Rem. Supp. 1945 § 6400-28, part.]

**47.12.080 Sale or exchange of rights or land not needed for highway purposes—Transfer to United States, municipal subdivision, public utility—Proceeds.** Whenever in the construction, reconstruction, location or improvement of any state highway it may become necessary to transfer and convey to the United States, its agencies or instrumentalities, to any municipal subdivision of this state, or to any public utility company, any unused state highway right of way or real property, and in the judgment of the highway commission and the attorney general, such transfer and conveyance is consistent with public interest, the highway commission may

enter into agreements accordingly. Whenever the highway commission shall make any such agreement for any such transfer or conveyance, and together with the attorney general, certifies to the director of highways that such agreement has been made setting forth in such certification a description of the lands or premises involved, the director of highways shall execute and deliver unto the United States government, or its agencies or instrumentalities, unto any municipal subdivision of this state, or unto any public utility company, a deed of conveyance, easement or other instrument, duly acknowledged, as shall be necessary to fulfill the terms of the aforesaid agreement. All moneys paid to the state of Washington under any of the provisions hereof shall be deposited in the motor vehicle fund. [1975 1st ex.s. c 96 § 3; 1961 c 13 § 47.12.080. Prior: 1945 c 127 § 1; Rem. Supp. 1945 § 6400-120.]

**47.12.120 Lease of unused highway land or air space.** The highway commission is authorized, subject to the provisions and requirements of zoning ordinances of political subdivisions of government, to rent or lease any lands, improvements, or air space above or below any lands, including those used or to be used for both limited access and conventional highways which are held for highway purposes but are not presently needed, upon such terms and conditions as the highway commission may determine. [1969 c 91 § 1; 1961 c 13 § 47.12.120. Prior: 1949 c 162 § 1; Rem. Supp. 1949 § 6400-122.]

**47.12.125 Lease of unused highway land or air space—Disposition of proceeds.** All moneys paid to the state of Washington under any of the provisions of RCW 47.12.120 shall be deposited in the motor vehicle fund. [1961 c 13 § 47.12.125. Prior: 1949 c 162 § 2; Rem. Supp. 1949 § 6400-123.]

**47.12.130 Exchange of land with abutting owner.** Whenever the state department of highways shall have title to any parcel of land which the state highway commission shall determine is not necessary for highway purposes, the commission is authorized to cause such land to be deeded to the owner of land abutting upon such parcel in consideration, or partial consideration, for other lands owned by such property owner which the highway commission deems to be necessary for highway purposes. The director of highways shall execute the conveyances, which shall be duly acknowledged, necessary to carry out such exchange. [1975 1st ex.s. c 96 § 4; 1961 c 13 § 47.12.130. Prior: 1953 c 28 § 1.]

**47.12.140 Severance and sale of timber and other personalty.** Whenever the state highway department shall have acquired any lands, except state granted lands, upon which are located any structures, timber or other thing of value attached to the land, which the state highway commission shall deem it best to sever from the land and sell as personal property, the same may be sold by the department of highways at public auction after due notice thereof shall have been given in accordance with general regulations prescribed by the state highway commission. The state highway commission may set

minimum prices that will be accepted for any item offered for sale at public auction as herein provided and may prescribe terms or conditions of sale and, in the event that any item shall be offered for sale at such auction and for which no satisfactory bids shall be received or for which the amount bid shall be less than the minimum set by the commission, it shall be lawful for the commission to sell such item at private sale for the best price which it deems obtainable but at not less than the highest price bid at the public auction. The proceeds of all sales under this section shall be placed in the motor vehicle fund. [1961 c 13 § 47.12.140. Prior: 1953 c 42 § 1.]

**47.12.150 Acquisition, exchange, of property to relocate displaced facility.** Whenever the highway commission shall need for highway purposes land or property rights belonging to the United States government or any municipality or political subdivision of the state, or which shall be a part of the right of way of any public utility having authority to exercise powers of eminent domain, when the acquisition of such property by the state will result in the displacement of any existing right of way or facility, the state highway commission is authorized to acquire by condemnation or otherwise such lands and property rights as shall be needed to relocate such right of way or facilities so displaced and to exchange lands or property rights so acquired in consideration or partial consideration for the land or property rights needed for highway purposes. The director of highways, at the request of the state highway commission, shall execute each conveyance, which shall be duly acknowledged, necessary to accomplish such exchange. [1975 1st ex.s. c 96 § 5; 1961 c 13 § 47.12.150. Prior: 1953 c 55 § 1.]

**47.12.160 Acquisition of land outside highway right of way to minimize damage.** Whenever a part of a parcel of land is to be acquired for state highway purposes and the remainder lying outside of the right of way is to be left in such shape or condition as to be of little value to its owner or to give rise to claims or litigation concerning severance or other damage, and its value does not exceed the probable amount of such severance claims or damages, the state highway commission may acquire by gift, purchase or condemnation the whole parcel and may sell that portion lying outside of the highway right of way or may exchange the same for other property needed for highway purposes: *Provided, however,* That the provisions of this section shall not apply if the taking of that portion of the land lying outside of the highway right of way would deprive any adjacent owner of an existing right of ingress and egress to his property. [1961 c 13 § 47.12.160. Prior: 1953 c 131 § 1.]

**47.12.170 Sale, lease of unneeded toll facility, ferry system property—Franchises for utility, railway purposes.** See RCW 47.56.252 through 47.56.257.

**47.12.180 Additional method of financing acquisition of property, engineering costs—Declaration of policy, public use and highway purpose.** It is hereby declared to

be the public policy of the state of Washington to provide for the acquisition of real property and engineering costs necessary for the improvement of the state highway system, in advance of actual construction, for the purposes of eliminating costly delays in construction, reducing hardship to owners of such property, and eliminating economic waste occasioned by the improvement of such property immediately prior to its acquisition for highway uses.

The legislature therefore finds and declares that purchase and condemnation of real property necessary for the state highway system and engineering costs, reasonably in advance of programmed construction, is a public use and purpose and a highway purpose.

The Washington state highway commission is hereby authorized to purchase or condemn any real property or property rights therein which it deems will be necessary for the improvement of routes on the state highway system by the method provided in RCW 47.12.180 through 47.12.240, as now or later amended, or alternatively by the method provided in RCW 47.12.242 through 47.12.246. Neither method shall be used to condemn property or property rights in advance of programmed construction until the highway commission has complied with hearing procedures required for the location or relocation of the type of highway for which such property is to be condemned. [1969 ex.s. c 197 § 1; 1961 c 281 § 1.]

**Severability—1961 c 281:** "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." [1961 c 281 § 12.] This applies to chapter 281, Laws of 1961 codified as RCW 41.40.070, 43.84.080, 47.12.180 through 47.12.240 and 51.44.100.

**47.12.190 Additional method of financing acquisition of property, engineering costs—Authorization to purchase or condemn real property and property rights by additional method.** The Washington state highway commission, in addition to its other powers and duties as provided by law, is authorized to purchase or condemn any real property or property rights therein which it deems will be necessary for the improvements of routes on the state highway system by the method provided in RCW 47.12.180 through 47.12.240. Condemnation actions brought hereunder shall be brought in the name of the state as provided for acquiring property for the public uses of the state, and in such actions selection of the property and property rights by the highway commission is conclusive that they are necessary for the purposes sought, in the absence of bad faith, or arbitrary, capricious, or fraudulent action. [1961 c 281 § 2.]

**47.12.200 Additional method of financing acquisition of property, engineering costs—Agreements with state finance committee.** The highway commission may enter into agreements with the state finance committee for financing the acquisition, by purchase or condemnation, of real property together with engineering costs that the highway commission deems will be necessary for the improvement of the state highway system. Such agreements may provide for the acquisition of an individual parcel or for the acquisition of any number of parcels

within the limits of a contemplated highway project. [1969 ex.s. c 197 § 2; 1961 c 281 § 3.]

**47.12.210 Additional method of financing acquisition of property, engineering costs—Agreement with finance committee to purchase motor vehicle fund warrants—Funds which may be used for payment, limitations.** Such an agreement shall provide that the state finance committee shall purchase, at par, warrants drawn upon the motor vehicle fund in payment for the property covered by the agreement and the engineering costs necessary for such advance purchase or condemnation. Such warrants shall be purchased by the state finance committee, upon the presentation by the holders thereof to the state treasurer, from any moneys available for investment in: (1) The accident fund, medical aid fund, or the reserve fund created by chapter 51.44 RCW; or (2) the state treasury available for investment as provided in RCW 43.84.080: *Provided*, That in no event shall more than ten percent of the assets of any fund be used for the purpose of acquiring property as authorized herein, except in the case of current state funds in the state treasury, twenty percent of the balance therein available for investment may be invested as provided in RCW 47.12.180 through 47.12.240. [1969 ex.s. c 197 § 3; 1961 c 281 § 4.]

*Authorization that certain funds may be invested in motor vehicle fund warrants: RCW 41.40.071, 43.84.080 and 51.44.100.*

**47.12.220 Additional method of financing acquisition of property, engineering costs—Mandatory, permissive, provisions in agreement with finance committee—Duration, funds, redemption of warrants, interest, etc.** Each such agreement shall include, but shall not be limited to the following:

(1) A provision stating the term of the agreement which shall not extend more than seven years from the effective date of the agreement.

(2) A designation of the specific fund or funds to be used to carry out such agreement.

(3) A provision that the highway commission may redeem warrants purchased by the state finance committee at any time prior to the letting of a highway improvement contract utilizing the property; and further, during the effective period of each such agreement the highway commission shall redeem such warrants whenever such a highway improvement contract is let, or upon the expiration of such agreement, whichever date is earlier.

(4) A provision stating the rate of interest such warrants shall bear commencing at the time of purchase by the state finance committee.

(5) Any additional provisions agreed upon by the highway commission and the state finance committee which are necessary to carry out the purposes of such agreement as indicated by RCW 47.12.180 through 47.12.240. [1969 ex.s. c 197 § 4; 1961 c 281 § 5.]

**47.12.230 Additional method of financing acquisition of property, engineering costs—Form of warrants—Approval—Payment—Deposit.** Warrants issued for payment of property and engineering costs as provided

herein shall be of a distinctive design and shall contain the words "for purchase by the state finance committee from ----- fund" (indicating the proper investing fund as provided by the agreement). Such warrants shall be approved by the secretary of the state finance committee prior to their issuance by the state treasurer. Upon presentation of such warrants to the state treasurer for payment, he shall pay the par value thereof from the fund for which the state finance committee agreed to purchase such warrants whether or not there are then funds in the motor vehicle fund. The state treasurer shall deposit such warrants in the treasury for the investing fund. [1969 ex.s. c 197 § 5; 1961 c 281 § 6.]

**47.12.240 Additional method of financing acquisition of property, engineering costs—Transfer of interest from motor vehicle fund to purchasing fund—Time of warrant payment—Obligations are prior charge.** The state treasurer shall transfer from the motor vehicle fund to the credit of the fund purchasing such warrants interest at the rate and at the times provided for in such agreement. The state treasurer shall pay such warrants at the time provided for in the agreement. Such obligations coming due shall be a prior charge against any funds in the motor vehicle fund available to the highway commission for construction of state highways. [1961 c 281 § 7.]

**47.12.242 "Advance right of way acquisition" defined.** The term "advance right of way acquisition" means the acquisition of property and property rights not less than two nor more than seven years in advance of programmed construction, together with the engineering costs necessary for such advance right of way acquisition. [1969 ex.s. c 197 § 6.]

**47.12.244 Advance right of way revolving fund.** There is hereby created the "advance right of way revolving fund" in the custody of the treasurer, into which the Washington highway commission is authorized to deposit directly and expend without appropriation any federal moneys available for acquisition of right of way for future construction under the provisions of section 108 of Title 23, United States Code. [1969 ex.s. c 197 § 7.]

**Appropriation—1969 ex.s. c 197:** "There is appropriated from the motor vehicle fund the sum of five million dollars or so much thereof as is necessary to carry out the provisions of this act, into the advance right of way revolving fund in the custody of the treasurer created by this 1969 amendatory act, to be expended together with federal moneys available for such purposes by the Washington highway commission for advance right of way acquisition without further or additional appropriation." [1969 ex.s. c 197 § 8.]

**47.12.246 Reimbursement to advance right of way revolving fund.** Whenever, after any properties or property rights are acquired from funds in the advance right of way revolving fund, the Washington highway commission proceeds with the construction of a highway which will require the use of any of the property so acquired, the commission shall reimburse the advance right of way revolving fund, from other funds available to it, the amount of the prior expenditures for advance

right of way acquisition for the state highway being constructed. Such deposits may be reexpended as provided in RCW 47.12.180, 47.12.200 through 47.12.230 and 47.12.242 through 47.12.248 without further or additional appropriations. [1969 ex.s. c 197 § 9.]

**47.12.248 Structures acquired in advance of programmed construction to be maintained in good appearance.** Whenever the Washington state highway commission shall purchase or condemn any property pursuant to the authority of RCW 47.12.180 through 47.12.240, as now or later amended, or RCW 47.12.242 through 47.12.246, the commission shall cause any structures so acquired and not removed within a reasonable time to be maintained in good appearance. [1969 ex.s. c 197 § 10.]

**47.12.250 Acquisition of property for preservation of beauty, historic sites, viewpoint, safety rest areas or buffer zones.** The state highway commission is authorized to acquire by purchase, lease, condemnation, gift, devise, bequest, grant or exchange, title to or any interests or rights in real property adjacent to state highways for the preservation of natural beauty, historic sites or viewpoints or for safety rest areas or to provide a visual or sound buffer between highways and adjacent properties: *Provided*, That the state highway commission shall not acquire, by condemnation, less than an owner's entire interest for providing a visual or sound buffer between highways and adjacent properties under RCW 47.12.010 and 47.12.250 if said owner objects to the taking of said lesser interest or right. [1967 c 108 § 5; 1965 ex.s. c 170 § 62.]

*Roadside areas—Safety rest areas: Chapter 47.38 RCW.  
Scenic and recreational highway act: Chapter 47.39 RCW.*

**47.12.260 Acquisition of real property subject to local improvement assessments—Payment.** See RCW 79.44.190.

**47.12.270 Acquisition of property for parking facilities for motorists using urban public transportation facilities or private car pool vehicles.** The state highway commission may acquire real property or interests in real property by gift, purchase, lease, or condemnation and may construct and maintain thereon fringe and transportation corridor parking facilities to serve motorists transferring to or from urban public transportation vehicles or private car pool vehicles. The state highway commission may obtain and exercise options for the purchase of property to be used for purposes described in this section. The state highway commission shall not expend any funds for acquisition or construction costs of any parking facility to be operated as a part of a transit system by a metropolitan municipal corporation unless such facility has been approved by the state highway commission in advance of its acquisition or construction. [1973 2nd ex.s. c 18 § 1.]

**47.12.280 Sale of real property—Authorized—Procedure—Disposition of proceeds.** Any real property (including lands, improvements thereon, and any

interests or estates) held by the department of highways other than that acquired under RCW 47.12.020 may be sold in accordance with the following procedure:

(1) Determination that the real property is unnecessary for the purposes of the department of highways;

(2) Determination of the fair market value of the real property;

(3) Offering of the real property for sale by auction after notice to the general public of the proposed auction sale in the following manner: By notice of the proposed sale published in a display advertisement of no less than two column by two inch or one column by four inch size in any daily or weekly legal newspaper of general circulation published in the county in which the real property to be sold is situated. This advertisement shall appear in the legal notices section and the real estate classified section. This publication shall appear for a period of not less than four weeks prior to the proposed sale and the notice shall particularly describe the property to be sold and the time and place of the proposed sale: *Provided*, That if there is no legal newspaper published in this county, then such notice shall be published in the legal newspaper published in this state nearest to the place of sale.

(4) Offering of the real property for sale by advertisement and negotiation if the real property was offered, but not sold at auction.

No real property shall be sold for less than the fair market value at the time of the auction if sold at auction or the fair market value at the date of the agreement to sell if sold by advertisement and negotiation. Any offer to purchase real property may be rejected at any time prior to written acceptance of the offer by the department of highways and approval of the terms of the transaction by the highway commission.

The highway commission shall approve the terms of each sale, either individually or by general rule, so that payment is made or safely secured to the state. The highway commission may adopt rules further implementing this section.

All funds received under this section shall be forwarded to the state treasurer and by him credited to the motor vehicle fund. [1973 1st ex.s. c 177 § 1.]

**47.12.290 Sale of real property—Execution, acknowledgement, and delivery of deed.** When full payment for real property agreed to be sold as authorized by RCW 47.12.280 has been received the director of highways shall execute the deed which shall be duly acknowledged and deliver it to the grantee. [1975 1st ex.s. c 96 § 6; 1973 1st ex.s. c 177 § 2.]

**47.12.300 Sale of unneeded property—Toll bridge authority—Authorized—Rules.** See RCW 47.56.254.

**47.12.301 Sale of unneeded property—Toll bridge authority—Certification to governor—Execution, delivery of deed.** See RCW 47.56.255.

**47.12.302 Toll bridge authority—Sale of unneeded property.** See RCW 47.60.130.

**47.12.310 Sale of real property—Advertisement of sale terms required before sale becomes final—Sale to second purchaser, when.** Before any such sale involving a sum in excess of ten thousand dollars shall be final, the commission shall cause to be reported in a legal newspaper of the county in which the property is located a legal advertisement, and such other advertisement as the commission shall deem advisable, setting forth the legal description of the property, the commonly known address, the name of the purchaser, the purchase price, the name of the agent, attorney, or real estate broker handling the transaction, the terms of the sale including the price and interest rate on any deferred payments, in three consecutive editions thereof. Any individual may within thirty days after the first publication of such advertisement offer subject to the same terms or conditions a purchase price of ten percent more than the offer advertised and the commission shall make such sale to the second purchaser. [1973 1st ex.s. c 177 § 6.]

**47.12.320 Sale of property—Listing of available properties with broker authorized.** The highway commission may list any available properties with any licensed real estate broker at a commission rate otherwise charged in the geographic area for such services. [1973 1st ex.s. c 177 § 7.]

### Chapter 47.16 PRIMARY HIGHWAY ROUTES

#### Section

47.16.220 Corridor highway (Auburn to Bothell)—Hearings and study as to location and design.

**47.16.220 Corridor highway (Auburn to Bothell)—Hearings and study as to location and design.** The joint committee on highways with the cooperation and assistance of the state highway commission is authorized and directed to conduct public hearings and such informal local community meetings as it deems advisable within the areas that may be affected by establishment of a highway described as follows: Beginning at a junction of state highway No. 18 with primary state highway No. 1, thence northerly east of Auburn, thence easterly to the vicinity of Auburn, thence generally northerly east of Renton, thence continuing via a corridor located easterly of Lake Sammamish to a connection with primary state highway No. 15 northeast of Bothell, it being the intent of the legislature that said corridor highway, if established, shall be east of Lake Sammamish. Such hearings and meetings shall be conducted in a manner to inform the public about alternate proposals for the location of said highway and to obtain information from the public which might affect the scope of the study or the choice of alternatives to be considered and which might aid in identification of critical social, economic and environmental effects prior to corridor hearings to be held by the highway commission. The joint committee on highways and the state highway commission shall maintain full liaison with King county and all cities and towns affected by the location of this highway to insure that

each alternate proposed location will be properly coordinated with the adopted transportation plans of such local governments.

The joint committee on highways in connection with the preparation and conduct of such hearings may retain a design team of experts from several disciplines concerned with aesthetic and social aspects in the location and design of the proposed highway. The joint committee on highways shall report its findings relative to the establishment and general location of said highway to the legislature at the time of its convening in 1971.

There is hereby appropriated from the motor vehicle fund to the joint committee on highways and the Washington state highway commission for the biennium ending June 30, 1971, the sum of two hundred thousand dollars, or so much thereof as may be necessary to carry out the provisions of this section. [1969 ex.s. c 281 § 57.]

### Chapter 47.17 STATE HIGHWAY ROUTES

#### Sections

47.17.005 State route No. 2.  
47.17.010 State route No. 3.  
47.17.015 State route No. 4.  
47.17.020 State route No. 5.  
47.17.025 State route No. 6.  
47.17.030 State route No. 7.  
47.17.035 State route No. 8.  
47.17.040 State route No. 9.  
47.17.045 State route No. 10.  
47.17.050 State route No. 11.  
47.17.055 State route No. 12.  
47.17.060 State route No. 14.  
47.17.065 State route No. 16.  
47.17.070 State route No. 17.  
47.17.075 State route No. 18.  
47.17.080 State route No. 20.  
47.17.081 State route No. 20 north.  
47.17.085 State route No. 21.  
47.17.090 State route No. 22.  
47.17.095 State route No. 23.  
47.17.100 State route No. 24.  
47.17.105 State route No. 25.  
47.17.110 State route No. 26.  
47.17.115 State route No. 27.  
47.17.120 State route No. 28.  
47.17.130 State route No. 31.  
47.17.135 State route No. 82.  
47.17.140 State route No. 90.  
47.17.145 State route No. 92.  
47.17.150 State route No. 95.  
47.17.155 State route No. 97.  
47.17.160 State route No. 99.  
47.17.165 State route No. 101.  
47.17.170 State route No. 103.  
47.17.175 State route No. 104.  
47.17.180 State route No. 105.  
47.17.185 State route No. 106.  
47.17.190 State route No. 107.  
47.17.195 State route No. 108.  
47.17.200 State route No. 109.  
47.17.215 State route No. 112.  
47.17.217 State route No. 115.  
47.17.225 State route No. 121.  
47.17.230 State route No. 123.  
47.17.235 State route No. 124.  
47.17.240 State route No. 125.  
47.17.245 State route No. 126.  
47.17.250 State route No. 127.  
47.17.255 State route No. 128.  
47.17.260 State route No. 129.



47.17.270	State route No. 140.	47.17.625	State route No. 432.
47.17.275	State route No. 141.	47.17.630	State route No. 433.
47.17.280	State route No. 142.	47.17.635	State route No. 500.
47.17.281	State route No. 143.	47.17.640	State route No. 501.
47.17.285	State route No. 150.	47.17.645	State route No. 502.
47.17.290	State route No. 151.	47.17.650	State route No. 503.
47.17.295	State route No. 153.	47.17.655	State route No. 504.
47.17.300	State route No. 155.	47.17.660	State route No. 505.
47.17.305	State route No. 160.	47.17.665	State route No. 506.
47.17.310	State route No. 161.	47.17.670	State route No. 507.
47.17.315	State route No. 162.	47.17.675	State route No. 508.
47.17.320	State route No. 164.	47.17.680	State route No. 509.
47.17.325	State route No. 165.	47.17.685	State route No. 510.
47.17.330	State route No. 167.	47.17.690	State route No. 512.
47.17.335	State route No. 168.	47.17.695	State route No. 513.
47.17.340	State route No. 169.	47.17.700	State route No. 514.
47.17.345	State route No. 170.	47.17.705	State route No. 515.
47.17.350	State route No. 171.	47.17.710	State route No. 516.
47.17.355	State route No. 172.	47.17.715	State route No. 518.
47.17.360	State route No. 173.	47.17.720	State route No. 520.
47.17.365	State route No. 174.	47.17.725	State route No. 522.
47.17.370	State route No. 181.	47.17.730	State route No. 524.
47.17.372	State route No. 182.	47.17.735	State route No. 525.
47.17.375	State route No. 193.	47.17.740	State route No. 526.
47.17.380	State route No. 195.	47.17.745	State route No. 527.
47.17.382	State route No. 197.	47.17.750	State route No. 528.
47.17.385	State route No. 202.	47.17.752	State route No. 529.
47.17.390	State route No. 203.	47.17.755	State route No. 530.
47.17.395	State route No. 204.	47.17.760	State route No. 532.
47.17.400	State route No. 205.	47.17.765	State route No. 534.
47.17.405	State route No. 206.	47.17.770	State route No. 536.
47.17.410	State route No. 207.	47.17.780	State route No. 538.
47.17.415	State route No. 209.	47.17.785	State route No. 539.
47.17.416	State route No. 211.	47.17.790	State route No. 540.
47.17.417	State route No. 213.	47.17.795	State route No. 542.
47.17.419	State route No. 215.	47.17.797	State route No. 543.
47.17.420	State route No. 220.	47.17.800	State route No. 544.
47.17.425	State route No. 221.	47.17.805	State route No. 546.
47.17.430	State route No. 223.	47.17.808	State route No. 599.
47.17.435	State route No. 224.	47.17.810	State route No. 603.
47.17.440	State route No. 230.	47.17.815	State route No. 702.
47.17.445	State route No. 231.	47.17.820	State route No. 706.
47.17.450	State route No. 232.	47.17.823	State route No. 821.
47.17.453	State route No. 237.	47.17.825	State route No. 900.
47.17.455	State route No. 240.	47.17.830	State route No. 901.
47.17.460	State route No. 241.	47.17.835	State route No. 902.
47.17.465	State route No. 243.	47.17.840	State route No. 903.
47.17.470	State route No. 251.	47.17.845	State route No. 904.
47.17.475	State route No. 260.	47.17.850	State route No. 906.
47.17.480	State route No. 261.	47.17.855	State route No. 908.
47.17.485	State route No. 270.	47.17.867	State route No. 920.
47.17.490	State route No. 271.	47.17.917	State route No. 970.
47.17.495	State route No. 272.		
47.17.500	State route No. 274.		
47.17.502	State route No. 276.		
47.17.505	State route No. 281.		
47.17.510	State route No. 282.		
47.17.515	State route No. 283.		
47.17.520	State route No. 290.		
47.17.525	State route No. 291.		
47.17.530	State route No. 292.		
47.17.540	State route No. 300.		
47.17.545	State route No. 302.		
47.17.550	State route No. 303.		
47.17.555	State route No. 304.		
47.17.560	State route No. 305.		
47.17.565	State route No. 306.		
47.17.567	State route No. 308.		
47.17.575	State route No. 395.		
47.17.580	State route No. 401.		
47.17.590	State route No. 403.		
47.17.595	State route No. 405.		
47.17.600	State route No. 407.		
47.17.605	State route No. 409.		
47.17.610	State route No. 410.		
47.17.615	State route No. 411.		
47.17.620	State route No. 431.		

**47.17.005 State route No. 2.** A state highway to be known as state route number 2 is established as follows:

Beginning at a junction with state route number 5 in Everett, thence easterly by the most feasible route by way of Monroe, Stevens Pass and Leavenworth to a junction with state route number 97 in the vicinity of Peshastin; also

From that junction with state route number 97 in the vicinity of Peshastin, thence easterly by the most feasible route by way of Wenatchee, Waterville, Wilbur and Davenport to a junction with state route number 90 in the vicinity west of Spokane; also

Beginning at a junction with state route number 90 at Spokane, thence northerly to a junction with state route number 395 in the vicinity north of Spokane; also

From that junction with state route number 395 in the vicinity north of Spokane, thence northerly to a junction with state route number 31 at Newport; also

From that junction with state route number 31 at Newport, thence easterly to the Washington–Idaho boundary line, thence southerly along said boundary line to Fourth Street in Newport. [1970 ex.s. c 51 § 2.]

**Purpose**—1970 ex.s. c 51: "This act is intended to assign state route numbers to existing state highways duly established by prior legislative act in lieu of primary state highway numbers and secondary state highway numbers. Nothing contained herein is intended to add any new section of highway to the state highway system or delete any section of highway from the state highway system." [1970 ex.s. c 51 § 179.] "This act" [1970 ex.s. c 51] is codified as RCW 47.17.005 through 47.17.850, 47.20.570, 47.20.580, 47.22.010, 47.22.020, and 47.39.020.

**47.17.010 State route No. 3.** A state highway to be known as state route number 3 is established as follows:

Beginning at a junction with state route number 101 at Shelton, thence northeasterly to a junction with state route number 302 at Allyn; also

From that junction with state route number 302 at Allyn, thence northeasterly to a junction with state route number 106 in the vicinity of Belfair; also

From that junction with state route number 106 in the vicinity of Belfair, thence northeasterly by the most feasible route to Bremerton, thence northerly and easterly by the most feasible route in the vicinity of Poulsbo to a junction with state route number 104 in the vicinity of Port Gamble. [1970 ex.s. c 51 § 3.]

**47.17.015 State route No. 4.** A state highway to be known as state route number 4 is established as follows:

Beginning at a junction with state route number 101 in the vicinity of a location known as Johnson's Landing, in Pacific county, thence southeasterly by the most feasible route by way of Kelso to a junction with state route number 5. [1970 ex.s. c 51 § 4.]

**47.17.020 State route No. 5.** A state highway to be known as state route number 5 is established as follows:

Beginning at the Washington–Oregon boundary line on the interstate bridge over the Columbia river at Vancouver, thence northerly by way of Kelso, Chehalis, Centralia, Olympia, Tacoma, Seattle, Everett and Mt. Vernon, thence northwesterly to the east of Lake Samish, thence northeasterly and northerly by way of Bellingham to the international boundary line in the vicinity of Blaine in Whatcom county. [1970 ex.s. c 51 § 5.]

**47.17.025 State route No. 6.** A state highway to be known as state route number 6 is established as follows:

Beginning at a junction with state route number 101 at Raymond, thence easterly by the most feasible route to a junction with state route number 5 at Chehalis. [1970 ex.s. c 51 § 6.]

**47.17.030 State route No. 7.** A state highway to be known as state route number 7 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Morton, thence northerly to a junction with state route number 706 at Elbe; also

From that junction with state route number 706 at Elbe, thence northerly to a junction with state route number 5 at Tacoma. [1970 ex.s. c 51 § 7.]

**47.17.035 State route No. 8.** A state highway to be known as state route number 8 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Elma, thence easterly by the most feasible route to a junction with state route number 101 at Tumwater. [1970 ex.s. c 51 § 8.]

**47.17.040 State route No. 9.** A state highway to be known as state route number 9 is established as follows:

Beginning at a junction with state route number 522 north of Woodinville, thence northerly by way of Snohomish, Arlington and Sedro Woolley to a junction with state route number 542, in the vicinity of Deming; also

Beginning at a junction with state route number 542, in the vicinity of Lawrence, thence northerly to the international boundary at Sumas. [1970 ex.s. c 51 § 9.]

**47.17.045 State route No. 10.** A state highway to be known as state route number 10 is established as follows:

Beginning at Teanaway junction thence easterly via the existing highway along the north side of the Yakima River to a junction with state route number 97 west of Ellensburg. [1975 c 63 § 14; 1971 ex.s. c 73 § 1; 1970 ex.s. c 51 § 10.]

**47.17.050 State route No. 11.** A state highway to be known as state route number 11 is established as follows:

Beginning at a junction with state route number 5 in the vicinity of Mt. Vernon, thence northerly by way of Blanchard to a junction with state route number 5 at Bellingham. [1970 ex.s. c 51 § 11.]

**47.17.055 State route No. 12.** A state highway to be known as state route number 12 is established as follows:

Beginning at a junction with state route number 101 at Aberdeen, thence easterly by way of Montesano and Elma to a junction with state route number 8 in the vicinity of Elma; also

From that junction with state route number 8 in the vicinity of Elma, thence southeasterly to a junction with state route number 5 in the vicinity north of Centralia; also

Beginning at a junction with state route number 5 in the vicinity south of Chehalis, thence easterly by way of Morton and White Pass to a junction with state route number 410 northwest of Yakima; also

From that junction with state route number 410 northwest of Yakima, thence southeasterly to a junction with state route number 82 at Yakima; also

Beginning at a junction with state route number 82 near Union Gap, thence southeasterly by the most feasible route by way of Pasco and Wallula to Walla Walla, thence northerly by way of Dayton to a junction with state route number 127 at Dodge; also

From that junction with state route number 127 in the vicinity of Dodge, thence easterly by the most feasible route by way of Pomeroy and Clarkston to the Washington–Idaho boundary line. [1970 ex.s. c 51 § 12.]

**47.17.060 State route No. 14.** A state highway to be known as state route number 14 is established as follows:

Beginning at a junction with state route number 5 at Vancouver, thence easterly by way of Stevenson to a junction with state route number 97 in the vicinity of Maryhill; also

Beginning at a junction with state route number 97 in the vicinity of Maryhill, thence easterly along the north bank of the Columbia river to the vicinity of Plymouth, thence northeasterly to a junction with state route number 12 in the vicinity of Kennewick. [1970 ex.s. c 51 § 13.]

**47.17.065 State route No. 16.** A state highway to be known as state route number 16 is established as follows:

Beginning at a junction with state route number 5 at Tacoma, thence northwesterly by way of the Tacoma Narrows Bridge and a junction with state route number 160 in the vicinity west of Port Orchard to a junction with state route number 3 in the vicinity of Bremerton. [1973 1st ex.s. c 151 § 1; 1970 ex.s. c 51 § 14.]

**47.17.070 State route No. 17.** A state highway to be known as state route number 17 is established as follows:

Beginning at a junction with state route number 395 in the vicinity of Eltopia, thence northwesterly to a junction with state route number 90 in the vicinity of Moses Lake, thence northwesterly to a junction with state route number 28 in the vicinity of Soap Lake; also

From that junction with state route number 28 in the vicinity of Soap Lake, thence northerly by the most feasible route to a junction with state route number 2 west of Coulee City; also

Beginning at a junction with state route number 2 in the vicinity west of Coulee City, thence northerly crossing the Columbia river in the vicinity of Bridgeport and the Chief Joseph dam, thence northwesterly on the north side of the Columbia river to a junction with state route number 97 east of Brewster. [1970 ex.s. c 51 § 15.]

**47.17.075 State route No. 18.** A state highway to be known as state route number 18 is established as follows:

Beginning at a junction with state route number 509 in the vicinity of northeast Tacoma, thence generally northeasterly by the most direct and feasible route by way of the vicinity of Milton and Auburn to a junction with state route number 90 at a point approximately four miles west of North Bend. [1970 ex.s. c 51 § 16.]

**47.17.080 State route No. 20.** A state highway to be known as state route number 20 is established as follows:

Beginning at a junction with state route number 101 in the vicinity of Discovery Bay, thence northeasterly via the most feasible route to Port Townsend; also

From the Keystone ferry dock on Whidbey Island, thence northeasterly by the most feasible route by way of Deception Pass, Burlington, Sedro Woolley, Concrete, Newhalem, Winthrop, Twisp, Okanogan, Tonasket, Republic, Kettle Falls, Colville, and Tiger; thence southerly and southeasterly to a junction with state route number 2 at Newport. [1973 1st ex.s. c 151 § 13; 1970 ex.s. c 51 § 17.]

**47.17.081 State route No. 20 north.** A state highway to be known as state route number 20 north is established as follows:

Beginning at Anacortes, thence easterly via the most feasible route to a junction with state route number 20 southeast of Anacortes. [1973 1st ex.s. c 151 § 17.]

**47.17.085 State route No. 21.** A state highway to be known as state route number 21 is established as follows:

Beginning at a junction with state route number 395 in the vicinity of Lind, thence northerly by the most feasible route by way of Odessa to a junction with state route number 2 in the vicinity west of Wilbur; also

Beginning at a junction with state route number 2 at Wilbur, thence northerly by the most feasible route to a junction with state route number 20 at Republic; also

Beginning at a junction with state route number 20 east of Republic, thence northeasterly by the most feasible route to the east of Curlew lake by way of Curlew to the international boundary line in the vicinity of Danville. [1975 c 63 § 1; 1970 ex.s. c 51 § 18.]

**47.17.090 State route No. 22.** A state highway to be known as state route number 22 is established as follows:

Beginning at a junction with state route number 12 southeast of Yakima, thence southerly to a junction of state route number 97 in the vicinity of Toppenish; also

From that junction with state route number 97 at Toppenish, thence southeasterly by way of Mabton to a junction with state route number 12 at Prosser. [1970 ex.s. c 51 § 19.]

**47.17.095 State route No. 23.** A state highway to be known as state route number 23 is established as follows:

Beginning at a junction with state route number 195 in the vicinity north of Colfax, thence northwesterly to a junction with state route number 230 in the vicinity of Ewan; also

From that junction with state route number 230 in the vicinity west of Ewan, thence northwesterly to a junction with state route number 90 at Sprague; also

From that junction with state route number 90 at Sprague, thence northwesterly to a junction with state route number 28 at Harrington. [1970 ex.s. c 51 § 20.]

**47.17.100 State route No. 24.** A state highway to be known as state route number 24 is established as follows:

Beginning at a junction with state route number 82 at Yakima, thence easterly and northerly via Cold Creek and Vernita to a junction with state route number 26 in the vicinity of Othello. [1970 ex.s. c 51 § 21.]

**47.17.105 State route No. 25.** A state highway to be known as state route number 25 is established as follows:

Beginning at a junction with state route number 2 at Davenport, thence northerly by the most feasible route to a junction with state route number 395 in the vicinity of Kettle Falls, thence northeasterly by the most feasible route to international boundary line. [1970 ex.s. c 51 § 22.]

**47.17.110 State route No. 26.** A state highway to be known as state route number 26 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of the east end of the Vantage bridge, thence in a southerly direction parallel to the east bank of the Columbia river for a distance of approximately two and one-half miles, thence southeasterly to the vicinity of Othello, thence easterly to a junction with state route number 395, thence easterly to a junction with state route number 261 in the vicinity of Washtucna; also

From a junction with state route number 261 in the vicinity of Washtucna, thence easterly by way of La Crosse to a junction with state route number 127 in the vicinity of Dusty. [1970 ex.s. c 51 § 23.]

**47.17.115 State route No. 27.** A state highway to be known as state route number 27 is established as follows:

Beginning at a junction with state route number 270 at Pullman, thence northerly to a junction with state route number 271 in the vicinity of Oakesdale; also

From a junction with state route number 271 at Oakesdale, thence in a northerly direction by way of Tekoa, Latah, Fairfield and Rockford to a junction with state route number 90 in the vicinity of Opportunity. [1975 c 63 § 2; 1970 ex.s. c 51 § 24.]

**47.17.120 State route No. 28.** A state highway to be known as state route number 28 is established as follows:

Beginning at a junction with state route number 2 in the vicinity east of Wenatchee, thence southeasterly to a junction with state route number 281 at Quincy; also

From that junction with state route number 281 at Quincy, thence easterly by way of Ephrata and Odessa to a junction with state route number 2 at Davenport. [1970 ex.s. c 51 § 25.]

**47.17.130 State route No. 31.** A state highway to be known as state route number 31 is established as follows:

Beginning at a junction with state route number 20 at Tiger, thence northerly by way of Metaline Falls to the international boundary. [1973 1st ex.s. c 151 § 14; 1970 ex.s. c 51 § 27.]

**47.17.135 State route No. 82.** A state highway to be known as state route number 82 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Ellensburg, thence southerly by the most feasible route by way of Yakima to a junction with state route number 12 at Union Gap; also

From that junction with state route number 12 in the vicinity of Union Gap, thence southeasterly to a suitable crossing of the Columbia river to connect with a public roadway within the state of Oregon known as 80N. [1970 ex.s. c 51 § 28.]

**47.17.140 State route No. 90.** A state highway to be known as state route number 90 is established as follows:

Beginning at a junction with state route number 5, thence, via the west approach to the Lake Washington bridge in Seattle, in an easterly direction by way of Mercer Island, North Bend, Snoqualmie pass, Ellensburg, Vantage, Moses Lake, Ritzville, Sprague

and Spokane to the Washington-Idaho boundary line. [1971 ex.s. c 73 § 2; 1970 ex.s. c 51 § 29.]

**47.17.145 State route No. 92.** A state highway to be known as state route number 92 is established as follows:

Beginning at a junction with state route number 9 northeast of Everett, thence northeasterly by the most feasible route to Granite Falls. [1970 ex.s. c 51 § 30.]

**47.17.150 State route No. 95.** A state highway to be known as state route number 95 is established as follows:

Beginning at the Washington-Idaho boundary line, thence northwesterly to a junction with state route number 195, thence northeasterly to the Washington-Idaho boundary line. [1970 ex.s. c 51 § 31.]

**47.17.155 State route No. 97.** A state highway to be known as state route number 97 is established as follows:

Beginning at the Washington-Oregon boundary on the interstate bridge across the Columbia river at Biggs Rapids, thence in a northerly direction to the junction with state route number 14 in the vicinity of Maryhill, thence in a northerly direction by way of Goldendale, thence northeasterly by way of Satus Pass to a junction with state route number 22 at Toppenish, thence northwesterly south of the Yakima river to a junction with state route number 82 at Union Gap; also

Beginning at a junction with state route number 90 in the vicinity of Ellensburg, thence northeasterly by the most feasible route by way of Blewett Pass to a junction with state route number 2 in the vicinity of Peshastin; also

Beginning at a junction with state route number 2 in the vicinity north of Wenatchee, thence northerly by the most feasible route by way of the vicinities of Chelan, Pateros, Brewster, Okanogan, and Oroville to the international boundary line: *Provided*, That until such times as the watergrade route between Chelan Station and Azwell, as designated by the highway commission, is constructed and opened to traffic the existing route on the west side of the Columbia river shall remain the traveled way of state route number 97. [1975 c 63 § 3; 1973 1st ex.s. c 151 § 2; 1970 ex.s. c 51 § 32.]

**47.17.160 State route No. 99.** A state highway to be known as state route number 99 is established as follows:

Beginning at a junction with state route number 18 in the vicinity of Federal Way, thence northerly by way of Midway, Seattle, Edmonds, and Lynnwood to a junction with state route number 5 in Everett: *Provided*, That until state route number 509 is constructed and opened to traffic on an anticipated ultimate alignment from a junction with state route number 5 in Tacoma via the Port of Tacoma industrial area to a junction with state route number 18 in the vicinity of Federal Way that portion of state route number 99 between state route number 5 at Fife and state route number 18 in the vicinity of Federal Way shall remain on the state highway system. [1971 ex.s. c 73 § 3; 1970 ex.s. c 51 § 33.]

**47.17.165 State route No. 101.** A state highway to be known as state route number 101 is established as follows:

Beginning at the Oregon boundary on the interstate bridge at Point Ellis, thence northwesterly by the most feasible route by way of Ilwaco to a junction with state route number 4 in the vicinity of a location known as Johnson's Landing in Pacific county; also

From that junction with state route number 4 in the vicinity of a location known as Johnson's Landing, in Pacific county, thence northerly by the most feasible route by way of South Bend to a junction with state route number 6 at Raymond; also

From that junction with state route number 6 at Raymond, thence northerly by the most feasible route by way of Cosmopolis to a junction with state route number 12 at Aberdeen; also

From that junction with state route number 12 at Aberdeen, thence westerly to Hoquiam, thence northwesterly by way of Lake Quinalt to Forks, thence easterly by way of Port Angeles to the vicinity of Discovery Bay, thence southerly by way of Shelton to a junction with state route number 5 in the vicinity west of Olympia; also

Beginning at a junction with state route number 101 in the vicinity east of Ilwaco, thence northerly by the most feasible route to a junction with state route number 101 in the vicinity northeast of Ilwaco. [1970 ex.s. c 51 § 34.]

**47.17.170 State route No. 103.** A state highway to be known as state route number 103 is established as follows:

Beginning at a junction with state route number 101 at Seaview, thence northerly by the most feasible route by way of Long Beach to Ocean Park. [1970 ex.s. c 51 § 35.]

**47.17.175 State route No. 104.** A state highway to be known as state route number 104 is established as follows:

Beginning at a junction with state route number 101 in the vicinity south of Discovery Bay, thence southeasterly to the vicinity of Shine on Hood Canal, thence crossing Hood Canal to a junction with state route number 3 in the vicinity of Port Gamble; also

From that junction with state route number 3 in the vicinity of Port Gamble, thence to Port Gamble, thence southerly and easterly to Kingston; also

Beginning at Edmonds, thence southeasterly to a junction with state route number 99 in the vicinity of the Snohomish-King county line; also

Beginning at a junction with state route number 99 in the vicinity of the Snohomish-King county line, thence southeasterly to a junction with state route number 522 in the vicinity of Lake Forest Park. [1970 ex.s. c 51 § 36.]

**47.17.180 State route No. 105.** A state highway to be known as state route number 105 is established as follows:

Beginning at a junction with state route number 101 at Raymond, thence westerly by the most feasible route by way of Tokeland and North Cove to the shore of Grays Harbor north of Westport; also

Beginning at a junction with state route number 105 in the vicinity south of Westport, thence northeasterly by the most feasible route to a junction with state route number 101 at Aberdeen. [1970 ex.s. c 51 § 37.]

**47.17.185 State route No. 106.** A state highway to be known as state route number 106 is established as follows:

Beginning at a junction with state route number 101 near the mouth of the Skokomish river, thence northeasterly along the southeast shore of Hood Canal to a junction with state route number 3 in the vicinity of Belfair. [1970 ex.s. c 51 § 38.]

**47.17.190 State route No. 107.** A state highway to be known as state route number 107 is established as follows:

Beginning at a junction with state route number 101 north of Artic, thence northeasterly to a junction with state route number 12 at Montesano. [1970 ex.s. c 51 § 39.]

**47.17.195 State route No. 108.** A state highway to be known as state route number 108 is established as follows:

Beginning at a junction with state route number 8 in the vicinity west of McCleary, thence northeasterly to a junction with state route number 101 south of Shelton. [1973 1st ex.s. c 151 § 3; 1970 ex.s. c 51 § 40.]

**47.17.200 State route No. 109.** A state highway to be known as state route number 109 is established as follows:

Beginning at a junction with state route number 101 in Hoquiam, thence northwesterly by way of Ocean City, Copalis, Pacific Beach and Moclips to a junction with state route number 101 in the vicinity of Queets. [1970 ex.s. c 51 § 41.]

**47.17.215 State route No. 112.** A state highway to be known as state route number 112 is established as follows:

Beginning at the easterly boundary of the Makah Indian Reservation, thence easterly by way of Clallam Bay and Pysht to a junction with state route number 101 in or near Port Angeles. [1971 ex.s. c 73 § 5; 1970 ex.s. c 51 § 44.]

**47.17.217 State route No. 115.** A state highway to be known as state route number 115 is established as follows:

Beginning at Ocean Shores thence in an easterly and northerly direction by the most feasible route to a junction with state route number 109 in the vicinity south of Ocean City. [1973 c 60 § 1.]

**47.17.225 State route No. 121.** A state highway to be known as state route number 121 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Rochester, thence easterly and northeasterly to a junction with state route number 5 in the vicinity of Maytown. [1970 ex.s. c 51 § 46.]

**47.17.230 State route No. 123.** A state highway to be known as state route number 123 is established as follows:

Beginning at a junction with state route number 12 in the vicinity west of White Pass, thence northerly to a junction with state route number 410 in the vicinity west of Chinook Pass. [1970 ex.s. c 51 § 47.]

**47.17.235 State route No. 124.** A state highway to be known as state route number 124 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Burbank, thence northeasterly by the most feasible route to a point in the vicinity of Eureka, thence easterly by the most feasible route to a junction with state route number 125 in the vicinity of Prescott, thence easterly to a junction with state route number 12 in the vicinity northeast of Waitsburg.

That portion of state route number 124 lying between the junction with state route number 12 and the county road to Ice Harbor Dam to be known as "Ice Harbor Drive". [1973 1st ex.s. c 151 § 4; 1970 ex.s. c 51 § 48.]

**47.17.240 State route No. 125.** A state highway to be known as state route number 125 is established as follows:

Beginning at the Washington–Oregon boundary line south of Walla Walla, thence northerly to a junction with state route number 12 at Walla Walla; also

From that junction with state route number 12 at Walla Walla, thence northerly to a junction with state route number 124 at Prescott. [1970 ex.s. c 51 § 49.]

**47.17.245 State route No. 126.** A state highway to be known as state route number 126 is established as follows:

Beginning at a junction with state route number 12 in the vicinity north of Dayton, thence northeasterly to a junction with state route number 12 in the vicinity west of Pomeroy. [1970 ex.s. c 51 § 50.]

**47.17.250 State route No. 127.** A state highway to be known as state route number 127 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Dodge, thence northerly to a junction with state route number 195 at Colfax. [1970 ex.s. c 51 § 51.]

**47.17.255 State route No. 128.** A state highway to be known as state route number 128 is established as follows:

Beginning at a junction with state route number 12 at Pomeroy, thence southeasterly to Peola, thence northeasterly to a junction with state route number 12 in the vicinity west of Clarkston. [1970 ex.s. c 51 § 52.]

**47.17.260 State route No. 129.** A state highway to be known as state route number 129 is established as follows:

Beginning at the Washington–Oregon boundary line in Asotin county, thence northerly by the most feasible route by way of Asotin to a junction with state route number 12 at Clarkston. [1970 ex.s. c 51 § 53.]

**47.17.270 State route No. 140.** A state highway to be known as state route number 140 is established as follows:

Beginning at a junction with state route number 14 at Washougal, thence northerly and easterly by the most feasible route following the general course of the Washougal river to a junction with state route number 14 east of Washougal. [1970 ex.s. c 51 § 55.]

**47.17.275 State route No. 141.** A state highway to be known as state route number 141 is established as follows:

Beginning at a wye junction with state route number 14, the west branch in the vicinity east of Underwood and the east branch in the vicinity of White Salmon, thence northerly to the boundary of the Gifford Pinchot National Forest. [1970 ex.s. c 51 § 56.]

**47.17.280 State route No. 142.** A state highway to be known as state route number 142 is established as follows:

Beginning at a junction with state route number 14 in the vicinity of Lyle, thence northeasterly by way of Klickitat to a junction with state route number 97 in the vicinity of Goldendale. [1970 ex.s. c 51 § 57.]

**47.17.281 State route No. 143.** A state highway to be known as state route number 143 is established as follows:

Beginning at the Washington–Oregon boundary on the interstate bridge across the Columbia river in the vicinity of McNary Dam, thence northerly by the most feasible route to a junction with state route number 14 in the vicinity of Plymouth: *Provided*, That this section shall not become effective until tolls are no longer charged on this bridge and until the highway commission has entered into an agreement with the state of Oregon or a political subdivision or municipal corporation of the state of Oregon or an instrumentality thereof providing for the maintenance and operation of this bridge. [1973 1st ex.s. c 151 § 5.]

**47.17.285 State route No. 150.** A state highway to be known as state route number 150 is established as follows:

Beginning at Manson, thence southeasterly to the north of Lake Chelan to a junction with state route number 97 at Chelan. [1970 ex.s. c 51 § 58.]

**47.17.290 State route No. 151.** A state highway to be known as state route number 151 is established as follows:

Beginning at a junction with state route number 2 in the vicinity of Orondo, thence northerly crossing the

Columbia river in the vicinity of Chelan Station to a wye junction with state route number 97 in the vicinity east of Chelan; also

Beginning at a junction with state route number 151 in the vicinity of Chelan Station, thence northerly to a junction with state route number 97 in the vicinity south of Azwell. [1970 ex.s. c 51 § 59.]

**47.17.295 State route No. 153.** A state highway to be known as state route number 153 is established as follows:

Beginning at a junction with state route number 97 in the vicinity of Pateros, thence northerly and westerly by the most feasible route to a junction with state route number 20 in the vicinity south of Twisp. [1970 ex.s. c 51 § 60.]

**47.17.300 State route No. 155.** A state highway to be known as state route number 155 is established as follows:

Beginning at a junction with state route number 2 in the vicinity north of Coulee City, thence northeasterly to the boundary of the federal reservation at the Grand Coulee dam; also

Beginning at the boundary of the federal reservation at the Grand Coulee dam, thence northwesterly by the most feasible route by way of Nespelem and Disautel to a junction with state route number 97 at Omak; also

Beginning at a junction with state route number 155 at Omak, thence northwesterly crossing the Okanogan river to a junction with state route number 215 at Omak. [1975 c 63 § 4; 1970 ex.s. c 51 § 61.]

**47.17.305 State route No. 160.** A state highway to be known as state route number 160 is established as follows:

Beginning at a junction with state route number 16 in the vicinity west of Port Orchard, thence northeasterly by way of Port Orchard to Harper and Point Southworth. [1970 ex.s. c 51 § 62.]

**47.17.310 State route No. 161.** A state highway to be known as state route number 161 is established as follows:

Beginning at a junction with state route number 7 in the vicinity of La Grande, thence northeasterly via Eatonville to Puyallup, thence northerly to a junction with state route number 18. [1971 ex.s. c 73 § 6; 1970 ex.s. c 51 § 63.]

**47.17.315 State route No. 162.** A state highway to be known as state route number 162 is established as follows:

Beginning at a junction with state route number 410 at Sumner, thence southerly to Orting, thence northeasterly to a junction with state route number 165 in the vicinity south of Buckley. [1975 c 63 § 5; 1971 ex.s. c 73 § 7; 1970 ex.s. c 51 § 64.]

**47.17.320 State route No. 164.** A state highway to be known as state route number 164 is established as follows:

Beginning at an interchange of state route number 18 and the Auburn–Black Diamond road in the vicinity of Auburn, thence southerly to an intersection with southeast 356th street in the vicinity of Auburn Academy, thence southeasterly to a junction with state route number 410 at Enumclaw.

At such time that the section of state route number 164, between its intersection with the Auburn–Black Diamond road and its intersection with southeast 356th street, is constructed and open to traffic, that section of state route number 164, between southeast 356th street in Auburn and the intersection of state route number 18 and "C" street northeast in Auburn will be certified back to the local agencies. [1970 ex.s. c 51 § 65.]

**47.17.325 State route No. 165.** A state highway to be known as state route number 165 is established as follows:

Beginning at the northwest entrance to Mt. Rainier National Park, thence northerly to a junction with state route number 410 at Buckley. [1970 ex.s. c 51 § 66.]

**47.17.330 State route No. 167.** A state highway to be known as state route number 167 is established as follows:

Beginning at a junction with state route number 5 in the vicinity of Tacoma, thence easterly by way of Sumner, thence northerly to a junction with state route number 18 at Auburn; also

From that junction with state route number 18 at Auburn, thence northerly by way of the vicinity of Renton and Bryn Mawr to Seattle; also

From a junction with state route number 18 at Auburn northerly to the north city limits of Kent.

Notwithstanding any other provision of law, that portion of existing state route number 167 now lying between the north city limits of Kent and state route number 18 in the vicinity of Auburn shall remain as a part of state route number 167 until such time as the new route of state route number 167 lying between the north city limits of Kent and state route number 18 in the vicinity of Auburn has been completed in its entirety and is open to traffic. [1970 ex.s. c 51 § 67.]

**47.17.335 State route No. 168.** A state highway to be known as state route number 168 is established as follows:

Beginning at a junction with state route number 410 in the vicinity of the junction of the Greenwater and White rivers, thence easterly to a junction with state route number 410 in the vicinity north of Cliffdell. [1970 ex.s. c 51 § 68.]

**47.17.340 State route No. 169.** A state highway to be known as state route number 169 is established as follows:

Beginning at a junction with state route number 164 at Enumclaw, thence northwesterly by way of Summit to a junction with state route number 900 in the vicinity of Renton. [1971 ex.s. c 73 § 8; 1970 ex.s. c 51 § 69.]

**47.17.345 State route No. 170.** A state highway to be known as state route number 170 is established as follows:

Beginning at a junction with state route number 17 west of Warden, thence easterly to Warden. [1970 ex.s. c 51 § 70.]

**47.17.350 State route No. 171.** A state highway to be known as state route number 171 is established as follows:

Beginning at a junction with state route number 90 west of Moses Lake, thence northeasterly by way of Moses Lake to a junction with state route number 28 in the vicinity west of Odessa: *Provided*, That until such times as state route number 171 is actually constructed on the location adopted by the highway commission, no existing county roads shall be maintained or improved by the highway commission as a temporary route of said state route number 171. [1970 ex.s. c 51 § 71.]

**47.17.355 State route No. 172.** A state highway to be known as state route number 172 is established as follows:

Beginning at a junction with state route number 2 in the vicinity of Waterville, thence northerly and easterly by the most feasible route by way of Mansfield to a junction with state route number 17 in the vicinity of Leahy. [1970 ex.s. c 51 § 72.]

**47.17.360 State route No. 173.** A state highway to be known as state route number 173 is established as follows:

Beginning at a junction with state route number 17 at Bridgeport thence northwesterly on the south side of the Columbia river to a junction with state route number 97 in the vicinity of Brewster. [1970 ex.s. c 51 § 73.]

**47.17.365 State route No. 174.** A state highway to be known as state route number 174 is established as follows:

Beginning at a junction with state route number 17 east of Bridgeport, thence easterly by the most feasible route to the boundary of the federal reservation at Grand Coulee dam; also

Beginning at a junction with state route number 155 at Grand Coulee, thence southeasterly to a junction with state route number 21 in the vicinity north of Wilbur; also

A spur beginning at a junction with state route number 174 in the vicinity of the boundary of the federal reservation at the Grand Coulee dam and extending to Crown Point. [1970 ex.s. c 51 § 74.]

**47.17.370 State route No. 181.** A state highway to be known as state route number 181 is established as follows:

Beginning at a junction with state route number 18 in the vicinity west of Auburn, thence northerly to a junction with state route number 599 south of Seattle. [1971 ex.s. c 73 § 9; 1970 ex.s. c 51 § 75.]

**47.17.372 State route No. 182.** A state highway to be known as state route number 182 is established as follows:

Beginning at a junction with state route number 82, thence easterly via Kiona and Richland to a junction with state route number 395 in the vicinity of Pasco. [1971 ex.s. c 73 § 10.]

**47.17.375 State route No. 193.** A state highway to be known as state route number 193 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Clarkston, thence westerly and northerly by way of Steptoe canyon to a junction of state route number 195 in the vicinity of Colton: *Provided*, That until such time as state route number 193 between Colton and Clarkston is actually constructed on the location adopted by the highway commission no existing county roads shall be maintained or improved by the highway commission as a temporary route of said state route number 193. [1970 ex.s. c 51 § 76.]

**47.17.380 State route No. 195.** A state highway to be known as state route number 195 is established as follows:

Beginning at a junction with state route number 95 southeast of Uniontown near the Washington–Idaho boundary line, thence northwesterly to a junction with state route number 27 at Pullman; also

From that junction with state route number 27 at Pullman, thence northwesterly by the most feasible route to a junction with state route number 127 at Colfax; also

From that junction with state route number 127 at Colfax, thence in a northerly direction by the most feasible route by way of Rosalia to a junction with state route number 90 at Spokane. [1970 ex.s. c 51 § 77.]

**47.17.382 State route No. 197.** A state highway to be known as state route number 197 is established as follows:

Beginning at the Washington–Oregon boundary on the interstate bridge across the Columbia river in the vicinity of The Dalles, thence northerly by the most feasible route to a junction with state route number 14: *Provided*, That this section shall not become effective until tolls are no longer charged on this bridge and until the highway commission has entered into an agreement with the state of Oregon or a political subdivision or municipal corporation of the state of Oregon or an instrumentality thereof providing for the maintenance and operation of this bridge. [1973 1st ex.s. c 151 § 6.]

**47.17.385 State route No. 202.** A state highway to be known as state route number 202 is established as follows:

Beginning at a junction with state route number 522 near Bothell, thence southeasterly by the most feasible route to a junction with state route number 90 in the vicinity west of Snoqualmie Pass. [1970 ex.s. c 51 § 78.]



**47.17.390 State route No. 203.** A state highway to be known as state route number 203 is established as follows:

Beginning at a junction with state route number 202 at Fall City, thence northerly by the most feasible route by way of Duvall to a junction with state route number 2 at Monroe. [1970 ex.s. c 51 § 79.]

**47.17.395 State route No. 204.** A state highway to be known as state route number 204 is established as follows:

Beginning at a junction with state route number 2 in the vicinity east of Everett, thence northeasterly by the most feasible route to a junction with state route number 9. [1970 ex.s. c 51 § 80.]

**47.17.400 State route No. 205.** A state highway to be known as state route number 205 is established as follows:

Beginning at the Washington–Oregon boundary line in the vicinity east of Vancouver, thence northwesterly to a junction with state route number 5 in the vicinity of Salmon Creek, north of Vancouver. [1970 ex.s. c 51 § 81.]

**47.17.405 State route No. 206.** A state highway to be known as state route number 206 is established as follows:

Beginning at a junction with state route number 2 near the north line of section 3, township 26N, range 43E, thence northeasterly to a point in section 28, township 28N, range 45E at the entrance to Mt. Spokane State Park. [1970 ex.s. c 51 § 82.]

**47.17.410 State route No. 207.** A state highway to be known as state route number 207 is established as follows:

Beginning at a junction with state route number 2 in the vicinity north of Winton, thence northerly to a junction with state route number 209 at Lake Wenatchee; also

From that junction with state route number 209 at Lake Wenatchee, thence northwesterly by the most feasible route on the north side of Lake Wenatchee to Telma. [1970 ex.s. c 51 § 83.]

**47.17.415 State route No. 209.** A state highway to be known as state route number 209 is established as follows:

Beginning at Leavenworth on state route number 2, thence northerly by the most feasible route to a junction with state route number 207 at Lake Wenatchee. [1970 ex.s. c 51 § 84.]

**47.17.416 State route No. 211.** A state highway to be known as state route number 211 is established as follows:

Beginning at a junction with state route number 2 southwest of Newport, thence northerly by the most feasible route by way of Sacheen Lake to a junction with state route number 20 at Usk. [1975 c 63 § 10.]

**47.17.417 State route No. 213.** A state highway to be known as state route number 213 is established as follows:

Beginning at a junction with state route number 97 in the vicinity of Malott, thence northeasterly to a junction with state route number 20 southwest of Okanogan: *Provided*, That until such time as this route is actually constructed on the location adopted by the highway commission, no county roads shall be maintained or improved by the highway commission as a temporary route. [1973 1st ex.s. c 151 § 18.]

**47.17.419 State route No. 215.** A state highway to be known as state route number 215 is established as follows:

Beginning at a junction with state route number 20 in the vicinity of Okanogan, thence northeasterly on the west side of the Okanogan river to a junction with state route number 97 north of Omak. [1973 1st ex.s. c 151 § 19.]

**47.17.420 State route No. 220.** A state highway to be known as state route number 220 is established as follows:

Beginning at Old Fort Simcoe, thence easterly by way of White Swan to a junction with state route number 22 at Toppenish. [1971 ex.s. c 73 § 11; 1970 ex.s. c 51 § 85.]

**47.17.425 State route No. 221.** A state highway to be known as state route number 221 is established as follows:

Beginning at a junction with state route number 14 in the vicinity of Patterson, thence northerly to a junction with state route number 22 in the vicinity of Prosser. [1970 ex.s. c 51 § 86.]

**47.17.430 State route No. 223.** A state highway to be known as state route number 223 is established as follows:

Beginning at a junction with state route number 22 in the vicinity southeast of Toppenish, thence easterly to a junction with state route number 12 in the vicinity of Granger. The establishment of state route number 223 as defined in this section shall be effective July 1, 1965. [1970 ex.s. c 51 § 87.]

**47.17.435 State route No. 224.** A state highway to be known as state route number 224 is established as follows:

Beginning at a junction with state route number 12 at Kiona, thence northeasterly to a junction with state route number 240 at Richland. [1970 ex.s. c 51 § 88.]

**47.17.440 State route No. 230.** A state highway to be known as state route number 230 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Ritzville, thence easterly by the most feasible route to a junction with state route number 23 in the vicinity of Ewan. [1970 ex.s. c 51 § 89.]

**47.17.445 State route No. 231.** A state highway to be known as state route number 231 is established as follows:

Beginning at a junction with state route number 23 in the vicinity northwest of Sprague, thence northerly by way of Edwall to a junction with state route number 2 in the vicinity west of Reardan; also

Beginning at a junction with state route number 2 in the vicinity of Reardan, thence northerly by way of Long Lake across the Spokane river, thence northeasterly by way of Springdale to a junction with state route number 395 in the vicinity of Chewelah. [1970 ex.s. c 51 § 90.]

**47.17.450 State route No. 232.** A state highway to be known as state route number 232 is established as follows:

Beginning at a point approximately one mile south of Valley, thence easterly one and one-half miles to a junction with state route number 395. [1970 ex.s. c 51 § 91.]

**47.17.453 State route No. 237.** A state highway to be known as state route number 237 is established as follows:

Beginning at a junction with state route number 20 in the vicinity of Whitney, thence northerly to a junction with state route number 11 in the vicinity south of Blanchard. [1975 c 63 § 11.]

**47.17.455 State route No. 240.** A state highway to be known as state route number 240 is established as follows:

Beginning at a junction with state route number 24 in the vicinity east of Cold Creek, thence southeasterly by the most feasible route across the Atomic Energy Commission Reservation to a junction with state route number 224 at Richland; also

From that junction with state route number 224 at Richland, thence southeasterly to a wye junction with state route number 12 at Richland. The director may enter into negotiations with appropriate federal agencies to secure right of way for said highway over and across the Atomic Energy Commission Reservation. [1970 ex.s. c 51 § 92.]

**47.17.460 State route No. 241.** A state highway to be known as state route number 241 is established as follows:

Beginning at a junction with state route number 12 approximately one mile east of Sunnyside, thence northeasterly to a junction with state route number 24. [1970 ex.s. c 51 § 93.]

**47.17.465 State route No. 243.** A state highway to be known as state route number 243 is established as follows:

Beginning at a junction with state route number 24 north of its crossing of the Columbia river, thence westerly and northerly by way of Arrowsmith and Beverly to a junction with state route number 26 south of the

Columbia river bridge at Vantage. [1970 ex.s. c 51 § 94.]

**47.17.470 State route No. 251.** A state highway to be known as state route number 251 is established as follows:

Beginning at a junction with state route number 25 at Northport, thence northeasterly by the most feasible route to the international boundary in the vicinity of Boundary. [1970 ex.s. c 51 § 95.]

**47.17.475 State route No. 260.** A state highway to be known as state route number 260 is established as follows:

Beginning at a junction with state route number 17 west of Connell, thence easterly to a junction with state route number 395 in the vicinity of Connell, thence northeasterly by way of Kahlotus to a junction with state route number 26 at Washtucna. [1970 ex.s. c 51 § 96.]

**47.17.480 State route No. 261.** A state highway to be known as state route number 261 is established as follows:

Beginning at a junction with state route number 12 at Delaney, thence northwesterly to a junction with state route number 26 in the vicinity of Washtucna; also

Beginning at a junction with state route number 26 at Washtucna, thence northerly to a junction with state route number 90 at Ritzville. [1971 ex.s. c 73 § 12; 1970 ex.s. c 51 § 97.]

**47.17.485 State route No. 270.** A state highway to be known as state route number 270 is established as follows:

Beginning at a junction with state route number 195 at Pullman, thence easterly by the most feasible route to a point on the Washington-Idaho boundary line. [1970 ex.s. c 51 § 98.]

**47.17.490 State route No. 271.** A state highway to be known as state route number 271 is established as follows:

Beginning at a junction with state route number 27 in the vicinity of Oakesdale, thence northwesterly to a junction with state route number 195 in the vicinity south of Rosalia. [1970 ex.s. c 51 § 99.]

**47.17.495 State route No. 272.** A state highway to be known as state route number 272 is established as follows:

Beginning at a junction with state route number 195 at Colfax, thence easterly to a junction with state route number 27 at Palouse; also

Beginning at a junction with state route number 27 at Palouse, thence northeasterly by the most feasible route to a point on the Washington-Idaho boundary line. [1970 ex.s. c 51 § 100.]

**47.17.500 State route No. 274.** A state highway to be known as state route number 274 is established as follows:

Beginning at a junction with state route number 27 at Tekoa, thence easterly to the Washington–Idaho boundary line. [1970 ex.s. c 51 § 101.]

**47.17.502 State route No. 276.** A state highway to be known as state route number 276 is established as follows:

Beginning at a junction with state route number 195 west of Pullman, thence easterly and southeasterly to a junction with state route number 270 east of Pullman. [1973 1st ex.s. c 151 § 7.]

**47.17.505 State route No. 281.** A state highway to be known as state route number 281 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of George, thence northerly to a junction with state route number 28 at Quincy; also

Beginning at a junction with state route number 281 at a point north of the above described junction on state route number 90, thence in a southeasterly direction to a junction with state route number 90 in the vicinity east of George, some 1.6 miles more or less, resulting in a wye connection between state route number 281 and state route number 90. [1971 ex.s. c 73 § 13; 1970 ex.s. c 51 § 102.]

**47.17.510 State route No. 282.** A state highway to be known as state route number 282 is established as follows:

Beginning at a junction with state route number 28 in the vicinity of Ephrata, thence southeasterly to a junction with state route number 17 in the vicinity of Rocky Ford creek. [1970 ex.s. c 51 § 103.]

**47.17.515 State route No. 283.** A state highway to be known as state route number 283 is established as follows:

Beginning at a junction with state route number 281 in the vicinity of Burke Junction, thence northeasterly by the most feasible route to a junction with state route number 28 in the vicinity west of Ephrata. [1970 ex.s. c 51 § 104.]

**47.17.520 State route No. 290.** A state highway to be known as state route number 290 is established as follows:

Beginning at a junction with state route number 2 in Spokane, thence northeasterly by way of Millwood, Trentwood, and Newman Lake to the termination of Idaho state highway number 53 at the Washington–Idaho boundary line. [1970 ex.s. c 51 § 105.]

**47.17.525 State route No. 291.** A state highway to be known as state route number 291 is established as follows:

Beginning at a junction with state route number 2 in Spokane, thence northwesterly along the north bank of the Spokane river to a point in Stevens county across the Spokane river from the Riverside State Park at the boundary line common to Stevens and Spokane counties. [1970 ex.s. c 51 § 106.]

**47.17.530 State route No. 292.** A state highway to be known as state route number 292 is established as follows:

Beginning at a junction with state route number 231 at Springdale, thence easterly to a junction with state route number 395 in the vicinity of Loon Lake. [1970 ex.s. c 51 § 107.]

**47.17.540 State route No. 300.** A state highway to be known as state route number 300 is established as follows:

Beginning at the western boundary of the Belfair State Park, thence generally easterly to a junction with state route number 3 at Belfair. [1970 ex.s. c 51 § 109.]

**47.17.545 State route No. 302.** A state highway to be known as state route number 302 is established as follows:

Beginning at a junction with state route number 3 in the vicinity of Belfair, thence generally easterly to a junction with state route number 16 in the vicinity of Purdy. [1970 ex.s. c 51 § 110.]

**47.17.550 State route No. 303.** A state highway to be known as state route number 303 is established as follows:

Beginning at a junction with state route number 304 at Bremerton, thence northerly by way of the Manette bridge, across the Port Washington Narrows to a junction with state route number 308 in the vicinity west of Keyport; also

Beginning at a junction with state route number 304, thence by way of the Warren Avenue bridge across the Port Washington Narrows northerly to a junction with state route number 303, all within Bremerton. [1971 ex.s. c 73 § 14; 1970 ex.s. c 51 § 111.]

**47.17.555 State route No. 304.** A state highway to be known as state route number 304 is established as follows:

Beginning at a junction with state route number 3 in Bremerton, thence easterly to the ferry terminal in Bremerton. [1970 ex.s. c 51 § 112.]

**47.17.560 State route No. 305.** A state highway to be known as state route number 305 is established as follows:

Beginning at the ferry terminal in Winslow, thence northerly by the most feasible route to the north end of Bainbridge Island, across Agate Pass, thence northwesterly by the most feasible route to a junction with state route number 3 in the vicinity north of Poulsbo. [1970 ex.s. c 51 § 113.]

**47.17.565 State route No. 306.** A state highway to be known as state route number 306 is established as follows:

Beginning at a junction with state route number 303 in the vicinity north of East Bremerton, thence easterly by the most feasible route to Illahee State Park. [1970 ex.s. c 51 § 114.]

**47.17.567 State route No. 308.** A state highway to be known as state route number 308 is established as follows:

Beginning at a junction with state route number 3 in the vicinity west of Keyport, thence easterly to Keyport. [1971 ex.s. c 73 § 15.]

**47.17.575 State route No. 395.** A state highway to be known as state route number 395 is established as follows:

Beginning at the Washington–Oregon boundary line, thence northeasterly to a junction with state route number 12 at Wallula; also

Beginning at a junction with state route number 12 at Pasco, thence northeasterly by the most feasible route by way of Connell and Lind to a junction with state route number 90 at Ritzville; also

Beginning at a junction with state route number 2 in the vicinity north of Spokane, thence northerly by the most feasible route by way of Colville to the international boundary line in the vicinity of Laurier. [1970 ex.s. c 51 § 116.]

**47.17.580 State route No. 401.** A state highway to be known as state route number 401 is established as follows:

Beginning at Point Ellice on state route number 101, thence easterly and northerly to a junction with state route number 4 in the vicinity north of Naselle. [1970 ex.s. c 51 § 117.]

**47.17.590 State route No. 403.** A state highway to be known as state route number 403 is established as follows:

Beginning at the shore of the Columbia river, thence northerly by the most feasible route to a junction with state route number 4 in the vicinity west of Grays river. [1970 ex.s. c 51 § 119.]

**47.17.595 State route No. 405.** A state highway to be known as state route number 405 is established as follows:

Beginning at a junction with state route number 5 in the vicinity south of Seattle, thence northeasterly to Renton, thence northerly east of Lake Washington to a junction with state route number 5 north of Seattle. [1970 ex.s. c 51 § 120.]

**47.17.600 State route No. 407.** A state highway to be known as state route number 407 is established as follows:

Beginning at a junction with state route number 4 in the vicinity north of Cathlamet, thence northeasterly by the most feasible route following the general course of the Elokomin river to the vicinity of its confluence with the west fork of the Elokomin river. [1970 ex.s. c 51 § 121.]

**47.17.605 State route No. 409.** A state highway to be known as state route number 409 is established as follows:

Beginning at the South Ferry landing, as now located, or as it may be relocated, on the south side of Puget Island, thence generally northerly by the most feasible route to the Puget Island bridge, thence crossing said bridge to a junction with state route number 4 at the north approach of said bridge at the town of Cathlamet: *Provided*, That the state of Washington shall not assume or pay any bond or bonds outstanding against said bridge, or interest on said bonds, but said bond or bonds, and interest thereon, shall remain the sole obligation of the obligors named on said bonds. [1970 ex.s. c 51 § 122.]

**47.17.610 State route No. 410.** A state highway to be known as state route number 410 is established as follows:

Beginning at a junction with state route number 167 at Sumner, thence in an easterly direction by way of Buckley, Enumclaw, and Chinook Pass, to a junction with state route number 12 northwest of Yakima: *Provided*, That until such time as state route number 167 is constructed and opened to traffic on an anticipated ultimate alignment from a junction with state route number 5 near Tacoma easterly to Sumner on the north side of the Puyallup river, the public highway between state route number 5 in Tacoma and state route number 161 in Sumner, on the south side of the Puyallup river, shall remain on the state highway system. [1973 1st ex.s. c 151 § 8; 1970 ex.s. c 51 § 123.]

**47.17.615 State route No. 411.** A state highway to be known as state route number 411 is established as follows:

Beginning at a junction with state route number 4 in West Kelso, thence northerly to a junction with state route number 506 in the vicinity of Vader. [1970 ex.s. c 51 § 124.]

**47.17.620 State route No. 431.** A state highway to be known as state route number 431 is established as follows:

Beginning at a junction with state route number 4 in Kelso, thence northeasterly to a junction with state route number 5. [1970 ex.s. c 51 § 125.]

**47.17.625 State route No. 432.** A state highway to be known as state route number 432 is established as follows:

Beginning at a junction with state route number 4 at Longview, thence southeasterly by the most feasible route to a junction with state route number 5 south of Kelso. [1970 ex.s. c 51 § 126.]

**47.17.630 State route No. 433.** A state highway to be known as state route number 433 is established as follows:

Beginning at the Washington–Oregon boundary on the interstate bridge at Longview, thence northerly by the most feasible route to a junction with state route number 4 at a point where it intersects with Oregon way in the city of Longview. [1970 ex.s. c 51 § 127.]

**47.17.635 State route No. 500.** A state highway to be known as state route number 500 is established as follows:

Beginning at a junction with state route number 5 at Vancouver, thence northeasterly to Orchards, thence southeasterly to a junction with state route number 14 at Camas. [1970 ex.s. c 51 § 128.]

**47.17.640 State route No. 501.** A state highway to be known as state route number 501 is established as follows:

Beginning at a junction with state route number 5 at Vancouver, thence northerly by way of the lower river road and an extension thereof to Ridgefield, thence easterly to a junction with state route number 5 in the vicinity south of La Center: *Provided*, That the state department of highways may enter into an agreement with the Port of Vancouver, and/or Clark county and/or the United States Army Engineers to obtain material dredged from the Columbia river and have the same stockpiled at no expense to the state. [1970 ex.s. c 51 § 129.]

**47.17.645 State route No. 502.** A state highway to be known as state route number 502 is established as follows:

Beginning at a junction with state route number 5 in the vicinity north of Vancouver, thence easterly to a junction with state route number 503 at Battleground. [1970 ex.s. c 51 § 130.]

**47.17.650 State route No. 503.** A state highway to be known as state route number 503 is established as follows:

Beginning at a junction with state route number 500 at Orchards, thence northerly to a junction with state route number 502 at Battleground, thence northerly to Amboy, thence westerly to a junction with state route number 5 in the vicinity of Woodland. [1975 c 63 § 6; 1970 ex.s. c 51 § 131.]

**47.17.655 State route No. 504.** A state highway to be known as state route number 504 is established as follows:

Beginning at a junction with state route number 5 in the vicinity north of Castle Rock, thence easterly by way of St. Helens and Spirit Lake to Mt. St. Helens. [1970 ex.s. c 51 § 132.]

**47.17.660 State route No. 505.** A state highway to be known as state route number 505 is established as follows:

Beginning at a junction with state route number 5 west of Toledo, thence via Toledo, easterly and southerly to a junction with state route number 504 in the vicinity north of Toutle. [1970 ex.s. c 51 § 133.]

**47.17.665 State route No. 506.** A state highway to be known as state route number 506 is established as follows:

Beginning at Ryderwood, thence by way of Vader northeasterly to a junction with state route number 5 west of Toledo. [1970 ex.s. c 51 § 134.]

**47.17.670 State route No. 507.** A state highway to be known as state route number 507 is established as follows:

Beginning at a junction with state route number 5 in Centralia, thence northerly by the most feasible route by way of Bucoda to Tenino, thence northeasterly by way of Rainier, Yelm and McKenna to a junction with state route number 7 in the vicinity south of Tacoma. [1970 ex.s. c 51 § 135.]

**47.17.675 State route No. 508.** A state highway to be known as state route number 508 is established as follows:

Beginning at a junction with state route number 5 south of Chehalis, thence easterly by way of Onalaska to a junction with state route number 7 at Morton. [1970 ex.s. c 51 § 136.]

**47.17.680 State route No. 509.** A state highway to be known as state route number 509 is established as follows:

Beginning at a junction with state route number 5 at Tacoma, thence northeasterly west of state route number 99 by way of Redondo to a junction with state route number 516 at Des Moines; also

From that junction with state route number 516 at Des Moines, thence northerly to a junction with state route number 5 in Seattle. [1970 ex.s. c 51 § 137.]

**47.17.685 State route No. 510.** A state highway to be known as state route number 510 is established as follows:

Beginning at a junction with state route number 5, thence southeasterly via St. Clair to a junction with state route number 507 at Yelm. [1970 ex.s. c 51 § 138.]

**47.17.690 State route No. 512.** A state highway to be known as state route number 512 is established as follows:

Beginning at a junction with state route number 5 south of Tacoma, thence easterly to a junction with state route number 7 south of Tacoma, thence easterly to a junction with state route number 167 in the vicinity of Puyallup. [1970 ex.s. c 51 § 139.]

**47.17.695 State route No. 513.** A state highway to be known as state route number 513 is established as follows:

Beginning at a junction with state route number 520 in Seattle, thence northerly and easterly to the vicinity of Sand Point, thence northwesterly to a junction with state route number 5 in the vicinity north of Seattle. [1971 ex.s. c 73 § 16; 1970 ex.s. c 51 § 140.]

**47.17.700 State route No. 514.** A state highway to be known as state route number 514 is established as follows:

Beginning at a junction with state route number 5 in the vicinity of Fife, thence easterly by way of Milton to

a junction with state route number 161 in the vicinity east of Milton. [1971 ex.s. c 73 § 17; 1970 ex.s. c 51 § 141.]

**47.17.705 State route No. 515.** A state highway to be known as state route number 515 is established as follows:

Beginning at a junction with state route number 516 in the vicinity east of Kent, thence northerly to a junction with state route number 900 in Renton. [1970 ex.s. c 51 § 142.]

**47.17.710 State route No. 516.** A state highway to be known as state route number 516 is established as follows:

Beginning at a junction with state route number 509 in the vicinity south of Des Moines, thence southeasterly to a junction with state route number 5; also

From that junction with state route number 5, thence easterly to a junction with state route number 167 in Kent, thence easterly to a junction with state route number 169 south of Maple Valley. [1970 ex.s. c 51 § 143.]

**47.17.715 State route No. 518.** A state highway to be known as state route number 518 is established as follows:

Beginning at a junction with state route number 509 near Sunnysdale, thence easterly to a junction with state route number 5 in the vicinity of Seattle. [1970 ex.s. c 51 § 144.]

**47.17.720 State route No. 520.** A state highway to be known as state route number 520 is established as follows:

Beginning at a junction with state route number 5 in Seattle, thence easterly via the Evergreen Point bridge to a junction with state route number 202 in the vicinity of Redmond. [1970 ex.s. c 51 § 145.]

**47.17.725 State route No. 522.** A state highway to be known as state route number 522 is established as follows:

Beginning at Seattle in King county, thence easterly by the most feasible route to the north of Lake Washington by way of Bothell to a junction with state route number 202 near Bothell; also

From that junction with state route number 202 near Bothell, thence northeasterly by the most feasible route to a junction with state route number 2 in the vicinity of Monroe. [1970 ex.s. c 51 § 146.]

**47.17.730 State route No. 524.** A state highway to be known as state route number 524 is established as follows:

Beginning at a junction with state route number 104 at Edmonds, thence northeasterly to a junction with state route number 5 in the vicinity of Lynnwood, thence easterly to a junction with state route number 527: *Provided*, That until such times as state route number 524 east of Lynnwood is actually constructed on the location adopted by the highway commission, no existing county

roads shall be maintained or improved by the highway commission as a temporary route of said state route number 524. [1970 ex.s. c 51 § 147.]

**47.17.735 State route No. 525.** A state highway to be known as state route number 525 is established as follows:

Beginning at a junction with state route number 5 in the vicinity south of Everett, thence northwesterly to Mukilteo; also

Beginning at the vicinity of Columbia Beach in the southern portion of Whidbey Island, thence northwesterly to a junction with state route number 20 in the vicinity east of Keystone. [1973 1st ex.s. c 151 § 15; 1970 ex.s. c 51 § 148.]

**47.17.740 State route No. 526.** A state highway to be known as state route number 526 is established as follows:

Beginning at a junction with state route number 525 at Mukilteo, thence easterly to a junction with state route number 5 in the vicinity of its junction with state route number 527. [1970 ex.s. c 51 § 149.]

**47.17.745 State route No. 527.** A state highway to be known as state route number 527 is established as follows:

Beginning at a junction with state route number 522 in the vicinity of Bothell, thence northerly to a junction with state route number 5 in the vicinity south of Everett. [1970 ex.s. c 51 § 150.]

**47.17.750 State route No. 528.** A state highway to be known as state route number 528 is established as follows:

Beginning at a junction with state route number 5 near Marysville, thence easterly to a junction with state route number 9: *Provided*, That until such time as state route number 528 from Marysville to a junction with state route number 9 is actually constructed on the location adopted by the state highway commission, no existing city streets or county roads shall be maintained or improved by the state highway commission as a temporary route of said state route number 528. [1971 ex.s. c 73 § 18; 1970 ex.s. c 51 § 151.]

**47.17.752 State route No. 529.** A state highway to be known as state route number 529 is established as follows:

Beginning at a junction with state route number 5 in Everett, thence northerly through Everett to a junction with state route number 528 in Marysville. [1971 ex.s. c 73 § 19.]

**47.17.755 State route No. 530.** A state highway to be known as state route number 530 is established as follows:

Beginning at a junction with state route number 5 at Conway, thence southerly by way of Stanwood, thence southeasterly to a junction with state route number 5, thence easterly to a junction with state route number 9

at Arlington, thence easterly to Darrington. [1971 ex.s. c 73 § 20; 1970 ex.s. c 51 § 152.]

**47.17.760 State route No. 532.** A state highway to be known as state route number 532 is established as follows:

Beginning at a point on Camano Island known as McEacherns Corner, thence easterly over a bridge and by way of Stanwood to a junction with state route number 530 in the vicinity of Stanwood, thence easterly to a junction with state route number 5 in the vicinity east of Stanwood. [1970 ex.s. c 51 § 153.]

**47.17.765 State route No. 534.** A state highway to be known as state route number 534 is established as follows:

Beginning at a junction with state route number 5 at Conway, thence southeasterly to a junction with state route number 9 at McMurray. [1970 ex.s. c 51 § 154.]

**47.17.770 State route No. 536.** A state highway to be known as state route number 536 is established as follows:

Beginning at a junction with state route number 20 at Fredonia, thence easterly to a junction with state route number 5 at Mt. Vernon. [1973 1st ex.s. c 151 § 16; 1970 ex.s. c 51 § 155.]

**47.17.780 State route No. 538.** A state highway to be known as state route number 538 is established as follows:

Beginning at a junction with state route number 5 at Mt. Vernon, thence easterly to a junction with state route number 9. [1970 ex.s. c 51 § 157.]

**47.17.785 State route No. 539.** A state highway to be known as state route number 539 is established as follows:

Beginning at a junction with state route number 5 at Bellingham, thence northerly to the international boundary in the vicinity east of Delta. [1970 ex.s. c 51 § 158.]

**47.17.790 State route No. 540.** A state highway to be known as state route number 540 is established as follows:

Beginning at a junction with a Whatcom county road known as Haxton Way in the vicinity of the easterly boundary of Range 1. E.W.M., thence easterly to a junction with state route number 5 northwest of Bellingham. [1971 ex.s. c 73 § 21; 1970 ex.s. c 51 § 159.]

**47.17.795 State route No. 542.** A state highway to be known as state route number 542 is established as follows:

Beginning at a junction with state route number 5 at Bellingham, thence easterly to a point in the vicinity of Austin Pass in Whatcom county. [1970 ex.s. c 51 § 160.]

**47.17.797 State route No. 543.** A state highway to be known as state route number 543 is established as follows:

Beginning at a junction with state route number 5 in the vicinity of Blaine, thence northerly to the international boundary. [1971 ex.s. c 73 § 22.]

**47.17.800 State route No. 544.** A state highway to be known as state route number 544 is established as follows:

Beginning at a junction with state route number 539 in the vicinity of Wiser lake, thence northeasterly by way of Everson to a junction with state route number 9 in the vicinity of Nooksack. [1970 ex.s. c 51 § 161.]

**47.17.805 State route No. 546.** A state highway to be known as state route number 546 is established as follows:

Beginning at a junction with state route number 539 approximately 2.7 miles south of the international boundary, thence easterly by way of Van Buren to a junction with state route number 9. [1970 ex.s. c 51 § 162.]

**47.17.808 State route No. 599.** A state highway to be known as state route number 599 is established as follows:

Beginning in the vicinity south of Seattle at a junction with state route number 5, thence in a northwesterly direction west of the Duwamish river to a junction with state route number 99 in the vicinity of South 118 street south of Seattle. [1971 ex.s. c 73 § 23.]

**47.17.810 State route No. 603.** A state highway to be known as state route number 603 is established as follows:

Beginning at a junction with state route number 5 in the vicinity north of Toledo, thence northerly by the most feasible route by way of Winlock and Napavine to a junction with state route number 6 in the vicinity west of Chehalis. [1970 ex.s. c 51 § 163.]

**47.17.815 State route No. 702.** A state highway to be known as state route number 702 is established as follows:

Beginning at a junction with state route number 507 at McKenna, thence easterly to a junction with state route number 7. [1970 ex.s. c 51 § 164.]

**47.17.820 State route No. 706.** A state highway to be known as state route number 706 is established as follows:

Beginning at a junction with state route number 7 at Elbe, thence easterly to a southwest entrance to Mt. Rainier National Park. [1970 ex.s. c 51 § 165.]

**47.17.823 State route No. 821.** A state highway to be known as state route number 821 is established as follows:

Beginning at a junction with state route number 82 in the vicinity north of Yakima, thence northerly to a junction with state route number 82 south of Ellensburg. [1973 1st ex.s. c 151 § 9.]

**47.17.825 State route No. 900.** A state highway to be known as state route number 900 is established as follows:

Beginning at Seattle in King county, thence in an easterly direction by the most feasible route by way of Renton to a junction with state route number 90 in the vicinity of Issaquah. [1970 ex.s. c 51 § 166.]

**47.17.830 State route No. 901.** A state highway to be known as state route number 901 is established as follows:

Beginning at a junction with state route number 90 in the vicinity west of Issaquah, thence northerly to the west of Lake Sammamish to a junction with state route number 908 in the vicinity of Redmond. [1971 ex.s. c 73 § 24; 1970 ex.s. c 51 § 167.]

**47.17.835 State route No. 902.** A state highway to be known as state route number 902 is established as follows:

Beginning in the vicinity of the state custodial school, thence northerly to the town of Medical Lake, thence northeasterly and easterly to a junction with state route number 90 at a point approximately three miles northeast of Four Lakes. [1970 ex.s. c 51 § 168.]

**47.17.840 State route No. 903.** A state highway to be known as state route number 903 is established as follows:

Beginning at a junction with state route number 970 in the vicinity of Cle Elum, thence northwesterly by way of Cle Elum and Roslyn to the National Forest boundary in the vicinity of Lake Cle Elum. [1975 c 63 § 7; 1970 ex.s. c 51 § 169.]

**47.17.845 State route No. 904.** A state highway to be known as state route number 904 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Tyler, thence northeasterly via Cheney to a junction with state route number 90 in the vicinity of Four Lakes. [1971 ex.s. c 73 § 25; 1970 ex.s. c 51 § 170.]

**47.17.850 State route No. 906.** A state highway to be known as state route number 906 is established as follows:

Beginning at a junction with state route number 90 at the West Summit interchange of Snoqualmie Pass, thence along the alignment of the state route number 90 as it existed on May 11, 1967 in a southeasterly direction to a junction with state route number 90 at the Hyak interchange.

The joint committee on highways and the Washington state highway commission shall undertake appropriate studies to evaluate state route number 906 to determine whether or not it should permanently remain on the state system. [1971 ex.s. c 73 § 26; 1970 ex.s. c 51 § 171.]

**47.17.855 State route No. 908.** A state highway to be known as state route number 908 is established as follows:

Beginning at a junction with state route number 520, Evergreen Point bridge route, in the vicinity of Northrup Road, thence northerly and easterly in the vicinity of Kirkland to a junction with state route number 202 in the vicinity of Redmond. [1971 ex.s. c 73 § 27.]

**47.17.867 State route No. 920.** A state highway to be known as state route number 920 is established as follows:

Beginning at a junction with state route number 901 near the north end of Lake Sammamish thence easterly by the most feasible route to a junction with state route number 202 in the vicinity of Redmond. [1975 c 63 § 13.]

**47.17.917 State route No. 970.** A state highway to be known as state route number 970 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Cle Elum, thence northeasterly by way of Teanaway to a junction with state route number 97 in the vicinity of Virden. [1975 c 63 § 12.]

## Chapter 47.20 MISCELLANEOUS PROJECTS

### Sections

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**47.20.570 Manette bridge authorized.** The director of highways is authorized and directed to construct a bridge across Port Washington Narrows connecting state



route number 304 at or near Bremerton with state route number 303 on the Manette Peninsula; to make surveys and plans; and to condemn or otherwise acquire such lands, as are necessary or proper for the approaches to such bridge and relocating any portion of said highway to locate said bridge at the most feasible place. Said bridge shall become and be maintained as a part of the state highway system. [1970 ex.s. c 51 § 173; 1961 c 13 § 47.20.570. Prior: 1947 c 4 p 6 § 2; Rem. Supp. 1947 § 6584a-1.]

**47.20.580 Washington State University highway authorized.** The director of highways is hereby authorized and directed to locate, construct, pave and maintain a suitable highway on the most feasible route beginning in the vicinity of the stadium of the Washington State University and extending in a northwesterly direction to a connection with state route number 27, near the north boundary of the city of Pullman. [1970 ex.s. c 51 § 174; 1961 c 13 § 47.20.580. Prior: 1945 c 27 § 1; Rem. Supp. 1945 § 6402-40.]

**47.20.590 University of Washington approach authorized.** The director of highways is hereby authorized and directed to select and locate a suitable and fitting street and highway approach to the University of Washington campus in the city of Seattle, from Roosevelt Way to Fifteenth Avenue northeast, including an underpass beneath the surface of Roosevelt Way, and necessary approaches to said underpass. [1961 c 13 § 47.20.590. Prior: 1945 c 27 § 2; Rem. Supp. 1945 § 6402-41.]

**47.20.600 Washington State University highway, University of Washington approach—Acquisition of property.** The director of highways is hereby authorized and directed in the name of the state of Washington to acquire by purchase, gift or condemnation, any and all private real estate, rights and interests necessary to locate, construct and maintain the Washington State University highway and the University of Washington approach provided for herein. [1961 c 13 § 47.20.600. Prior: 1945 c 27 § 3; Rem. Supp. 1945 § 6402-42.]

**47.20.605 Washington State University highway, University of Washington approach—Public use.** The use of the private real estate, rights and interests, selected by said director as necessary for said approach, underpass and highway, is hereby declared to be a public use. [1961 c 13 § 47.20.605. Prior: 1945 c 27 § 4; Rem. Supp. 1945 § 6402-43. Formerly RCW 47.20.600, part.]

**47.20.610 Washington State University highway, University of Washington approach—Condemnation.** In case of condemnation to secure any real estate, rights or interests, herein authorized, the court actions shall be brought in the name of the state of Washington in the respective counties in which the real estate is located, in the manner provided by law for acquiring property for

public uses for the state, and in such actions the selection of the real estate, rights and interests by the director of highways is, in the absence of bad faith, arbitrary, capricious or fraudulent action conclusive upon the court and judge before which the action is brought that said real estate, rights and interests are necessary for public use for the purposes sought. [1961 c 13 § 47.20.610. Prior: 1945 c 27 § 5; Rem. Supp. 1945 § 6402-44.]

**47.20.620 Washington State University highway, University of Washington approach—Measure of damage to buildings.** If, in any condemnation proceeding authorized herein, it appears that there is any building wholly or partially upon any of the real estate to be taken, the jury, or the court, if the jury be waived, shall add to the value of the land taken the amount of damages to the building. If the entire building is taken, or if the building is damaged so that it cannot be readjusted to the real estate not taken, then the measure of damages shall be the fair cash value of the building. If part of a building is taken or damaged and the building can be readjusted or replaced on the real estate remaining, then the measure of damages shall be the cost of readjusting or moving the building, or part thereof left, together with the depreciation in the market value of said building by reason of said readjustment or moving. [1961 c 13 § 47.20.620. Prior: 1945 c 27 § 6; Rem. Supp. 1945 § 6402-45.]

**47.20.630 Washington State University highway, University of Washington approach—Sale of buildings, personalty, acquired in acquisition of land.** The director of highways shall have power to sell at public or private sale any building, equipment or fixtures, acquired in the acquisition of said real estate for such price as he shall fix, and to execute to the purchaser upon payment of the purchase price a bill of sale in the name of the state; and the proceeds of said sale shall be placed in the motor vehicle fund of the state treasury. The director of highways shall have power to permit occupation of buildings on real estate so acquired for such specified limited time as he deems will lapse before construction of the approach, underpass and highway can be undertaken; and in behalf of the state it may be shown in any condemnation proceeding the period during which such occupancy will be permitted for the purpose of mitigating damages. [1961 c 13 § 47.20.630. Prior: 1945 c 27 § 7; Rem. Supp. 1945 § 6402-46.]

**47.20.635 University of Washington approach—Ordinance requisite—Construction and maintenance.** No action shall be taken by the director of highways for the acquisition of real estate, rights and interests for the approach and underpass to the University of Washington unless and until the city of Seattle, through its legislative authority shall enact an ordinance providing the city of Seattle will, within three months after the necessary real estate, rights and interests have been secured by the state as herein provided, begin the work of grading, paving and such other work as is necessary to complete and render available for use of the public, said approach and underpass and approaches to said underpass; and further

providing that the city of Seattle shall thereafter keep and maintain said approach and underpass and approach to said underpass in a good state of repair and suitable for public travel and use, which construction and maintenance work the city of Seattle is hereby authorized and empowered to do and perform. [1961 c 13 § 47.20-.635. Prior: 1945 c 27 § 8; Rem. Supp. 1945 § 6402-47.]

**47.20.640 Reestablishment and redesignation of intersections when highway relocated.** In any case where a state highway is relocated in such manner that it shall cease to intersect another state highway, the state highway commission is hereby authorized to extend and designate either of such state highways to reestablish an appropriate intersection. [1967 ex.s. c 145 § 44; 1961 c 13 § 47.20.640. Prior: 1953 c 82 § 1.]

**47.20.645 Interstate 90 corridor—Legislative finding.** The legislature finds that the Washington department of highways initiated route studies for the location of that segment of the national system of interstate and defense highways (interstate system) between south Bellevue and state route No. 5 in Seattle in 1957 culminating in a corridor public hearing and adoption of a corridor in 1963; that thereafter the department utilizing a multidisciplinary design team and soliciting the broadest public participation developed a series of designs culminating in a public design hearing in 1970, a public limited access hearing in 1971 and adoption of a design and limited access plan for the facility in 1971; that commencing in 1970 the proposed facility has been the subject of numerous lawsuits and administrative proceedings which have prevented advancement of the project to construction; that since further development of the project was enjoined by federal courts in 1971 the cost of constructing the project has increased by more than one hundred million dollars; that the traffic congestion and traffic hazards existing in the existing highway corridor between south Bellevue, Mercer Island and the city of Seattle are no longer tolerable; that after more than seventeen years of studies the public interest now requires that final decisions regarding the appropriate system for meeting the transportation requirements between south Bellevue and the city of Seattle be made promptly and in accordance with a prescribed schedule.

It is therefore the sense of the legislature that further protracted delay in establishing the transportation system to be constructed between south Bellevue and state route No. 5 in the city of Seattle is contrary to the interest of the people of this state and can no longer be tolerated as acceptable public administration. Accordingly the schedule for finally determining the character of transportation modes between south Bellevue and state route No. 5 in the city of Seattle as set forth in RCW 47.20.645 through 47.20.653, and 47.20.900 is adopted as the public policy of this state. [1975 1st ex.s. c 272 § 1.]

**47.20.647 Interstate 90 corridor—Withdrawal of local governments from project—Effect on use of state funds.** (1) The Puget Sound council of governments

(until July 1, 1975, known as the Puget Sound governmental conference) now engaged in a study of the withdrawal from the interstate system of that segment of state route No. 90 between the south Bellevue interchange and the Connecticut street interchange on state route No. 5 and the substitution of public mass transit projects in lieu thereof as authorized by section 103(e)(4) of Title 23, United States Code, is directed to complete all phases of the study by November 1, 1975.

(2) No later than January 15, 1976, the city councils of Seattle, Mercer Island and Bellevue and the county council of King County shall each by resolution either approve or disapprove a request to withdraw from the interstate system the segment of state route No. 90 between south Bellevue interchange and the Connecticut street interchange on state route No. 5. Nothing in this subsection shall be construed as requiring the city or county councils to adopt by January 15, 1976 any proposal for substitute mass transit projects.

(3) If at least three of the four city and county councils request withdrawal from the interstate system of the designated segment of state route No. 90 by January 15, 1976, and such request is thereafter concurred in by the governor and the Puget Sound council of governments, such determination shall be final as it relates to the state of Washington and except as may be required to terminate the project in an orderly manner, no moneys shall thereafter be expended from the motor vehicle fund for further development of the designated section of highway as an interstate highway without further express authorization of the legislature.

(4) If fewer than three of the four city and county councils request withdrawal from the interstate system of the designated segment of state route No. 90 by January 15, 1976, or if the governor does not concur in the withdrawal request, then no tax revenues collected by the state of Washington shall thereafter be expended for the construction of substitute public mass transit projects in the Seattle metropolitan area pursuant to section 103(e)(4) of Title 23, United States Code, without further express authorization of the legislature. [1975 1st ex.s. c 272 § 2.]

**47.20.649 Interstate 90 corridor—Public hearings, when required.** In the event that fewer than three of the four councils of the cities of Seattle, Mercer Island and Bellevue and King County pass resolutions requesting withdrawal from the interstate system of the segment of state route No. 90 between south Bellevue and state route No. 5 by January 15, 1976, the Washington department of highways shall conduct a public hearing as required by federal law and regulations relating to the location and design of the designated segment of the interstate system commencing no later than February 1, 1976. [1975 1st ex.s. c 272 § 3.]

**47.20.651 Interstate 90 corridor—Final environmental impact statement, when required.** In the event public hearings are conducted as described in RCW 47.20.649, and the department of highways determines that the segment of the interstate system along state route No. 90 between south Bellevue and state route No.

5 in Seattle should be constructed, then the department, in cooperation with the federal highway administration, shall complete a final environmental impact statement on such proposal in compliance with the national environmental policy act and chapter 43.21C RCW by May 1, 1976, and file the same with appropriate federal and state offices. [1975 1st ex.s. c 272 § 4.]

**47.20.653 Interstate 90 corridor—Court proceedings, priority.** State court proceedings instituted to challenge the validity of any steps taken in pursuance of the construction of the segment of the interstate system between south Bellevue and state route No. 5 in Seattle, or the construction of substitute public mass transit projects in lieu thereof, shall take precedence over all other causes not involving the public interest in all courts of this state to the end construction of such facilities may be expedited to the fullest. The legislature of the state of Washington respectfully requests of the federal judiciary that challenges instituted in the federal courts relating to the validity of steps leading to the construction of the designated interstate highway or substitute public mass transit projects in lieu thereof be expedited to the fullest. [1975 1st ex.s. c 272 § 5.]

**47.20.660 West Seattle freeway corridor—Legislative finding.** The legislature hereby recognizes that the well-being of Washington citizens depends upon a sound and viable economic base; that the state of Washington is significantly involved in the maritime industry; that the Seattle area is an important contributor to the state's economy, and that the location of additional maritime and related industry in the Seattle area is desirable.

The legislature also recognizes that the lower Duwamish waterway in Seattle represents a high potential for increased maritime activity and resulting employment opportunities. [1975 1st ex.s. c 267 § 1.]

**47.20.662 West Seattle freeway corridor—Studies—Appropriation.** There is hereby appropriated to the Washington state highway commission the sum of one hundred fifty thousand dollars, or as much thereof as may be necessary, from the motor vehicle fund to study the following issues regarding the proposed improved crossing of the Duwamish waterway to West Seattle:

(1) Feasibility of placing the corridor currently identified as the West Seattle freeway corridor, connecting West Seattle to Interstate 5, on the state highway system.

(2) Evaluation of existing studies regarding the proposed high-level crossings of the Duwamish waterway, or conduct additional studies as the commission deems appropriate, to determine the approximate amount of funds required for the construction of a high-level crossing of the Duwamish waterway.

(3) Identification of the principal groups or agencies benefiting from the construction of a high-level crossing of the Duwamish waterway and alternative methods of permitting such groups to participate in project costs including, but not limited to, user tolls or local improvement district assessments.

(4) Identification and analysis of sources of federal, state, and local revenues that may be available for transportation or economic development purposes that could be utilized for such high-level crossing.

(5) Recommended changes in legislation to permit the expeditious design and construction of such high-level crossing upon receipt of funding.

(6) Recommendation of an appropriate agency to administer the design and construction of such crossing.

The highway commission shall report its finding and recommendations to the house and senate transportation and utilities committees not later than July 1, 1976. [1975 1st ex.s. c 267 § 2.]

**47.20.664 West Seattle freeway corridor—Study, advice by other agencies.** The Washington state highway commission shall be advised in its study of the West Seattle freeway corridor, provided for in RCW 47.20.662, by, but not limited to, the chief executive, or his designee, of the port of Seattle, the Washington state department of commerce and economic development, the municipality of metropolitan Seattle, and the city of Seattle and such other persons, jurisdictions and agencies affected by the future development of the project as the commission deems appropriate. [1975 1st ex.s. c 267 § 3.]

**47.20.666 Urban arterial trust funds initially authorized in 1967-69 biennium—Obligation continued, limitations.** See RCW 47.26.281.

**47.20.900 Severability—1975 1st ex.s. c 272.** 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. [1975 1st ex.s. c 272 § 6.]

**Reviser's note:** This applies to RCW 47.20.645 through 47.20.653.

## Chapter 47.22 COMBINATION HIGHWAY ROUTES

### Sections

47.22.010 East Pacific highway.  
47.22.020 Lewis and Clark highway.

**47.22.010 East Pacific highway.** There is hereby established the east Pacific highway which shall be composed of the following existing highway routes: Beginning on state route number 5 at or near Centralia; thence by way of state route number 5 to its junction with state route number 12 or by way of state route number 507 between Centralia and Tenino; thence on state route number 507 to Roy junction with state route number 7; thence on state route number 7 to a junction with state route number 512; thence on state route number 512 to Puyallup; thence on state route numbers 410 and 167 to Sumner, Auburn, Kent and Renton; thence on state route number 405 to Kirkland; thence on state route number 405 north to a junction with state route number 522; thence on state route number 522 to a junction with state route number 9 northeast of Woodinville; and thence on state route number 9 to

Snohomish, Arlington, Sedro Woolley, and to a junction with state route number 542 at Deming; thence westerly on state route 542 to a junction with state route number 9 at Lawrence; thence on state route number 9 via Sumas, to the Canadian international boundary. [1970 ex.s. c 51 § 175; 1961 c 13 § 47.22.010. Prior: 1951 c 273 § 1.]

**47.22.020 Lewis and Clark highway.** There is established the Lewis and Clark highway, which shall be composed of the following existing routes: state route number 12 from Clarkston to Waitsburg; state route number 124 from Waitsburg to Pasco (west); state route number 12 from Pasco to Waitsburg via Wallula and Walla Walla (east); state route number 14 from Pasco to Maryhill; state route numbers 14, 5 and 4 from Maryhill to Naselle junction; state route number 401 from Naselle junction to Megler; and state route number 101 from Megler to Ilwaco. [1970 ex.s. c 51 § 176; 1967 ex.s. c 145 § 13; 1961 c 13 § 47.22.020. Prior: 1955 c 178 § 1.]

### Chapter 47.24

#### CITY STREETS AS PART OF STATE HIGHWAYS

##### Sections

- 47.24.010 Designation of street as part of highway—Construction, maintenance—Return of street to city or town.  
 47.24.020 Jurisdiction, control of such streets.  
 47.24.030 Acquisition of rights of way—Condemnation proceedings.  
 47.24.040 Street fund—Expenditures on streets forming part of state highway.  
 47.24.050 Aid on streets by state or county—Payment.  
*City streets, parkways, boulevards, generally: Title 35 RCW.*  
*City streets, sidewalks, etc.: Chapters 35.68–35.79 RCW.*  
*Design standards committee for city streets: Chapter 35.78 RCW.*  
*Off-street parking, cities: Chapter 35.86 RCW.*  
*Off-street parking, towns: RCW 35.27.550–35.27.590.*  
*Platted streets as public highways: RCW 58.08.035, 58.08.050.*  
*Speed limits in cities: Chapter 46.61 RCW.*  
*Viaducts, bridges, elevated roadways, tunnels, etc. in cities: Chapter 35.85 RCW.*

**47.24.010 Designation of street as part of highway—Construction, maintenance—Return of street to city or town.** The state highway commission shall determine what streets, together with bridges thereon and wharves necessary for use for ferriage of motor vehicle traffic in connection with such streets, if any, in any incorporated cities and towns shall form a part of the route of state highways and between the first and fifteenth days of July of any year the state highway commission shall certify to the clerk of each city or town, by brief description, the streets, together with the bridges thereon and wharves, if any, in such city or town which are designated as forming a part of the route of any state highway; and all such streets, including curbs and gutters and street intersections and such bridges and wharves, shall thereafter be a part of the state highway system and as such shall be constructed and maintained by the state highway commission from any state funds available therefor: *Provided*, That the responsibility for the construction and maintenance of any such street

together with its appurtenances may be returned to a city or a town upon certification by the state highway commission to the state auditor and to the clerk of any city or town that such street, or portion thereof, is no longer required as a part of the state highway system: *Provided further*, That any such certification that a street, or portion thereof, is no longer required as a part of the state highway system shall be made between the first and fifteenth of July following the determination by the state highway commission that such street or portion thereof is no longer required as a part of the state highway system, but this shall not prevent the state highway commission and any city or town from entering into an agreement that a city or town will accept responsibility for such a street or portion thereof at some time other than between the first and fifteenth of July of any year. [1973 c 95 § 3; 1961 c 13 § 47.24.010. Prior: 1959 c 160 § 1; 1957 c 83 § 2; 1955 c 179 § 2; 1949 c 220 § 5, part; 1945 c 250 § 1, part; 1943 c 82 § 10, part; 1937 c 187 § 61, part; Rem. Supp. 1949 § 6450–61, part.]

**47.24.020 Jurisdiction, control of such streets.** The jurisdiction, control and duty of the state and city or town with respect to such streets shall be as follows:

(1) The state highway commission shall have no authority to change or establish any grade of any such street without approval of the governing body of such city or town, except with respect to limited access facilities established by the state highway commission;

(2) The city or town shall exercise full responsibility for and control over any such street beyond the curbs and if no curb is installed, beyond that portion of the highway used for highway purposes: *Provided*, That within incorporated cities and towns the title to a limited access facility, after purchase and construction by the state alone, shall vest in the state, and the Washington state highway commission shall exercise full jurisdiction, responsibility and control to, and over, such facility as provided in chapter 47.52 RCW, as amended;

(3) The state highway commission shall have authority to prohibit the suspension of signs, banners, or decorations above the portion of such street between the curbs or portion used for highway purposes up to a vertical height of twenty feet above the surface of the roadway;

(4) The city or town shall at its own expense maintain all underground facilities in such streets, and shall have the right to construct such additional underground facilities as may be necessary in such streets;

(5) The city or town shall have the right to grant the privilege to open the surface of any such street, but all damage occasioned thereby shall promptly be repaired either by the city or town itself or at its direction;

(6) The city or town at its own expense shall provide street illumination and shall clean all such streets, including storm sewer inlets and catch basins, and remove all snow, except that the state shall when necessary plow the snow on the roadway: *Provided*, That in cities and towns having a population of fifteen thousand or less according to the latest determination of population by the state census board, the state, when necessary

for public safety, shall assume, at its expense, responsibility, for the stability of the slopes of cuts and fills and the embankments within the right of way to protect the roadway itself: *Provided further*, That the state shall install, maintain and operate all illuminating facilities on any limited access facility, together with their interchanges, located within the corporate limits of any city or town, and shall assume and pay the costs of all such installation, maintenance and operation incurred after November 1, 1954;

(7) The state highway commission shall have the right to utilize all storm sewers on such highways without cost; and if new storm sewer facilities are necessary in construction of new streets by the state highway commission, the cost of such facilities shall be borne by the state and/or city as may be mutually agreed upon between the state highway commission and the governing body of the city or town;

(8) Cities and towns shall have exclusive right to grant franchises, not in conflict with state laws, over, beneath and upon such streets but the state highway commission shall be authorized to enforce in an action brought in the name of the state any condition of any franchise which a city or town shall have granted on such street: *Provided*, That no franchise for transportation of passengers in motor vehicles shall be granted on such streets without the approval of the state highway commission but the state highway commission shall not refuse to approve such franchise unless another street conveniently located and of strength of construction to sustain travel of such vehicles is accessible;

(9) Every franchise or permit granted any person by a city or town for use of any portion of such street by a public utility shall require the grantee or permittee to restore, repair and replace to its original condition any portion of the street damaged or injured by it;

(10) The city or town shall have the right to issue overload or overwidth permits for vehicles to operate on such streets or roads subject to regulations printed and distributed to the cities and towns by the state highway commission;

(11) Cities and towns shall regulate and enforce all traffic and parking restrictions on such streets, but all regulations adopted by a city or town relating to speed, parking, and traffic control devices on such streets not identical to state law relating thereto shall be subject to the approval of the state highway commission before becoming effective. All regulations pertaining to speed, parking, and traffic control devices relating to such streets heretofore adopted by a city or town not identical with state laws shall become null and void unless approved by the state highway commission heretofore or within one year after March 21, 1963;

(12) The state highway commission shall erect, control and maintain at state expense all route markers, and directional signs, except street signs, on such streets;

(13) The state highway commission shall install, operate, maintain and control at state expense all traffic control signals, signs and traffic control devices for the purpose of regulating both pedestrian and motor vehicular traffic on, entering upon, or leaving state highways in cities and towns having a population of fifteen thousand

or less according to the latest determination of population by the state census board: *Provided*, That such cities and towns may submit to the state highway commission a plan for traffic control signals, signs and traffic control devices desired by them, indicating the location, nature of installation, or type thereof, or a proposed amendment to such an existing plan or installation, and the state highway commission shall consult with the cities or towns concerning the same prior to installing such signals, signs, or devices. Cities and towns having a population in excess of fifteen thousand according to the latest determination of population by the state census board shall install, maintain, operate and control such signals, signs and devices at their own expense, subject to approval of the state highway commission for the installation and type only. For the purpose of this subdivision striping, lane marking and channelization are considered traffic control devices;

(14) All revenue from parking meters placed on such streets shall belong to the city or town;

(15) Rights of way for such streets shall be acquired by either the city or town or by the state as shall be mutually agreed upon. Costs of acquiring rights of way may be at the sole expense of the state or at the expense of the city or town or at the expense of the state and the city or town as may be mutually agreed upon. Title to all rights of way so acquired shall vest in the city or town: *Provided*, That no vacation, sale or rental of any unused portion of any such street shall be made by the city or town without the approval of the state highway commission; and all revenue derived from sale, vacation or rental of such rights of way shall be shared by the city or town and the state in the same proportion as the purchase costs were shared;

(16) If any city or town shall fail to perform any of its obligations as set forth in this section or in any cooperative agreement entered into with the state highway commission for the maintenance of a city or town street forming part of the route of a state highway, the state highway commission may notify the mayor of such town to perform such necessary maintenance within thirty days. If the city or town within such thirty days shall fail to perform such maintenance or fail to authorize the state highway commission to perform such maintenance as provided by RCW 47.24.050, the state highway commission may perform such maintenance, the cost of which is to be deducted from any sums in the motor vehicle fund credited or to be credited to such city or town. [1967 c 115 § 1; 1963 c 150 § 1; 1961 c 13 § 47.24.020. Prior: 1957 c 83 § 3; 1955 c 179 § 3; 1953 c 193 § 1; 1949 c 220 § 5, part; 1945 c 250 § 1, part; 1943 c 82 § 10, part; 1937 c 187 § 61, part; Rem. Supp. 1949 § 6450-61, part.]

**Reviser's note:** The state census board was abolished, and its powers, duties and functions transferred to the planning and community affairs agency by 1967 ex.s. c 42 (chapter 43.63A RCW).

**47.24.030 Acquisition of rights of way—Condemnation proceedings.** The highway commission is authorized to acquire rights of way, by purchase, gift or condemnation for any such streets, highways, bridges and wharves. Any such condemnation proceedings shall

be exercised in the manner provided by law for condemnation proceedings to acquire lands required for state highways. [1961 c 13 § 47.24.030. Prior: 1949 c 220 § 5, part; 1945 c 250 § 1, part; 1943 c 82 § 10, part; 1937 c 187 § 61, part; Rem. Supp. 1949 § 6450-61, part.]

**47.24.040 Street fund—Expenditures on streets forming part of state highway.** All funds accruing to the credit of incorporated cities and towns in the motor vehicle fund shall be paid monthly to such incorporated cities and towns and shall, by the respective cities and towns, be placed in a fund to be designated as "city street fund" and disbursed as authorized and directed by the legislative authority of the city or town, as agents of the state, for salaries and wages, material, supplies, equipment, purchase or condemnation of right of way, engineering or any other proper highway or street purpose in connection with the construction, alteration, repair, improvement or maintenance of any city street or bridge, or viaduct or underpassage along, upon or across such streets. Such expenditure may be made either independently or in conjunction with any federal, state or any county funds. [1961 c 13 § 47.24.040. Prior: 1949 c 220 § 4; 1947 c 96 § 1; 1943 c 82 § 9; 1939 c 181 § 8; 1937 c 187 § 60; Rem. Supp. 1949 § 6450-60.]

**47.24.050 Aid on streets by state or county—Payment.** If a city or town, whether or not any of its streets are designated as forming a part of a state highway, is unable to construct, repair or maintain its streets for good cause, or if it is in need of engineering assistance to construct, repair or maintain any of its streets, it may authorize the highway commission to perform such construction, repair or maintenance, or may secure necessary engineering assistance from the highway commission, to the extent of the funds credited or to be credited in the motor vehicle fund for payment to the city or town. Any sums due from a city or town for such purposes shall be paid on vouchers approved and submitted by the highway commission from moneys credited to the city or town in the motor vehicle fund, and the amount of the payments shall be deducted from funds which would otherwise be paid to the city or town from the motor vehicle fund. The highway commission may in certain special cases, in its discretion, enter into an agreement with the governing officials of such city or town for the performance of such work or services, the terms of which shall provide for reimbursement of the motor vehicle fund for the benefit of the state's share of such fund by such city or town of the cost thereof from any funds on hand of such city or town and legally available for such work or services. The city or town may, by resolution, authorize the board of commissioners of the county in which it is located, to perform any such construction, repair or maintenance and the same shall be paid for by the city or town at the actual cost thereof as provided for payment for work performed on city streets, and any payment received therefor by a county shall be deposited in the county road fund to be expended under the same provisions as are imposed upon the funds used to perform such construction, repair or maintenance. [1961 c 13 § 47.24.050. Prior: 1951 c 54 §

1; 1949 c 220 § 6; 1943 c 82 § 11; 1937 c 187 § 63; Rem. Supp. 1949 § 6450-63.]

### Chapter 47.26 DEVELOPMENT IN URBAN AREAS—URBAN ARTERIALS

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- 47.26.281 Urban arterial trust funds initially authorized in 1967–69 biennium—Obligation continued, limitations.
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**BOND ISSUE—STATE HIGHWAYS IN URBAN AREAS**

- 47.26.400 Issuance and sale of general obligation bonds—Authorized—Amount—Declaration of purpose.
- 47.26.401 Bonds—Term—Terms and conditions—Signatures—Registration—Where payable—Negotiable instruments.
- 47.26.402 Bonds—Denominations—Manner and terms of sale—Legal investment for state funds.
- 47.26.403 Bonds—Bond proceeds—Deposit and use.
- 47.26.404 Bonds—Statement describing nature of obligation—Pledge of excise taxes.
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- 47.26.406 Bonds—Repayment procedure—Bond retirement fund.
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- 47.26.410 Expenditures from fuel taxes and bond proceeds for urban state highways in excess of amount apportionable to a region authorized.

**BOND ISSUE—COUNTY AND CITY ARTERIALS IN URBAN AREAS**

- 47.26.420 Issuance and sale of general obligation bonds—Authorized—Amount—Declaration of purpose.
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- 47.26.430 Expenditures from urban arterial trust account and bond proceeds in excess of amount apportionable to a region authorized.
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- 47.26.460 Increase in urban arterial trust account funds allocated to a project—Regulations—Factors.
- 47.26.900 Severability—1967 ex.s. c 83.
- 47.26.910 Effective dates—1967 ex.s. c 83.
- 47.26.930 Construction—1969 ex.s. c 171.

**47.26.010 Declaration of intent.** Due to unprecedented industrial development and population increases, the state of Washington is confronted with emergency needs for improvement of state highways, county roads, and city streets in urban areas. It is the intent of the legislature to provide sufficient new highway revenues to alleviate and prevent intolerable traffic congestion in urban areas without the disruption of the long range state-wide highway program essential to the economic well-being of the people of this state. [1967 ex.s. c 83 § 1.]

**Reviser's note:** Throughout chapter 47.26 RCW the term "this 1967 amendatory act" has been translated to "this chapter". "This 1967 amendatory act" [1967 ex.s. c 83] consists of chapter 47.26 RCW and also RCW 35.77.010, 36.81.121, 46.16.040, 46.16.070, 46.16.111, 46.16.121, 46.16.125, 46.68.100, 46.68.150, 82.36.020, 82.36.100, 82.37.030, 82.37.190, 82.40.020, 82.40.290, and also the repeal of RCW 46.16.072, 46.16.075, 46.16.110 and 46.16.120.

**47.26.020 Motor vehicle fuel tax—Tax imposed—Rate—Allocation of proceeds.** See RCW 82.36.020.

**47.26.022 Motor vehicle fuel tax—Tax required of persons not classed as distributors—Duties—Procedure—Distribution of proceeds—Penalties.** See RCW 82.36.100.

**47.26.024 Motor vehicle fuel importer tax—Tax imposed—Rate.** See RCW 82.37.030.

**47.26.026 Motor vehicle fuel importer tax—Disposition of revenues.** See RCW 82.37.190.

**47.26.028 Special fuel tax—Tax imposed—Rate.** See RCW 82.38.030.

**47.26.030 Special fuel tax—Disposition of funds.** See RCW 82.38.290.

**47.26.032 Allocation of net tax amount in motor vehicle fund.** See RCW 46.68.100.

**47.26.034 Construction and improvement of urban area highways—Expenditure of motor vehicle fuel taxes and bond proceeds.** See RCW 46.68.150.

**47.26.040 "Urban area" defined.** The term "urban area" means every area of this state designated as an urban area by the state highway commission with the approval of the federal department of the secretary of transportation or the federal highway administrator in accordance with federal law, or areas within incorporated cities as determined by the office of program planning and fiscal management. [1975 1st ex.s. c 253 § 1; 1967 ex.s. c 83 § 10.]

**47.26.042 "Preliminary proposal" defined.** The term "preliminary proposal" as used in this chapter means the preliminary engineering, right of way appraisal and the data collection, analysis and reporting of the environmental impact of a project. [1973 1st ex.s. c 126 § 4.]

**47.26.043 "Construction project" defined.** The term "construction project" as used in this chapter shall mean

all work and necessities subsequent to the preliminary proposal and through to completion. [1973 1st ex.s. c 126 § 5.]

**47.26.050 Urban areas grouped into regions for purpose of apportioning urban state highway funds.** For the purpose of apportioning urban state highway funds, the urban areas of the state are grouped within five regions of the state as follows:

(1) Puget Sound region shall include those urban areas within the counties of King, Pierce and Snohomish.

(2) Northwest region shall include those urban areas within the counties of Clallam, Jefferson, Island, Kitsap, San Juan, Skagit and Whatcom.

(3) Northeast region shall include those urban areas within the counties of Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens and Whitman.

(4) Southeast region shall include those urban areas within the counties of Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Klickitat, Walla Walla and Yakima.

(5) Southwest region shall include those urban areas within the counties of Clark, Cowlitz, Grays Harbor, Lewis, Mason, Pacific, Skamania, Thurston and Wahkiakum. [1967 ex.s. c 83 § 11.]

**47.26.060 Apportionment of funds to regions—Manner and basis—Biennial adjustment.** Funds available for expenditure by the state highway commission pursuant to RCW 46.68.150 shall be apportioned to the five regions for expenditure upon state highways in urban areas in the following manner:

(1) One-third in the ratio which the population of the urban areas of each region bears to the total population of all of the urban areas of the state as last determined by the state census board;

(2) One-third in the ratio which the vehicle-miles traveled on state highways (other than interstate highways) within the urban areas of each region bears to the total vehicle-miles traveled on all state highways (other than interstate highways) within all urban areas of the state as last determined by the department of highways; and

(3) One-third in the ratio which the state highway needs on state highways (other than interstate highways) within the urban areas of each region bears to the total needs on state highways (other than interstate highways) within all urban areas of the state as last revised by the state highway commission.

The state highway commission shall adjust the schedule for apportionment of such funds to the five regions in the manner provided herein prior to the commencement of each biennium. [1967 ex.s. c 83 § 12.]

**Reviser's note:** The state census board was abolished by RCW 43.63A.150 and powers transferred to planning and community affairs agency by RCW 43.63A.080(10).

**47.26.070 Apportioned funds to be budgeted and expended for projects in urban areas—Priority programming—Long range objectives.** Funds available for

expenditure by the state highway commission pursuant to RCW 46.68.150 and apportioned to the five regions of the state shall be budgeted and expended, pursuant to proper appropriations, for specific state highway improvement projects within the urban areas of each region in accordance with the priority programming procedures established in chapter 47.05 RCW. Such expenditures in urban areas shall be additional to expenditures from all other construction funds regularly programmed for state highway improvements throughout the state pursuant to chapter 47.05 RCW. The state highway commission is authorized to establish separate long range objectives in terms of the percentages of completion of construction needs for the several functional classes of highways within the urban areas of each region. [1967 ex.s. c 83 § 13.]

**47.26.080 Urban arterial trust account—Created in motor vehicle fund—Expenditures from.** There is hereby created in the motor vehicle fund the urban arterial trust account. All moneys deposited in the motor vehicle fund to be credited to the urban arterial trust account shall be expended for the construction and improvement of city arterial streets and county arterial roads within urban areas, for expenses of the urban arterial board, or for the payment of principal or interest on bonds issued for the purpose of constructing or improving city arterial streets and county arterial roads within urban areas. [1967 ex.s. c 83 § 14.]

**47.26.090 "Arterial" defined.** The term "arterial" as used in RCW 47.26.080 through 47.26.290 and 47.26.420 through 47.26.440, 35.77.010 and 36.81.121 means any county road or city street so designated in accordance with criteria established by regulations of the urban arterial board. [1967 ex.s. c 83 § 15.]

**Reviser's note:** The reference to "46 through 55 of this 1967 amendatory act" has been translated to "RCW 47.26.420 through 47.26.440" A literal translation of said phrase would have been "RCW 47.26.421 through 47.26.900" which appears to be erroneous.

**47.26.100 "City" defined.** The term "city" as used in this chapter shall include incorporated towns. [1967 ex.s. c 83 § 16.]

**Reviser's note:** "this chapter" has been substituted for "this 1967 amendatory act". See note following RCW 47.26.010 for codification of "this 1967 amendatory act" [1967 ex.s. c 83].

**47.26.110 "Urban arterial" defined.** The term "urban arterial" as used in this chapter means an arterial within an urban area. [1967 ex.s. c 83 § 17.]

**Reviser's note:** "this chapter" has been substituted for "this 1967 amendatory act". See note following RCW 47.26.010 for codification of "this 1967 amendatory act" [1967 ex.s. c 83].

**47.26.120 Urban arterial board—Created—Composition—Appointments—Terms—Vacancies—Chairman.** (1) There is hereby created an urban arterial board of thirteen members, six of whom shall be county members, six of whom shall be city members. The chairman shall be the assistant director of highways for state aid.



(2) Of the county members of the board, one member shall be a county engineer from a county of the first class or larger; one member shall be a county engineer from a county of the second class or smaller; one member shall be an engineer occupying the position of county road administration engineer, created by RCW 36.78-.060; one member shall be the chairman of the county road administration board created by RCW 36.78.030; one member shall be a county commissioner from a county of the first class or larger; one member shall be a county commissioner from a county of the second class or smaller. All county members of the board, except the county road administration engineer and the chairman of the county road administration board, shall be appointed. Not more than one county member of the board shall be from one county. For the purposes of this subsection, the term county engineer shall mean the director of public works in any county in which such a position exists.

(3) Of the city members of the board two shall be chief city engineers of cities over twenty thousand population; one shall be a chief city engineer of a city of less than twenty thousand population; two shall be mayors of cities of more than twenty thousand population; and one shall be a mayor of a city of less than twenty thousand population. All of the city members shall be appointed. Not more than one city member of the board shall be from one city. For the purposes of this subsection the term chief city engineer shall mean the director of public works in any city in which such a position exists.

(4) Prior to July 1, 1967, the state highway commission shall appoint the first appointive county members of the board: Two members to serve two years and two members to serve four years from July 1, 1967.

(5) Prior to July 1, 1967, the state highway commission shall appoint the first city members of the board: Three members to serve two years and three members to serve four years from July 1, 1967.

(6) Upon expiration of the original terms subsequent appointments shall be made by the same appointing authority for four year terms except in the case of a vacancy, in which event the appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. A vacancy shall be deemed to have occurred on the board when any member elected to public office completes his term of office or is removed therefrom for any reason or when any member employed by a political subdivision terminates such employment for whatsoever reason.

(7) Before appointing any member to the urban arterial board, the state highway commission shall request from the executive committee of the Washington state association of counties, in the case of a county member appointment, and from the executive committee of the association of Washington cities, in the case of a city member appointment, recommendations of at least two eligible persons for each appointment to be made. The commission shall give due consideration to the recommendations submitted to it.

(8) Any member of the board, including the chairman, may designate an official representative to serve on the board in his place with the same authority as the

member, subject to the conditions and under the circumstances set forth in rules adopted by the board. [1971 ex.s. c 85 § 8; 1969 ex.s. c 171 § 1; 1967 ex.s. c 83 § 18.]

**47.26.130 Urban arterial board—Travel expenses of members.** Members of the urban arterial board shall receive no compensation for their services on the board, but shall be reimbursed for travel expenses incurred while attending meetings of the board or while engaged on other business of the board when authorized by the board in accordance with RCW 43.03.050 and 43.03-.060 as now existing or hereafter amended. [1975-'76 2nd ex.s. c 34 § 139; 1975 1st ex.s. c 1 § 2; 1969 ex.s. c 171 § 2; 1967 ex.s. c 83 § 19.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**47.26.140 Urban arterial board—Staff services and facilities—Payment of costs and expenses—Executive secretary.** The assistant director of highways for state aid shall furnish necessary staff services and facilities required by the urban arterial board. The cost of such services, together with travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended of the members and all other lawful expenses of the board, shall be paid from the urban arterial trust account in the motor vehicle fund. The urban arterial board may appoint an executive secretary who shall serve at its pleasure and whose salary shall be set by the board and paid from the urban arterial trust account in the motor vehicle fund. [1975-'76 2nd ex.s. c 34 § 140; 1969 ex.s. c 171 § 3; 1967 ex.s. c 83 § 20.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**47.26.150 Urban arterial board—Meetings.** The urban arterial board shall first meet during the first week of July, 1967. Thereafter the board shall meet at least once quarterly and upon the call of its chairman and shall from time to time adopt rules and regulations for its own government and as may be necessary for it to discharge its duties and exercise its powers under this chapter. [1967 ex.s. c 83 § 21.]

**Reviser's note:** "this chapter" has been substituted for "this 1967 amendatory act" See note following RCW 47.26.010 for codification of "this 1967 amendatory act" [1967 ex.s. c 83].

**47.26.160 Urban arterial board—Powers and duties.** The urban arterial board shall:

(1) Adopt rules and regulations necessary to implement the provisions of this chapter relating to the allocation of funds in the urban arterial trust account of the motor vehicle fund to counties and cities.

(2) Adopt reasonably uniform design standards for city and county arterials which meet the requirements for urban development.

(3) Report biennially on the first day of November of the even-numbered years to the state highway commission and the joint committee on highways regarding progress of cities and counties in developing long range

plans for their urban arterial construction and programming or urban arterial construction work and the allocation of urban arterial trust funds to the cities and counties. [1971 ex.s. c 291 § 1; 1967 ex.s. c 83 § 22.]

**47.26.165 Commission and board to coordinate long range needs studies.** See RCW 47.01.240.

**47.26.170 Long range arterial construction plans—Counties and cities to prepare and submit to urban arterial board—Revision.** The legislative authority of each county or city lying within or having within its boundaries an urban area shall prepare, adopt and submit to the urban arterial board a long range plan for arterial construction, taking into account the comprehensive land use plan of each such jurisdiction and setting forth arterial construction needs through a fourteen year advance planning period. The long range arterial construction plans shall be revised by the counties and cities every two years to show the current arterial construction needs through a fourteen year advanced planning period and as revised shall be submitted to the urban arterial board during the first week of January of every even-numbered year. The long range plans shall be prepared pursuant to guidelines established by the urban arterial board and with the assistance of such board and the state highway commission. Upon receipt of the long range arterial construction plans of the several counties and cities the urban arterial board shall revise the construction needs for urban arterials set forth in such plans as necessary to conform with its uniform standards for establishing construction needs of the counties and cities. [1971 ex.s. c 291 § 2; 1967 ex.s. c 83 § 23.]

*Revisions to include bicycle route systems: RCW 47.26.315.*

**47.26.180 Division of roads or streets into arterial or access roads or streets—Classification of arterials—Review and revision by board.** Arterial designation and classification, as provided for by this chapter, shall be required to be an integral and coordinated portion of its planning process as authorized by chapters 35.63 or 36.70 RCW. The legislative authority of each county and city lying within or having within its boundaries an urban area shall with the advice and assistance of its chief engineer and its planning office divide all of its roads or streets into arterial roads or streets and access roads or streets and shall further subdivide the arterials into three functional classes to be known as major arterials, secondary arterials, and collector arterials, all in accordance with uniform standards established by the urban arterial board. Upon receipt of the classification plans of the several counties and cities, the urban arterial board shall review and revise the classification for the urban arterials as necessary to conform with its uniform standards for classifying urban arterials. [1975 1st ex.s. c 253 § 2; 1967 ex.s. c 83 § 24.]

**47.26.183 Application for funds by political subdivisions previously ineligible.** Political subdivisions that have previously been ineligible to apply for urban arterial trust funds, that are made eligible for such application

by \*this 1975 amendatory act, shall be afforded an opportunity by the urban arterial board to make such application. [1975 1st ex.s. c 253 § 3.]

*\*Reviser's note: "this 1975 amendatory act" [1975 1st ex.s. c 253] consisted of amendments to RCW 47.26.040 and 47.26.180, the instant section, and RCW 47.26.185.*

**47.26.185 Qualifications for administering and supervising urban arterial projects—Rules by board.** The urban arterial board may adopt rules establishing qualifications for cities and counties administering and supervising the design and construction of urban arterial projects financed in part from the urban arterial trust account. The rules establishing qualification shall take into account the resources and population of the city or county, its permanent engineering staff, its design and construction supervision experience and such other factors as the board deems appropriate. Any city or county failing to meet the qualifications established by the board for administering and supervising an urban arterial project, shall contract with a qualified city or county or the department of highways for the administration and supervision of the design and construction of any approved urban arterial project as a condition for receiving urban arterial trust account funds for the project. [1975 1st ex.s. c 253 § 4.]

**47.26.190 Apportionment of funds in urban arterial trust account among regions—Date.** Once each calendar quarter, the urban arterial board shall apportion funds credited to the urban arterial trust account, including the proceeds from motor vehicle fuel tax revenues, bond sales, anticipatory notes and interfund loans, which are available for the construction and improvement of urban arterials among the five regions defined in RCW 47.26.050 in the manner prescribed in RCW 47.26.060 relating to the apportionment of state urban funds except calculation of needs shall be based upon a projection of needs for the ensuing six year period as determined by the state highway commission. [1973 1st ex.s. c 126 § 2; 1971 ex.s. c 291 § 3; 1969 ex.s. c 171 § 4; 1967 ex.s. c 83 § 25.]

**47.26.200 Counties—Perpetual advanced plans for coordinated road program—Six year program for arterial road construction.** See RCW 36.81.121.

**47.26.210 Cities—Perpetual advanced plans for coordinated street program—Six year program for arterial street construction.** See RCW 35.77.010.

**47.26.220 Six year programs for urban arterial improvements by cities and counties—Selection of specific priority projects for each functional class—Rating factors.** Counties and cities, in preparing their respective six year programs relating to urban arterial improvements, shall select specific priority improvement projects for each functional class of arterial based on the rating of each arterial section proposed to be improved in relation to other arterial sections within the same functional class, taking into account the following:

- (1) Its structural ability to carry loads imposed upon it;
- (2) Its capacity to move traffic at reasonable speeds without undue congestion;
- (3) Its adequacy of alignment and related geometrics;
- (4) Its accident experience; and
- (5) Its fatal accident experience.

The six year construction programs shall remain flexible and subject to annual revision as provided in RCW 36.81.121 and 35.77.010. [1967 ex.s. c 83 § 28.]

**47.26.230 Joint planning of urban arterial development—Arterial in city crossing into unincorporated area or adjacent city—Arterial affected by state highway—Urban arterial board to adopt regulations.** Whenever an urban arterial in a city crosses into an unincorporated urban area or into an adjacent city, the proper city and county officials shall jointly plan the development of the arterial in their respective long range plans, arterial classification plans and six year construction programs. Whenever an urban arterial connects with and will be substantially affected by a programmed construction project on a state highway, the proper county or city officials shall jointly plan the development of such connecting arterial with the state highway department district engineer. The urban arterial board shall adopt regulations providing for the system development of county-city arterials and urban arterials with state highways. [1967 ex.s. c 83 § 29.]

**47.26.240 Review of city or county six year program by urban arterial board—Revision.** Upon receipt of a county's or city's revised six year program, the urban arterial board as soon as practicable shall review and may revise the construction program as it relates to urban arterials for which urban arterial trust account moneys are requested as necessary to conform to (1) the priority rating of the proposed project, based upon the factors in RCW 47.26.220, in relation to proposed projects in all other urban arterial construction programs submitted by the cities and counties in the same region, and (2) the amount of urban arterial trust account funds which the urban arterial board estimates will be apportioned to the region in the ensuing six year period. [1967 ex.s. c 83 § 30.]

**47.26.260 Vouchers for payment from urban arterial trust account—Completion of preliminary proposal—Completion of project—During work progress.** (1) Upon completion of a preliminary proposal, the county or city submitting said proposal shall submit to the urban arterial board its voucher for payment of the trust account share of the cost. Upon the completion of an approved urban arterial construction project, the county or city constructing the project shall submit to the urban arterial board its voucher for the payment of the trust account share of the cost. The chairman of the urban arterial board or his designated agent shall approve such voucher when proper to do so, for payment from the urban arterial trust account to the county or city submitting the voucher.

(2) The urban arterial board may adopt regulations providing for the approval of payments of funds in the urban arterial trust account to a county or city for costs of preliminary proposal, and costs of construction of an approved project from time to time as work progresses. These payments shall at no time exceed the urban arterial trust account share of the costs of construction incurred to the date of the voucher covering such payment. [1973 1st ex.s. c 126 § 1; 1967 ex.s. c 83 § 32.]

**47.26.270 Matching funds requirements for counties and cities receiving funds from urban arterial trust account.** Counties and cities receiving funds from the urban arterial trust account for construction of arterials shall provide such matching funds as shall be established by regulations recommended by the urban arterial board subject to review, revision and final approval by the state highway commission. Matching requirements shall be established after appropriate studies by the board taking into account (1) financial resources available to counties and cities to meet arterial needs, (2) the amounts and percentages of funds available for road or street construction traditionally expended by counties and cities on arterials, (3) in the case of counties, the relative needs of arterials lying outside urban areas, and (4) the requirements necessary to avoid diversion of funds traditionally expended for arterial construction to other street or road purposes or to nonhighway purposes. [1967 ex.s. c 83 § 33.]

**47.26.280 Apportionment and allocation of urban arterial account funds for period beginning July 1, 1967 and ending July 1, 1969.** Notwithstanding any other provisions in this chapter, for the period beginning July 1, 1967 and ending July 1, 1969, the urban arterial board shall once quarterly apportion the funds from the urban arterial account among the five regions of the state defined in RCW 47.26.050 in the manner provided in RCW 47.26.190. Commencing on October 1, 1967, the board at the time of making each quarterly apportionment shall allocate urban arterial trust funds for each region to specific counties and cities within the region for the construction of specific urban arterial projects. The board shall allocate such funds to the counties and cities based upon the priority rating of construction projects for which urban arterial trust account moneys are requested by the counties and cities. The board shall determine the priority of specific improvement projects based upon the rating of each urban arterial section proposed to be improved in relation to all other urban arterial sections proposed to be improved taking into account the following:

- (1) Its structural ability to carry loads imposed upon it;
- (2) Its capacity to move traffic at reasonable speeds without undue congestion;
- (3) Its adequacy of alignment and related geometrics;
- (4) Its accident experience; and
- (5) Its fatal accident experience.

Urban arterial trust account moneys allocated during such period shall be matched in the case of cities from local funds by an amount not less than ten percent of the

total cost of the construction project. The matching fund requirements prescribed in RCW 82.36.020 may be considered in meeting the matching requirements of this section. Counties shall match such funds on the ratio of forty percent locally collected road funds to sixty percent urban arterial trust account moneys.

Urban arterial trust account funds allocated to a specific improvement project as provided in this section shall be paid to the county or city constructing the improvement on vouchers duly approved by the chairman of the urban arterial board or his agent in the manner provided in RCW 47.26.260.

The urban arterial board shall adopt regulations subject to the approval of the state highway commission providing for the implementation of this section. [1969 ex.s. c 171 § 5; 1967 ex.s. c 83 § 34.]

**Reviser's note:** "this chapter" has been substituted for "this 1967 amendatory act" See note following RCW 47.26.010 for codification of "this 1967 amendatory act" [1967 ex.s. c 83].

**47.26.281 Urban arterial trust funds initially authorized in 1967-69 biennium—Obligation continued, limitations.** Urban arterial trust funds initially authorized by the state urban arterial board in the 1967-69 biennium for specific projects in cities over three hundred thousand population, as last determined by the office of program planning and fiscal management, shall remain obligated to such projects for the period through June 30, 1977 unless such project is earlier withdrawn or abandoned by the sponsoring city. This continued obligation of urban arterial trust funds shall be terminated for any project if the sponsoring city earlier provides written notice of withdrawal or abandonment of the project to the urban arterial board or if the city acts to expend any other funds, exclusive of the required matching funds, which have heretofore been allocated or set aside to pay a part of the costs of such project.

After June 30, 1975, no additional urban arterial trust funds shall be expended for conceptual or feasibility studies of any project initially authorized prior to June 30, 1969 in a city of over three hundred thousand population, but such limitation shall not apply to the cost of preparing final plans, specifications and estimates or other contract documents required to advertise the project for competitive bids for its construction. [1975 1st ex.s. c 267 § 4.]

**47.26.290 Appeal of action or decision of urban arterial board to state highway commission.** The legislative body of any county or city feeling aggrieved by any action or decision of the urban arterial board may appeal to the state highway commission by filing with the secretary of the commission a notice of appeal within ninety days after such action or decision of the urban arterial board. Such notice shall specify the action or decision complained of. The state highway commission shall fix a time for a hearing on said appeal at the earliest convenient time and shall notify the county auditor or the city clerk as the case may be and the chairman of the urban arterial board by registered mail at least twenty days prior to the date of said hearing. At such

hearing the state highway commission shall receive evidence from the county or city filing the appeal and from the urban arterial board. After such hearing the state highway commission shall make such order as in its judgment is just and proper. [1967 ex.s. c 83 § 35.]

**47.26.300 Bicycle routes—Legislative declaration.** The state of Washington is confronted with emergency shortages of energy sources utilized for the transportation of its citizens and must seek alternative methods of providing public mobility.

Bicycles are suitable for many transportation purposes, and are pollution-free in addition to using a minimal amount of resources and energy. However, the increased use of bicycles for both transportation and recreation has led to an increase in both fatal and non-fatal injuries to bicyclists.

The legislature therefore finds that the establishment, improvement, and upgrading of bicycle routes is necessary to promote public mobility, conserve energy, and provide for the safety of the bicycling and motoring public. [1974 ex.s. c 141 § 1.]

**47.26.305 Bicycle routes—Establishment of system authorized and directed—Use of urban arterial trust funds.** Each city and county eligible for receipt of urban arterial trust funds is hereby authorized and directed to establish a system of bicycle routes throughout its jurisdiction. Such routes shall, when established in accordance with standards adopted by the urban arterial board, be eligible for establishment, improvement, and upgrading with urban arterial trust funds when accomplished in connection with an arterial project. [1974 ex.s. c 141 § 2.]

**47.26.310 Bicycle routes—Standards for designation of bicycle route systems.** Prior to July 1, 1974, the urban arterial board shall adopt:

(1) Standards for the designation of a bicycle route system which shall include, but need not be limited to, consideration of:

(a) Existing and potential bicycle traffic generating activities, including but not limited to places of employment, schools, colleges, shopping areas, and recreational areas;

(b) Directness of travel and distance between potential bicycle traffic generating activities; and

(c) Safety for bicyclists and avoidance of conflict with vehicular traffic which shall include, wherever feasible, designation of bicycle routes on streets parallel but adjacent to existing designated urban arterial routes.

(2) Insofar as is practicable to achieve reasonable uniformity, design standards for bicycle routes shall take into consideration the construction standards and signing system devised by the state highway department pursuant to RCW 47.30.060. [1974 ex.s. c 141 § 3.]

**Pilot programs:** "After April 1, 1974, two pilot programs shall be implemented to test the criteria adopted by the urban arterial board pursuant to section 3 of this 1974 amendatory act. The pilot programs shall be in cities and counties designated by the urban arterial board. A report of those programs and recommendations for any changes in criteria shall be made by the cities and counties involved to the urban arterial board prior to November 1, 1974. The urban arterial board

shall then make any changes it finds desirable in the criteria, taking into consideration the experience gained in the pilot programs and the recommendations of the cities involved." [1974 ex.s. c 141 § 4.]

**Appropriation:** "To carry out the provisions of sections 3 and 4 of this 1974 amendatory act, there is appropriated to the urban arterial board the sum of fifty thousand dollars, or so much thereof as may be necessary, from the urban arterial trust account of the motor vehicle fund." [1974 ex.s. c 141 § 5.]

**47.26.315 Bicycle routes—Revisions to long range arterial construction plans to include bicycle route system plans.** The revisions of long range arterial construction plans directed by RCW 47.26.170 shall include plans for a bicycle route system. [1974 ex.s. c 141 § 6.]

#### BOND ISSUE—STATE HIGHWAYS IN URBAN AREAS

**47.26.400 Issuance and sale of general obligation bonds—Authorized—Amount—Declaration of purpose.** In order to provide funds necessary to meet the urgent needs for highway construction on state highways within urban areas, there shall be issued and sold general obligation bonds of the state of Washington in the sum of two hundred million dollars or such amount thereof and at such times as determined to be necessary by the state highway commission. The amount of such bonds issued and sold under the provisions of RCW 47.26.400 through 47.26.407 in any biennium shall not exceed the amount of a specific appropriation therefor from the proceeds of such bonds, for the construction of state highways in urban areas. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the state highway commission. [1973 1st ex.s. c 169 § 1; 1967 ex.s. c 83 § 36.]

**47.26.401 Bonds—Term—Terms and conditions—Signatures—Registration—Where payable—Negotiable instruments.** Each of such bonds shall be made payable at any time not exceeding thirty years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder

shall be fully negotiable instruments. [1973 1st ex.s. c 169 § 2; 1967 ex.s. c 83 § 37.]

**47.26.402 Bonds—Denominations—Manner and terms of sale—Legal investment for state funds.** The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If the bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.26.400 through 47.26.407 shall be legal investment for any of the funds of the state, except the permanent school fund. [1967 ex.s. c 83 § 38.]

**47.26.403 Bonds—Bond proceeds—Deposit and use.** The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of state highways within the urban areas of the state, and for payment of the expenses incurred in the printing, issuance, and sale of any such bonds. [1967 ex.s. c 83 § 39.]

**47.26.404 Bonds—Statement describing nature of obligation—Pledge of excise taxes.** Bonds issued under the provisions of RCW 47.26.400 through 47.26.407 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal of and interest on such bonds shall be first payable in the manner provided in RCW 47.26.400 through 47.26.407 from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.26.400 through 47.26.407, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.26.400 through 47.26.407. [1973 1st ex.s. c 169 § 3; 1967 ex.s. c 83 § 40.]

**47.26.405 Bonds—Designation of funds to repay bonds and interest.** Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is distributed to the state under the provisions of RCW 82.36.020(2) for construction of state highways in urban areas, and shall never constitute a charge against any allocations of any other such funds to the state, counties, cities and towns unless and until the amount of the

motor vehicle fund arising from the excise taxes on motor vehicle fuels and available to the state for construction of state highways in urban areas proves insufficient to meet the requirements for bond retirement or interest on any such bonds. [1967 ex.s. c 83 § 41.]

**47.26.406 Bonds—Repayment procedure—Bond retirement fund.** At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any such bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.26.405, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the bond retirement fund, hereby created, which fund shall be available solely for payment of interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times. [1967 ex.s. c 83 § 42.]

**47.26.407 Bonds—Sums in excess of retirement requirements—Use.** Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle fuels payable into the bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period. [1967 ex.s. c 83 § 43.]

**47.26.410 Expenditures from fuel taxes and bond proceeds for urban state highways in excess of amount apportionable to a region authorized.** Notwithstanding the provisions of RCW 47.26.060, the state highway commission is authorized in any biennium, subject to proper appropriations, to expend from funds available pursuant to RCW 46.68.150, for urban state highway construction projects within a region, an amount including bond proceeds which may exceed the amount apportionable during the biennium to the region. The total amounts apportioned to each region through 1985 shall meet the apportionment requirements of RCW 47.26.060 for such period. [1967 ex.s. c 83 § 44.]

## BOND ISSUE—COUNTY AND CITY ARTERIALS IN URBAN AREAS

**47.26.420 Issuance and sale of general obligation bonds—Authorized—Amount—Declaration of purpose.** In order to provide funds necessary to meet the urgent construction needs on county and city arterials within urban areas, there shall be issued and sold general obligation bonds of the state of Washington in the sum of two hundred million dollars or such amount thereof and at such times as determined to be necessary by the state highway commission. The amount of such bonds issued and sold under the provisions of RCW 47.26.420 through 47.26.427 in any biennium shall not exceed the amount of a specific appropriation therefor, from the proceeds of such bonds, for the construction of county and city arterials in urban areas. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the state highway commission. [1973 1st ex.s. c 169 § 4; 1967 ex.s. c 83 § 45.]

**47.26.421 Bonds—Term—Terms and conditions—Signatures—Registration—Where payable—Negotiable instruments.** Each of such bonds shall be made payable at any time not exceeding thirty years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments. [1973 1st ex.s. c 169 § 5; 1967 ex.s. c 83 § 46.]

**47.26.422 Bonds—Denominations—Manner and terms of sale—Legal investment for state funds.** The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If the bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.26.420 through 47.26.427

shall be legal investment for any of the funds of the state, except the permanent school fund. [1967 ex.s. c 83 § 47.]

**47.26.423 Bonds—Bond proceeds—Deposit and use.** The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the urban arterial trust account in the motor vehicle fund and such money shall be available only for the construction and improvement of county and city urban arterials, and for payment of the expense incurred in the printing, issuance and sale of any such bonds. [1967 ex.s. c 83 § 48.]

**47.26.424 Bonds—Statement describing nature of obligation—Pledge of excise taxes.** Bonds issued under the provisions of RCW 47.26.420 through 47.26.427 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest on such bonds shall be first payable in the manner provided in RCW 47.26.420 through 47.26.427 from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.26.420 through 47.26.427, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.26.420 through 47.26.427. [1973 1st ex.s. c 169 § 6; 1967 ex.s. c 83 § 49.]

**47.26.425 Bonds—Designation of funds to repay bonds and interest—Urban arterial trust account.** Any funds required to repay such bonds or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is distributed to the urban arterial trust account in the motor vehicle fund, and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise tax on motor vehicle fuels and distributed to the urban arterial trust account proves insufficient to meet the requirements for bond retirement or interest on any such bonds. [1967 ex.s. c 83 § 50.]

**47.26.426 Bonds—Repayment procedure—Bond retirement fund.** At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.26.425, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year

which shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the bond retirement fund, hereby created, which fund shall be available solely for payment of interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times. [1967 ex.s. c 83 § 51.]

**47.26.427 Bonds—Sums in excess of retirement requirements—Use.** Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle fuels payable into the bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period. [1967 ex.s. c 83 § 52.]

**47.26.430 Expenditures from urban arterial trust account and bond proceeds in excess of amount apportionable to a region authorized.** Notwithstanding the provisions of RCW 47.26.190 and 47.26.240, the urban arterial board may, in any biennium, subject to proper appropriations, approve expenditures from the urban arterial trust account for construction of projects on urban arterials within a region, the total amount of which including bond proceeds, exceeds the amount apportionable during the biennium to the region. The total amounts apportioned to each region through 1985 shall meet the apportionment requirements of RCW 47.26.190 and 47.26.240 for such period. [1967 ex.s. c 83 § 53.]

**47.26.440 Budget for expenditures from urban arterial trust account—Estimate of revenues—Submission to highway commission—Revision—Submission to governor and legislature.** Not later than November 1 of each even-numbered year the urban arterial board shall prepare and present to the state highway commission a recommended budget for expenditures from the urban arterial trust account during the ensuing biennium. The budget shall contain an estimate of the revenues to be credited to the urban arterial trust account and the amount, if any, of bond proceeds which the board determines should be made available to the urban arterial trust account through the sale of bonds in the ensuing biennium.

The state highway commission shall review the budget as recommended, revise the same as it deems proper and

include the budget for the urban arterial board as revised as a separate section of the state highway commission budget which it shall submit to the governor and the legislature at the time of its convening. [1967 ex.s. c 83 § 54.]

**47.26.450 Inclusion of portion of construction program for next biennial period in budget—Approval of urban arterial trust funds to be expended—Additional projects.** At the time the urban arterial board reviews the six-year program of each county and city each even-numbered year, it shall consider and shall approve for inclusion in its recommended budget, as required by RCW 47.26.440, the portion of the urban arterial construction program scheduled to be performed during the biennial period beginning the following July 1st. Subject to the appropriations actually approved by the legislature, the board shall as soon as feasible approve urban arterial trust account funds to be spent during the ensuing biennium for preliminary proposals in priority sequence as established pursuant to RCW 47.26.240. The board shall authorize urban arterial trust account funds for the construction project portion of a project previously authorized for a preliminary proposal in the sequence in which the preliminary proposal has been completed and the construction project is to be placed under contract. At such time the board may reserve urban arterial trust account funds for expenditure in future years as may be necessary for completion of preliminary proposals and construction projects to be commenced in the ensuing biennium.

The urban arterial board may, within the constraints of available urban arterial trust funds, consider additional projects for authorization upon a clear and conclusive showing by the submitting local government that the proposed project is of an emergent nature and that its need was unable to be anticipated at the time the six-year program of the local government was developed. Such proposed projects shall be evaluated on the basis of the priority rating factors specified in RCW 47.26.220. [1973 1st ex.s. c 126 § 3; 1969 ex.s. c 171 § 6.]

**47.26.460 Increase in urban arterial trust account funds allocated to a project—Regulations—Factors.** Whenever the board approves an urban arterial project it shall determine the amount of urban arterial trust account funds to be allocated for such project. The allocation shall be based upon information contained in the six-year plan submitted by the county or city seeking approval of the project and upon such further investigation as the board deems necessary. The board shall adopt reasonable regulations pursuant to which urban arterial trust account funds allocated to a project may be increased upon a subsequent application of the county or city constructing the project. The regulations adopted by the board shall take into account, but shall not be limited to, the following factors: (1) The financial effect of increasing the original allocation for the project upon other urban arterial projects either approved or requested; (2) whether the project for which an additional allocation is requested can be reduced in scope

while retaining a usable segment; (3) whether the original cost of the project shown in the applicant's six-year program was based upon reasonable engineering estimates; and (4) whether the requested additional allocation is to pay for an expansion in the scope of work originally approved. [1969 ex.s. c 171 § 7.]

**47.26.900 Severability—1967 ex.s. c 83.** If any provision of this 1967 amendatory act or the application thereof to any person, firm, or corporation or circumstance is held invalid, in whole or in part, such invalidity shall not affect other provisions of the act which can be given effect without the invalid provisions or application and to this end the provisions of this 1967 amendatory act are declared to be severable. [1967 ex.s. c 83 § 55.]

**47.26.910 Effective dates—1967 ex.s. c 83.** This 1967 amendatory 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 sections 1 through 55 and section 56, renumbered "Sec. 62", shall take effect on the first day of the month following the approval of this act by the governor; sections 56 through 61 shall take effect on July 1, 1967 with respect to fees paid on or after July 1, 1967. Fees paid pursuant to RCW 46.16.070, 46.16.072, 46.16.075 or 46.16.120 prior to July 1, 1967 shall not be affected by this act. [1967 ex.s. c 83 § 62.]

**Reviser's note:** (1) "sections 1 through 55" (1967 ex.s. c 83) are codified as chapter 47.26 RCW, RCW 35.77.010, 36.81.121, 46.68.100, 46.68.150, 82.36.020, 82.36.100, 82.37.030, 82.37.190, 82.40.020 and 82.40.290.

(2) "sections 56 through 61" (1967 ex.s. c 83) consist of RCW 46.16.070, 46.16.111, 46.16.121, 46.16.040, 46.16.125 and the repeal of 46.16.072, 46.16.075, 46.16.110 and 46.16.120.

**47.26.930 Construction—1969 ex.s. c 171.** The rule of strict construction shall have no application to this 1969 act or to the provisions of chapter 47.26 RCW, and they shall be liberally construed in order to carry out an effective, efficient and equitable program of financial assistance to urban area cities and counties for arterial roads and streets. [1969 ex.s. c 171 § 8.]

## Chapter 47.28 CONSTRUCTION AND MAINTENANCE OF HIGHWAYS

Sections	
47.28.010	Latitude in selecting route.
47.28.020	Width of right of way.
47.28.025	Description and plan of new or limited access highway—Recording.
47.28.026	Description and plan of new or limited access highway—Buildings and improvements prohibited.
47.28.030	Contracts—Day labor—Monetary limits—Small businesses and minority contractors—Rules and regulations.
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- 47.28.100 Contract and bond—Forfeiture and return of deposits—Rejection of all bids—Readvertisement.
- 47.28.110 Sureties—Qualifications—Additional sureties.
- 47.28.120 Actions for labor and materials—Limitation of action.
- 47.28.140 Agreements to benefit or improve highways, roads or streets, establish urban public transportation system—Labor or contract—Costs.
- 47.28.150 Underpasses, overpasses constructed with aid of federal funds—Apportionment of maintenance cost between railroad and state.
- 47.28.170 Emergency protection and restoration of highways.

*Contractor's bond to pay labor, etc.: Chapter 39.08 RCW.*

*County road improvement districts: Chapter 36.88 RCW.*

*Design standards committee for city streets: Chapter 35.78 RCW.*

*Liens for labor, materials on public works: Chapter 60.28 RCW.*

*Size, weight, load of vehicles: Chapter 46.44 RCW.*

*Viaducts, bridges, elevated roadways, etc., authority of cities to construct: Chapter 35.85 RCW.*

**47.28.010 Latitude in selecting route.** Whenever the general route of any state highway shall be designated and laid out as running to or by way of certain designated points, without specifying the particular route to be followed to or by way of such points, the highway commission shall determine the particular route to be followed by said state highway to or by way of said designated points, and shall be at liberty to select and adopt as a part of such state highway, the whole or any part of any existing public highway previously designated as a county road, primary road or secondary road or now or hereafter classified as a county road. The highway commission need not select and adopt the entire routes for such state highways at one time, but may select and adopt parts of such routes from time to time as it deems advisable. Where a state highway is designated as passing by way of a certain point, this shall not require the highway commission to cause such state highway to pass through or touch such point but such designation is directional only and may be complied with by location in the general vicinity. The highway commission is empowered to construct as a part of any state highway as designated and in addition to any portion meeting the limits of any incorporated city or town a bypass section either through or around any such incorporated city or town. [1961 c 13 § 47.28.010. Prior: 1937 c 53 § 31; RRS § 6400-31.]

**47.28.020 Width of right of way.** From and after April 1, 1937, the width of one hundred feet is the necessary and proper right of way width for state highways unless the highway commission, for good cause, may adopt and designate a different width. This section shall not be construed to require the highway commission to acquire increased right of way for any state highway in existence on such date. [1961 c 13 § 47.28.020. Prior: 1937 c 53 § 30; RRS § 6400-30; 1913 c 65 § 8; RRS § 6831.]

**47.28.025 Description and plan of new or limited access highway—Recording.** Whenever any authority in behalf of the state shall establish the location, width and lines of any new highway, or declare any such new highway as a limited access facility, it may cause the description and plan of any such highway to be made,

showing the center line of said highway and the established width thereof and attach thereto a certified copy of the resolution, and thereupon such description, plan and resolution shall be recorded in the office of the county auditor of the proper county in a separate book kept for such purposes, which shall be furnished to the county auditor of such county by the Washington state highway commission at the expense of the state. [1961 c 13 § 47.28.025. Prior: 1955 c 161 § 1.]

**47.28.026 Description and plan of new or limited access highway—Buildings and improvements prohibited.** No owner or occupier of lands, buildings or improvements shall erect any buildings or make any improvements within the limits of any such highway, location, width and lines of which have been established and recorded, as provided in RCW 47.28.025, and if any such erection and improvements shall be made, no allowances shall be had therefor by the assessment of damages. No permits for improvements within said limits shall be issued by any authority: *Provided*, That the establishment of any highway location as set forth in RCW 47.28.025 shall be ineffective after one year from the filing thereof if no action to condemn or acquire the property within said limits has been commenced within said time. [1961 c 13 § 47.28.026. Prior: 1955 c 161 § 2.]

**47.28.030 Contracts—Day labor—Monetary limits—Small businesses and minority contractors—Rules and regulations.** A state highway shall be constructed, altered, repaired, or improved by contract or day labor. The work may be done by day labor when the estimated cost thereof is less than fifteen thousand dollars: *Provided*, When delay of performance of such work would jeopardize a state highway or constitute a danger to the traveling public, the work may be done by day labor when the estimated cost thereof is less than twenty-five thousand dollars. When the state highway commission determines to do the work by day labor, it shall enter a resolution upon its records to that effect, stating the reasons therefor. To enable a larger number of small businesses and minority contractors to effectively compete for highway department contracts, the state highway commission may adopt rules and regulations providing for bids and award of contracts for the performance of work, or furnishing equipment, materials, supplies, or operating services whenever any work is to be performed and the engineer's estimate indicates the cost of the work would not exceed twenty-five thousand dollars. The rules and regulations adopted under this section:

(1) Shall provide for competitive bids to the extent that competitive sources are available except when delay of performance would jeopardize life or property or inconvenience the traveling public; and

(2) Need not require the furnishing of a bid deposit nor a performance bond, but in the event such a performance bond is not required then progress payments to the contractor may be required to be made based on submittal of paid invoices to substantiate proof that disbursements have been made to laborers, materialmen,

mechanics and subcontractors from the previous partial payment; and

(3) May establish prequalification standards and procedures as an alternative to those set forth in RCW 47.28.070, but the prequalification standards and procedures under RCW 47.28.070 shall always be sufficient. [1973 c 116 § 1; 1971 ex.s. c 78 § 1; 1969 ex.s. c 180 § 2; 1967 ex.s. c 145 § 40; 1961 c 233 § 1; 1961 c 13 § 47.28.030. Prior: 1953 c 29 § 1; 1949 c 70 § 1, part; 1943 c 132 § 1, part; 1937 c 53 § 41, part; Rem. Supp. 1949 § 6400-41, part.]

**47.28.040 Precontract preparation of maps, plans, and specifications—Filing.** Before entering into any contract for the construction, alteration, repair or improvement of any state highway the highway commission shall cause the same to be surveyed throughout the entire length of such proposed construction, alteration, repair or improvement and cause to be prepared maps, plans and specifications, together with an estimate of the cost of such proposed work, and such information and directions as will enable a contractor to carry them out. The maps, plans, specifications and directions shall be approved by the highway commission and a copy thereof filed permanently in the office of the highway commission. [1961 c 13 § 47.28.040. Prior: 1937 c 53 § 32, part; RRS § 6400-32, part.]

**47.28.050 Call for bids.** Except as may be provided by rules and regulations adopted under RCW 47.28.030 as now or hereafter amended the Washington state highway commission shall publish a call for bids for the construction of the highway according to the maps, plans, and specifications, once a week for at least two consecutive weeks, next preceding the day set for receiving and opening the bids, in not less than one trade paper and one other paper, both of general circulation in the state. The call shall state the time, place, and date for receiving and opening the bids, give a brief description of the location and extent of the work, and contain such special provisions or specifications as the commission deems necessary: *Provided*, That when the estimated cost of any contract to be awarded is less than twenty-five thousand dollars, the call for bids need only be published in one paper of general circulation in the county where the major part of the work is to be performed: *Provided further*, That when the estimated cost of a contract to be awarded is seven thousand five hundred dollars or less, including the cost of materials, supplies, engineering, and equipment, the state highway commission need not publish a call for bids. [1973 c 116 § 2; 1969 ex.s. c 180 § 1; 1961 c 13 § 47.28.050. Prior: 1959 c 319 § 33; 1955 c 147 § 1; 1937 c 53 § 33; RRS § 6400-33.]

**47.28.060 Copy of map, plans, etc.—Charge.** Any person, firm or corporation shall be entitled to receive copies of the maps, plans, specifications and directions for any work upon which call for bids has been published, upon written request therefor and payment to the highway commission of a reasonable sum as required by the highway commission in the call for bids for each

copy of such maps, plans and specifications. Any money so received shall be certified by the highway commission to the state treasurer and deposited to the credit of the motor vehicle fund: *Provided*, That the highway commission may deliver with or without charge informational copies of maps, plans, specifications and directions at such places as it may from time to time designate. [1971 c 36 § 1; 1965 ex.s. c 64 § 1; 1961 c 13 § 47.28-060. Prior: 1937 c 53 § 34; RRS § 6400-34.]

**47.28.070 Form of bid—Data required—Requirements—Refusal to furnish form—Appeal.** Bid proposals upon any construction or improvement of any state highway shall be made upon contract proposal form supplied by the highway commission, and in no other manner. The highway commission shall, before furnishing any person, firm or corporation desiring to bid upon any work for which a call for bid proposals has been published, with a contract proposal form, require from such person, firm or corporation, answers to questions contained in a standard form of questionnaire and financial statement, including a complete statement of the financial ability and experience of such person, firm, or corporation in performing state highway, road or other public work. Such questionnaire shall be sworn to before a notary public or other person authorized to take acknowledgment of deeds, and shall be submitted once a year and at such other times as the highway commission may require. Whenever the highway commission is not satisfied with the sufficiency of the answers contained in such questionnaire and financial statement or whenever the highway commission determines that such person, firm, or corporation does not meet all of the requirements hereinafter set forth it may refuse to furnish such person, firm or corporation with a contract proposal form and any bid proposal of such person, firm or corporation must be disregarded. In order to obtain a contract proposal form, a person, firm or corporation shall have all of the following requirements:

- (1) Adequate financial resources, or the ability to secure such resources;
- (2) The necessary experience, organization, and technical qualifications to perform the proposed contract;
- (3) The ability to comply with the required performance schedule taking into consideration all of its existing business commitments;
- (4) A satisfactory record of performance, integrity, judgment, and skills; and
- (5) Be otherwise qualified and eligible to receive an award under applicable laws and regulations.

Such refusal shall be conclusive unless appeal therefrom to the superior court of Thurston county be taken within five days, which appeal shall be heard summarily within ten days after the same is taken and on five days' notice thereof to the highway commission. [1967 ex.s. c 145 § 39; 1961 c 13 § 47.28.070. Prior: 1937 c 53 § 35; RRS § 6400-35.]

**47.28.080 Withdrawal of bids—New bids—Time fixed in call controls.** Any person, firm, or corporation proposing a bid for the construction or improvement

of any state highway in response to a call for bids published therefor may withdraw such bid proposal without forfeiture and without prejudice to the right of such bidder to file a new bid proposal before the time fixed for the opening of such bid proposals: *Provided*, That the request for such withdrawal shall have been made in writing, signed by the person proposing such bid or his duly authorized agent, and filed with the highway commission before the time fixed for the opening of such bid proposals. No bid proposal shall be considered which has not been filed with the highway commission before the time fixed for the opening of bid proposals. In any provisions regarding the filing or withdrawing of bid proposals the time fixed for the opening of bid proposals in the call for bid proposals as published shall control without regard for the time when such bid proposals are actually opened. [1961 c 13 § 47.28.080. Prior: 1937 c 53 § 36; RRS § 6400-36.]

**47.28.090 Opening of bids and award of contract—Deposit.** At the time and place named in the call for bids the Washington state highway commission shall publicly open and read the final figure in each of the bid proposals properly filed and read only the bid items on the three lowest bids, and shall award the contract to the lowest responsible bidder unless the commission has, for good cause, continued the date of opening bids to a day certain, or rejected said bid: *Provided*, That any bid may be rejected if the bidder has previously defaulted in the performance of and failed to complete a written public contract, or has been convicted of a crime arising from a previous public contract: *And provided further*, That notwithstanding any other provision of law, the highway commission, in awarding contracts for which bids have been accepted prior to July 1, 1971, for construction of ferries for the Washington state ferry system, may consider the bid of the lowest responsible bidder operating shipbuilding facilities and proposing to build such ferries in the state of Washington by evaluating and including the projected direct and indirect tax revenues generated by construction of the ferries within the state. Moneys expended to meet the added cost incurred as a consequence of the award of a contract authorized by this proviso shall come from such funds as may be available. All bids shall be under sealed cover and accompanied by deposit in cash, certified check, cashier's check, or surety bond in an amount equal to five percent of the amount of the bid and no bid shall be considered unless the deposit is enclosed therewith. [1971 ex.s. c 21 § 2; 1961 c 13 § 47.28.090. Prior: 1955 c 83 § 1; 1949 c 64 § 1; 1937 c 53 § 37; Rem. Supp. 1949 § 6400-37.]

**Legislative finding, intent—1971 ex.s. c 21:** "The legislature finds the award of contracts to construct new ferries to persons intending to construct such ferries within the state will serve not only the public transportation needs of the state but also generate an increase in employment, salaries, wages, purchases, and general business activity which will cause a general increase in the tax revenues of the state. It is the intent of this act to effectively recognize all the benefits to the people of the state when contracts for the construction of ferries are awarded to persons intending to construct such ferries within the state and to provide for the consideration of such benefits in awarding a contract for construction. It is the further intent of this act to respond

to the severe and extraordinary problem of unemployment which presently faces the citizens of the state and which diminishes the strength of the public institutions which serve the welfare of all the people of the state." [1971 ex.s. c 21 § 1.] This applies to the amendment to the above section by 1971 ex.s. c 21 § 2.

**47.28.100 Contract and bond—Forfeiture and return of deposits—Rejection of all bids—Readvertisement.** If the successful bidder fails to enter into the contract and furnish satisfactory bond as by law provided within twenty days from the award, exclusive of the day of the award, his deposit shall be forfeited to the state and be deposited by the state treasurer to the credit of the motor vehicle fund, and the highway commission may award the contract to the second lowest responsible bidder. If the second lowest responsible bidder fails to enter into the contract and furnish bond within twenty days after award to him, forfeiture of his deposit shall also be made and the contract may be awarded to the third lowest responsible bidder, and in like manner until the contract and bond are executed by a responsible bidder to whom award is made, or further bid proposals are rejected, or the number of bid proposals are exhausted: *Provided*, That if the contract is not executed or no contractor's bond provided within the time required, and there appear circumstances which are deemed to warrant an extension of time, the commission may extend the time for execution of the contract or furnishing bond for not to exceed twenty additional days. After awarding the contract the deposits of unsuccessful bidders shall be returned: *Provided*, That the commission may retain the deposit of the next lowest responsible bidder or bidders as it desires until such time as the contract is entered into and satisfactory bond provided by the bidder to whom award was ultimately made.

If in the opinion of the commission the acceptance of the bid of the lowest responsible bidder or bidders, or on prior failure of the lowest responsible bidder or bidders, the acceptance of the bid of the remaining lowest responsible bidder or bidders will not be for the best interest of the state, it may reject all bids or all remaining bids and republish call for bids in the same manner as for an original publication thereof. [1961 c 13 § 47.28.100. Prior: 1953 c 53 § 1; 1937 c 53 § 38; RRS § 6400-38.]

**47.28.110 Sureties—Qualifications—Additional sureties.** At any time and as often as it may be deemed necessary, the highway commission may require any or all sureties or any surety company to appear and qualify themselves upon any contractor's bond. Whenever such surety or sureties upon any contractor's bond become insufficient or may be deemed by the highway commission to have become insufficient, the highway commission may demand in writing that the contracting person, firm or corporation furnish such further contractor's bond or bonds or additional surety in an amount not exceeding that originally required as may be deemed necessary considering the extent of the work remaining to be done upon such contract. No further payments shall be made on such contract until such additional

surety as required is furnished. [1961 c 13 § 47.28.110. Prior: 1937 c 53 § 39; RRS § 6400-39.]

**47.28.120 Actions for labor and materials—Limitation of action.** Any contracting person, firm or corporation performing any labor or furnishing any materials upon their contract or otherwise for public work or improvement under the direction of the highway commission or any person claiming any right of action upon any such contract with the state of Washington or who claims a cause of action against the state of Washington arising out of any such contract must bring such suit in the proper court in Thurston county before the expiration of one hundred and eighty days from and after the final acceptance and the approval of the final estimate of such work by the highway commission; otherwise such action shall be forever barred. [1961 c 13 § 47.28.120. Prior: 1937 c 53 § 40; RRS § 6400-40.]

**47.28.140 Agreements to benefit or improve highways, roads or streets, establish urban public transportation system—Labor or contract—Costs.** When in the opinion of the governing authorities representing the state department of highways and any agency, instrumentality, municipal corporation or political subdivision of the state of Washington, any highway, road or street will be benefited or improved by constructing, reconstructing, locating, relocating, laying out, repairing, surveying, altering, improving or maintaining, or by the establishment adjacent to, under, upon, within or above any portion of any such highway, road or street of an urban public transportation system, by either the said highway department or any agency, instrumentality, municipal corporation or political subdivision of the state, and it is in the public interest to do so, the authorities may enter into cooperative agreements wherein either agrees to perform the work and furnish the materials necessary and pay the cost thereof, including necessary engineering assistance, which costs and expenses shall be reimbursed by the party whose responsibility it was to do or perform such work or improvement in the first instance. Said work may be done by either day labor or contract, and the cooperative agreement between the parties shall provide for the method of reimbursement. In the case of some special benefit or improvement to a state highway derived from the construction of any public works project, including any urban public transportation system, the department of highways may contribute to the cost thereof by making direct payment to the particular state department, agency, instrumentality, municipal corporation or political subdivision on the basis of benefits received, but such payment shall be made only after a cooperative agreement has been entered into for a specified amount or on an actual cost basis prior to the commencement of said particular public works project. [1967 c 108 § 6; 1961 c 13 § 47.28.140. Prior: 1955 c 384 § 8.]

*Urban public transportation system defined: RCW 47.04.082.*

**47.28.150 Underpasses, overpasses constructed with aid of federal funds—Apportionment of maintenance cost between railroad and state.** Notwithstanding any of

the provisions of RCW 81.53.090, where the cost of constructing an overpass or underpass which is part of the state highway system has been paid for in whole or in part by the use of federal funds, the state shall at its expense maintain the entire overpass structure and the approaches thereto, and the railroad company shall at its expense maintain the entire underpass structure, including the approaches thereto. The state shall at its expense maintain the roadway, and the railroad company shall at its expense maintain its roadbed and tracks on or under all such structures. [1961 c 13 § 47.28.150. Prior: 1959 c 319 § 34.]

**47.28.170 Emergency protection and restoration of highways.** (1) Whenever the state highway commission finds that as a consequence of accident, natural disaster, or other emergency, an existing state highway is in jeopardy or is rendered impassible in one or both directions and the commission further finds that prompt reconstruction, repair, or other work is needed to preserve or restore the highway for public travel, the highway commission may authorize the department of highways to obtain at least three written bids for the work without publishing a call for bids and to award a contract forthwith to the lowest responsible bidder.

The department of highways shall notify any association or organization of contractors filing a request to regularly receive notification. Notification to an association or organization of contractors shall include: (a) The location of the work to be done; (b) the general anticipated nature of the work to be done; and (c) the date determined by the department as reasonable in view of the nature of the work and emergent nature of the problem after which the department will not receive bids.

(2) Whenever the state highway commission finds it necessary to protect a highway facility from imminent damage or to perform emergency work to reopen a highway facility, the highway commission may authorize the department of highways to contract for such work on a negotiated basis not to exceed force account rates for a period not to exceed thirty working days.

(3) When the engineer's estimate of the cost of work authorized in either subsections (1) or (2) of this section is less than one hundred thousand dollars, the director of highways may make findings as provided hereinabove and pursuant thereto the department of highways may award contracts as authorized by this section.

(4) Any person, firm, or corporation awarded a contract for work must be prequalified pursuant to RCW 47.28.070 and may be required to furnish a bid deposit or performance bond. [1971 ex.s. c 89 § 1.]

## Chapter 47.30 TRAILS AND PATHS

### Sections

- 47.30.010 Severance or destruction of recreational trail—Alternative, construction or reconstruction required—Signing.
- 47.30.020 Facilities for pedestrians, equestrians or bicyclists to be provided—Joint usage of rights of way.

- 47.30.030 Facilities for pedestrians, equestrians or bicyclists authorized—Expenditure of available funds.  
 47.30.040 Establishing paths and trails—Factors to be considered.  
 47.30.050 Expenditures for paths and trails—Minimum amount.  
 47.30.060 Expenditures deemed to be for highway, road and street purposes—Powers and duties of state highway department—Restrictions on use of paths and trails.

*Recreation trails system: Chapter 67.32 RCW.*

**47.30.010 Severance or destruction of recreational trail—Alternative, construction or reconstruction required—Signing.** (1) No limited access highway shall be constructed that will result in the severance or destruction of an existing recreational trail of substantial usage for pedestrians, equestrians or bicyclists unless an alternative recreational trail, satisfactory to the authority having jurisdiction over the trail being severed or destroyed, either exists or is reestablished at the time the limited access highway is constructed. If a proposed limited access highway will sever a planned recreational trail which is part of a comprehensive plan for trails adopted by a state or local governmental authority, and no alternative route for the planned trail exists which is satisfactory to the authority which adopted the comprehensive plan for trails, the state or local agency proposing to construct the limited access highway shall design the facility and acquire sufficient right of way to accommodate future construction of the portion of the trail which will properly lie within the highway right of way. Thereafter when such trail is developed and constructed by the authority having jurisdiction over the trail, the state or local agency which constructed the limited access highway shall develop and construct the portion of such trail lying within the right of way of the limited access highway.

(2) Where a highway other than a limited access highway crosses a recreational trail of substantial usage for pedestrians, equestrians, or bicyclists, signing sufficient to insure safety shall be provided.

(3) Where the construction or reconstruction of a highway other than a limited access highway would destroy the usefulness of an existing recreational trail of substantial usage for pedestrians, equestrians, or bicyclists or of a planned recreational trail for pedestrians, equestrians, or bicyclists incorporated into the comprehensive plans for trails of the state or any of its political subdivisions, replacement land, space, or facilities shall be provided and where such recreational trails exist at the time of taking, reconstruction of said recreational trails shall be undertaken. [1971 ex.s. c 130 § 1.]

**47.30.020 Facilities for pedestrians, equestrians or bicyclists to be provided—Joint usage of rights of way.** Facilities for pedestrians, equestrians, or bicyclists shall be incorporated into the design of highways and free-ways along corridors where such facilities do not exist upon a finding that such facilities would be of joint use and conform to the comprehensive plans of public agencies for the development of such facilities, will not duplicate existing or proposed routes, and that safety to both motorists and to pedestrians, equestrians, and bicyclists would be enhanced by the segregation of traffic.

In planning and design of all highways, every effort shall be made consistent with safety to promote joint usage of rights of way for trails and paths in accordance with the comprehensive plans of public agencies. [1971 ex.s. c 130 § 2.]

**47.30.030 Facilities for pedestrians, equestrians or bicyclists authorized—Expenditure of available funds.** Where an existing highway severs, or where the right of way of an existing highway accommodates a trail for pedestrians, equestrians or bicyclists or where the separation of motor vehicle traffic from pedestrians, equestrians, or bicyclists will materially increase the motor vehicle safety the provision of facilities for pedestrians, equestrians, or bicyclists which are a part of a comprehensive trail plan adopted by federal, state, or local governmental authority having jurisdiction over the trail is hereby authorized. The state highway commission, or the county or city having jurisdiction over the highway, road, or street, or facility is further authorized to spend [expend] reasonable amounts out of the funds made available to them, according to the provisions of RCW 46.68.100, as necessary for the planning, accommodation, establishment, and maintenance of such facilities. [1974 ex.s. c 141 § 12; 1972 ex.s. c 103 § 2.]

**Severability—1972 ex.s. c 103:** "If any provision of this 1972 amendatory 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." [1972 ex.s. c 103 § 8.] This applies to the 1972 ex.s. amendments to RCW 46.68-.070, 46.68.120 and 46.68.130, and to RCW 47.30.030-47.30.060.

**47.30.040 Establishing paths and trails—Factors to be considered.** Before establishing paths and trails, the following factors shall be considered:

- (1) Public safety;
- (2) The cost of such paths and trails as compared to the need or probable use;
- (3) Inclusion of the trail in a plan for a comprehensive trail system adopted by a city or county in a state or federal trails plan. [1972 ex.s. c 103 § 3.]

**Severability—1972 ex.s. c 103:** See note following RCW 47.30.030.

**47.30.050 Expenditures for paths and trails—Minimum amount.** The amount expended by the highway department or by a city, town, or county as authorized by RCW 47.30.030 shall never in any one fiscal year be less than one-half percent of the total amount of funds received from the motor vehicle fund according to the provisions of RCW 46.68.100: *Provided*, That this section does not apply to a city or town in any year in which the one-half percent equals five hundred dollars or less, or to a county in any year in which the one-half percent equals three thousand dollars or less: *Provided further*, That a city, town or county in lieu of expending the funds each year may credit the funds to a financial reserve or special fund, to be held for not more than ten years, and to be expended for the purposes required or permitted by RCW 47.30.030. [1972 ex.s. c 103 § 4.]

**Severability—1972 ex.s. c 103:** See note following RCW 47.30.030.

**47.30.060 Expenditures deemed to be for highway, road and street purposes—Powers and duties of state highway department—Restrictions on use of paths and trails.** For the purposes of this chapter, the establishment of paths and trails and the expenditure of funds as authorized by RCW 47.30.030 shall be deemed to be for highway, road and street purposes. The department of highways shall, when requested, and subject to reimbursement of costs, provide technical assistance and advice to cities, towns, and counties in carrying out the purposes of RCW 47.30.030. The department shall recommend construction standards for paths and trails. The department shall provide a uniform system of signing paths and trails which shall apply to paths and trails under the jurisdiction of the department and of cities, towns, and counties. The department and cities, towns, and counties may restrict the use of paths and trails under their respective jurisdictions to pedestrians, equestrians, and nonmotorized vehicles. [1972 ex.s. c 103 § 5.]

**Severability—1972 ex.s. c 103:** See note following RCW 47.30.030.

### Chapter 47.32 OBSTRUCTIONS ON RIGHT OF WAY

#### Sections

- 47.32.010 Order to remove obstructions—Removal by state.
- 47.32.020 Notice of order, contents, posting—Return.
- 47.32.030 Proceedings in rem authorized—Records certified.
- 47.32.040 Complaint, contents.
- 47.32.050 Notice, action, service, contents—Proceedings void when.
- 47.32.060 Hearing—Findings—Order—Appeal.
- 47.32.070 Writ, execution of—Return—Disposition of unsold property.
- 47.32.080 Property reclaimed—Bond.
- 47.32.090 Sureties on bond—Hearing on claim.
- 47.32.100 Procedure when claimant wins or loses.
- 47.32.110 Merchandising structures—Permit—Removal.
- 47.32.120 Business places along highway.
- 47.32.130 Dangerous objects and structures as nuisances—Logs—Abatement—Removal.
- 47.32.140 Railroad crossings, obstructions—Hearing.
- 47.32.150 Approach roads, other appurtenances—Permit.
- 47.32.160 Approach roads, other appurtenances—Rules and regulations—Construction, maintenance of approach roads.
- 47.32.170 Approach roads, other appurtenances—Removal of installations from right of way for default.

*Abandoned junk motor vehicles: RCW 46.52.145 through 46.52.160.*

*Fences: Chapter 16.60 RCW.*

*Mobile home movement permits: RCW 46.16.104 through 46.16.106.*

*Removal of disabled vehicle: RCW 46.61.565.*

**47.32.010 Order to remove obstructions—Removal by state.** Whenever the highway commission shall determine and order that it is necessary for the convenience and safety of public travel and the use of (or construction, alteration, repair, improvement or maintenance of) any state highway to have the full width of right of way of any such state highway or of any portion of the right of way of any such state highway free from any and all obstructions, encroachments and occupancy, other than pole lines, pipe lines or other structures maintained thereon for public or quasi public utilities by virtue of a valid franchise, and shall cause due notice of such order

to be given as provided by law, such obstructions, encroachments and means of occupancy, and any structure, building, improvement or other means of occupancy of any of the right of way of said state highway not removed within the time allowed by law shall become thereby and be an unlawful property and may be confiscated, removed and sold or destroyed by the state of Washington according to procedure as hereinafter provided, without any right in anyone to make any claim therefor, either by reason of the removal thereof or otherwise. It shall be unlawful for any person to keep, maintain or occupy any such unlawful structure. [1961 c 13 § 47.32.010. Prior: 1937 c 53 § 68; RRS § 6400–68.]

**47.32.020 Notice of order, contents, posting—Return.** Whenever the highway commission shall determine that the right of way of any state highway or any portion of the right of way of any state highway be made free from any and all obstructions, encroachments and occupancy it shall forthwith cause to be posted, by a competent person eighteen years of age or over upon any and all structures, buildings, improvements and other means of occupancy of such state highway or portion thereof, other than property of public or quasi public utilities, by virtue of a valid franchise, a notice bearing a copy of such order and dated as of the date of posting, to all whom it may concern to vacate such right of way and to remove all property therefrom forthwith and within ten days after the posting of such notice exclusive of the date of posting of the same, and shall require the filing with it of duplicate affidavits in proof of such postings, showing upon what structures, buildings, improvements or other means of occupancy of such state highway or portions thereof, respectively, copies of such notice were posted and the date of each such posting, sworn to by the person making such posting. [1971 ex.s. c 292 § 46; 1961 c 13 § 47.32.020. Prior: 1937 c 53 § 69; RRS § 6400–69.]

**Severability—1971 ex.s. c 292:** See note following RCW 26.28.010.

**47.32.030 Proceedings in rem authorized—Records certified.** In case the property or any thereof described in such notice is not removed from such right of way within ten days after the date of such posting, exclusive of the date of posting, all such property upon the right of way of said state highway or portion thereof shall thereupon become unlawful and the highway commission shall commence proceedings in the name of the state of Washington for the removal thereof by court action. The highway commission shall thereupon prepare two original copies of such order together with two copies each of the notice posted and of the affidavits in proof of posting thereof and duplicate copies of a certificate by said highway commission describing with reasonable certainty and with due reference to the center line stationing of said state highway and to proper legal subdivisional points, each structure, building, improvement, encroachment or other means of occupancy, other than pole lines, pipe lines or other structures maintained for public and quasi public utilities, on the state highway or portion thereof specified in such order and remaining

upon such right of way as aforesaid. Thereupon action shall be commenced in rem for the purpose of removal of all such unlawful property, in the superior court of the county in which such state highway or portion thereof containing such structures is situated, entitled and in the name of the state of Washington as plaintiff and describing each such unlawful structure, building, improvement, encroachment or other means of occupancy, which structures, buildings, improvements, encroachments or other means of occupancy shall be briefly named as defendants. [1961 c 13 § 47.32.030. Prior: 1937 c 53 § 70; RRS § 6400-70; prior: 1925 ex.s. c 131 § 3; RRS § 6837-3.]

**47.32.040 Complaint, contents.** The complaint shall, in such action, describe such property unlawfully remaining upon the right of way of such state highway or portion thereof with reasonable certainty by reference to the certificate of the highway commission, which shall be attached to and filed with said complaint, and praying that an order be entered for the removal from the right of way of such state highway or portion thereof of all the described property unlawfully thereon and the disposal thereof. [1961 c 13 § 47.32.040. Prior: 1937 c 53 § 71; RRS § 6400-71; prior: 1925 ex.s. c 131 § 4; RRS § 6837-4.]

**47.32.050 Notice, action, service, contents—Proceedings void when.** Service of such complaint shall be given by publication of notice thereof once a week for two successive weeks in a newspaper of general circulation in the county in which such action is commenced, which notice shall briefly state the objects of the action and contain a brief description of each structure, building, improvement, encroachment or other means of occupancy sought to be removed from the right of way of the state highway, describe such state highway or portion thereof by number and location and state the time and place when and where the action will come before the court or judge thereof; and a copy of such notice shall also be posted at least ten days before the date of hearing of such action upon each such structure, building, improvement, encroachment or other means of occupancy described therein. Posting may be made by any person qualified to serve legal process. Want of posting upon, or failure to describe any such structure, building, improvement, encroachment or other means of occupancy shall render subsequent proceedings void as to those not posted upon or described but all others described and posted upon shall be bound by the subsequent proceedings. [1961 c 13 § 47.32.050. Prior: 1937 c 53 § 72; RRS 6400-72; prior: 1925 ex.s. c 131 § 5; RRS § 6837-5.]

**47.32.060 Hearing—Findings—Order—Appeal.** At the time and place appointed for hearing upon said complaint, which hearing shall be by summary proceedings, if the court or judge thereof shall find that due notice has been given by posting and publication and that the order of the highway commission was duly made, and shall be further satisfied and find that the state highway or portion thereof described is legally a

state highway having the width of right of way specified in such order and that the structure, buildings, improvements or other means of occupancy of such state highway or portion thereof as stated in the certificate of the highway commission do in fact encroach, or that any portion thereof encroach, upon such state highway right of way, the court or judge thereof shall thereupon make and enter an order establishing that each of the structures, buildings, improvements and other means of occupancy specified in such order is unlawfully maintained within the right of way and is subject to confiscation and sale and that the same be forthwith confiscated, removed from such right of way and sold, and providing that six days after the entry of such order, a writ shall issue out of said court directed to the sheriff of such county, commanding such sheriff to seize and remove from the right of way of said state highway each such structure, building, improvement or other means of occupancy specified in such order forthwith on receipt of writ based on said order and to take and hold the same in his custody for a period of ten days unless sooner redelivered as provided for by law and if not then so redelivered to sell the same at public or private sale and to pay the proceeds thereof into the registry of the court within sixty days after the issuance of such writ, and further in such action, including costs of posting original notices of the highway commission, the costs of posting and publishing notices of hearing as part thereof and any cost of removal, be paid by the clerk to the state treasurer and by him credited to the motor vehicle fund. Such order shall be filed with the clerk of such court and recorded in the minutes of said court and be final unless review thereof to the supreme court of the state be taken within five days after the filing thereof. [1961 c 13 § 47.32.060. Prior: 1937 c 53 § 73; RRS § 6400-73; prior: 1925 ex.s. c 131 § 7; RRS § 6837-7.]

**47.32.070 Writ, execution of—Return—Disposition of unsold property.** Six days after filing of the order above provided for, if no review thereof be taken to the supreme court or the court of appeals of the state, the clerk of the court shall issue under seal of such court a writ directed to the sheriff of the county in which such court is held commanding him to remove, take into custody and dispose of the property described in such order and make returns thereof as provided for such writ by said order. On receipt of such writ it shall be the duty of such sheriff to obey the command thereof, proceed as therein directed and make return within the time fixed by such writ; and said sheriff shall be liable upon his official bond for the faithful discharge of such duties. Upon filing of such return the clerk of court shall make payments as provided for in the order of court. If by the sheriff's return any of the property seized and removed pursuant to such writ is returned as unsold and as of no sale value, and if the court or judge thereof be satisfied that such is the fact, the court or judge thereof may make further order directing the destruction of such property, otherwise directing the sheriff to give new notice and again offer the same for sale, when, if not sold, the same may on order of court be destroyed. [1971 c 81 § 115; 1961 c 13 § 47.32.070. Prior: 1937 c

53 § 74; RRS § 6400-74; prior: 1925 ex.s. c 131 § 8; RRS § 6837-8.]

**47.32.080 Property reclaimed—Bond.** At any time within ten days after the removal by virtue of such writ of any such property from the right of way of such state highway any person, firm, association or corporation claiming ownership or right of possession of any such property may have the right to demand and to receive the same from the sheriff upon making an affidavit that such claimant owns such property or is entitled to possession thereof, stating on oath the value thereof satisfactory to said sheriff, or which value shall be raised to a value satisfactory to said sheriff, which value shall be indorsed on said affidavit and signed both by said claimant and said sheriff before such sheriff shall be required to accept the bond hereinafter provided for, and deliver to the sheriff a bond with sureties in double the value of such property, conditioned that such claimant will appear in the superior court of such county within ten days after the bond is accepted by the sheriff and make good such claim of title thereto and pay all accrued costs of service of notice to remove, all costs and disbursements to be assessed to such property and the costs of removal and custody thereof and will hold said sheriff and the state of Washington free from any and all claims on account of such property or will return such property or pay its value to said sheriff, and that such claimant will at all times thereafter keep such property off the right of way of the state highway in question. [1961 c 13 § 47.32.080. Prior: 1937 c 53 § 75; RRS § 6400-75; prior: 1925 ex.s. c 131 § 9; RRS § 6837-9.]

**47.32.090 Sureties on bond—Hearing on claim.** The sureties on such bond shall justify as in other cases if the sheriff requires it and in case they do not so justify when required, the sheriff shall retain and sell or dispose of the property; and if the sheriff does not require the sureties to justify, he shall stand good for their sufficiency. He shall date and indorse his acceptance upon the bond, and shall return the affidavit, bond and justification, if any, to the office of the clerk of such superior court, whereupon such clerk shall set the hearing thereof as a separate case for trial, in which such claimant shall be the plaintiff and the sheriff and the state of Washington defendants: *Provided*, That no costs shall, in such case, be assessed against the sheriff or the state of Washington in the event the plaintiff should prevail. [1961 c 13 § 47.32.090. Prior: 1937 c 53 § 76; RRS § 6400-76; prior: 1925 ex.s. c 131 § 10; RRS § 6837-10.]

**47.32.100 Procedure when claimant wins or loses.** If the claimant makes good such claimant's title to or right to possession of the property, upon payment into the registry of the court, of the costs of service or posting of original notice issued by the highway commission with respect to such property, the cost of posting notice of hearing in such court and such proportion of the cost of publication of such notice as the court may fix and direct to be entered and the clerk's fees of filing such affidavit and bond as a separate action and of entry of judgment therein at the amounts provided for in civil actions,

judgment shall be entered restoring such property to such claimant without any confirmation of title as to any other claimant thereto, relieving the sheriff from necessity of selling the same and making return thereon, and continuing the effect of such bond for a period of six years thereafter for the benefit of such adverse claimants to said property, if any, as may thereafter make claim to such property. If such claimant shall not make good such claim of title to or right to possession of such property, judgment shall be rendered against such claimant and the sureties of such claimant for the value of such property as finally shown by the affidavit as above provided for, together with such fees for filing such affidavit and bond as a separate action and for entry of judgment therein and other costs and disbursements as taxed in any civil action including the statutory attorney fee as part thereof, for all of which execution may accordingly issue, and relieving the sheriff from the necessity of selling such property or making return thereon. [1961 c 13 § 47.32.100. Prior: 1937 c 53 § 77; RRS § 6400-77; prior: 1925 ex.s. c 131 § 11; RRS § 6837-11.]

**47.32.110 Merchandising structures—Permit—Removal.** It shall be unlawful for any person to build, erect, establish, operate, maintain or conduct along and upon the right of way of any state highway any platform, box, stand or any other temporary or permanent device or structure used or to be used for the purpose of receiving, vending or delivering any milk, milk cans, vegetables, fruits, merchandise, produce or any other thing or commodity of any nature unless a permit therefor shall first have been obtained from the highway commission. The highway commission shall in each instance determine where any platform, box, stand or any other temporary or permanent device or structure shall be permitted and upon the existence of any such device or structure without a permit first obtained, the same shall be considered an obstruction unlawfully upon the right of way of such state highway and the highway commission may proceed to effect the removal of the same. [1961 c 13 § 47.32.110. Prior: 1937 c 53 § 78; RRS § 6400-78; 1927 c 309 § 48; RRS § 6362-48; 1923 c 181 § 10; RRS § 6358-1.]

**47.32.120 Business places along highway.** It shall be unlawful for any person to erect a structure or establishment or maintain a business, the nature of which requires the use by patrons or customers of property adjoining such structure or establishment unless such structure or establishment be so located at a distance from the right of way of any state highway that none of the right of way thereof is required for the use of the patrons or customers of any such establishment. Any such structure erected or business maintained which makes use of or tends to invite patrons to make use of the right of way or any portion thereof of any state highway by occupying the same while a patron, is a public nuisance and the highway commission may fence the right of way of such state highway to prevent such unauthorized use thereof. [1961 c 13 § 47.32.120. Prior: 1937 c 53 § 79; RRS § 6400-79.]



**47.32.130 Dangerous objects and structures as nuisances—Logs—Abatement—Removal.** (1) Whenever there shall exist upon the right of way of any state highway or off the right of way thereof in sufficiently close proximity thereto, any structure, device or natural or artificial thing which threatens or endangers such state highway or portion thereof, or which tends to endanger persons traveling thereon, or obstructs or tends to obstruct or constitutes a hazard to vehicles or persons traveling thereon, such structure, device or natural or artificial thing is hereby declared to be a public nuisance and the highway commission is empowered to take such action as may be necessary to effect the abatement of the same. Any such structure, device or natural or artificial thing considered by the highway commission to be immediately or eminently dangerous to travel upon a state highway may be forthwith removed and such removal shall in no event constitute a breach of the peace or trespass.

(2) Logs dumped on any state highway roadway or in any state highway drainage ditch due to equipment failure or for any other reason shall be removed immediately. Logs remaining within the state highway right of way for a period of thirty days shall be confiscated and removed or disposed of as directed by the highway commission. [1961 c 13 § 47.32.130. Prior: 1947 c 206 § 3; 1937 c 53 § 80; Rem. Supp. 1947 § 6400-80.]

*Obstructing highway is public nuisance: RCW 9.66.010.*

*Placing dangerous substances or devices on highway: RCW 9.66.050, 70.93.060, 46.61.645.*

**47.32.140 Railroad crossings, obstructions—Hearing.** Each railroad company shall keep its right of way clear of all brush and timber in the vicinity of a railroad grade crossing with a state highway for a distance of one hundred feet from the crossing in such manner as to permit a person upon the highway to obtain an unobstructed view in both directions of an approaching train. The Washington state highway commission shall cause brush and timber to be cleared from the right of way of a state highway in the proximity of a railroad grade crossing for a distance of one hundred feet from the crossing in such manner as to permit a person upon the highway to obtain an unobstructed view in both directions of an approaching train. It shall be unlawful to erect or maintain a sign, signboard, or billboard, except official highway signs and traffic devices and railroad warning or operating signs, at or near a grade crossing of a state highway and a railroad or within a distance of five hundred feet from the point of intersection of such highway and railroad.

When a person who has erected or who maintains such a sign, signboard, or billboard or when a railroad company permits such brush or timber in the vicinity of a railroad grade crossing with a state highway or permits the surface of a grade crossing to become inconvenient or dangerous for passage and who has the duty to maintain it, fails, neglects, or refuses to remove or cause to be removed such brush, timber, sign, signboard, or billboard, or maintain the surface of the crossing, the utilities and transportation commission upon complaint of the highway commission or upon complaint of any

party interested, or upon its own motion, shall enter upon a hearing in the manner now provided for hearings with respect to railroad-highway grade crossings, and make and enforce proper orders for the removal of the brush, timber, sign, signboard or billboard, or maintenance of the crossing: *Provided*, That nothing in this section shall prevent the posting or maintaining of any legal notice or sign, signal, or traffic device required or permitted to be posted or maintained, or the placing and maintaining thereon of highway or road signs or traffic devices giving directions or distances for the information of the public when the signs are approved by the commission. The commission shall inspect highway grade crossings and make complaint of the violation of any provisions of this section. [1961 c 13 § 47.32.140. Prior: 1955 c 310 § 7; 1937 c 53 § 81; RRS § 6400-81; prior: 1923 c 129 §§ 1-6; RRS §§ 10510-1—10510-6.]

*Railroad grade crossings, obstructions: RCW 36.86.100.*

**47.32.150 Approach roads, other appurtenances—Permit.** No person, firm or corporation shall hereafter be permitted to build or construct on state highway rights of way any approach road or any other facility, thing or appurtenance not heretofore permitted by law, without first obtaining written permission from the highway commission of this state. [1961 c 13 § 47.32.150. Prior: 1947 c 201 § 1; Rem. Supp. 1947 § 6402-50.]

**47.32.160 Approach roads, other appurtenances—Rules and regulations—Construction, maintenance of approach roads.** The highway commission is hereby authorized and empowered at its discretion to adopt reasonable rules and regulations and issue permits, not inconsistent with previous laws in effect, for the construction of any approach road, facility, thing or appurtenance, upon state highway rights of way. Such rules and regulations and such permits may include, but need not be limited to include, provisions for construction of culverts under approaches, requirements as to depth of fills over culverts, and requirements for such drainage facilities insofar as the said commission may deem any of such provisions or requirements to be necessary, and any such permit issued may contain such terms and conditions as may be prescribed. All such construction shall be under the supervision of the highway commission and at the expense of the applicant. After completion of the construction of the particular approach road, facility, thing or appurtenance, the same shall be maintained at the expense of the applicant and in accordance with the directions of the highway commission. [1961 c 13 § 47.32.160. Prior: 1947 c 201 § 2; Rem. Supp. 1947 § 6402-51.]

**47.32.170 Approach roads, other appurtenances—Removal of installations from right of way for default.** Upon failure of the applicant to construct or maintain the particular approach road, facility, thing or appurtenance, in accordance with the conditions of the permit and in accordance with the rules and regulations of the said highway commission therefor, the highway commission may, after the expiration of thirty days following transmittal of a written notice to the applicant, remove

all installations upon the right of way at the expense of the applicant, which expense may be recovered from the applicant by the highway commission for the state in any court of competent jurisdiction. [1961 c 13 § 47.32-.170. Prior: 1947 c 201 § 3; Rem. Supp. 1947 § 6402-52.]

### Chapter 47.36 TRAFFIC CONTROL DEVICES

#### Sections

- 47.36.010 Restoration of United States survey markers.
- 47.36.020 Traffic control signals.
- 47.36.030 Traffic control devices—Specifications to be furnished to counties and cities.
- 47.36.040 Commission to furnish counties and cities with traffic devices.
- 47.36.050 Duty to erect traffic devices on state highways and railroad crossings.
- 47.36.053 General duty to erect and maintain traffic devices on state highways and railroad crossings.
- 47.36.060 Traffic devices on county roads and city streets.
- 47.36.070 Failure to erect signs, procedure.
- 47.36.080 Signs at railroad crossings.
- 47.36.090 Cooperation with United States on road markers.
- 47.36.095 Establishment of continuing system for designation of highways—Signs.
- 47.36.097 Establishment of continuing system for designation of highways—Filing designations with secretary of state and county auditors.
- 47.36.100 Directional, caution, and stop signs.
- 47.36.110 Stop signs, "Yield" signs—Duties of persons using highway—Presumption.
- 47.36.120 City limit signs.
- 47.36.130 Meddling with signs prohibited.
- 47.36.180 Forbidden devices—Penalty.
- 47.36.200 Signs or flagmen at thoroughfare work sites.
- 47.36.210 Signs or flagmen at thoroughfare work sites—Compliance enjoined.
- 47.36.220 Signs or flagmen at thoroughfare work sites—Drivers of vehicles engaged in work must obey signs or flagmen.
- 47.36.230 Signs or flagmen at thoroughfare work sites—Penalty.
- 47.36.250 Dangerous road conditions requiring special tires, chains or traction equipment—Signs or devices—Penalty.

*County roads, signs, signals, guideposts—Standards: RCW 36.86.040.*

*Range areas, signs: RCW 16.24.060.*

*Rules of the road: Chapter 46.61 RCW.*

*Townships to erect guideposts: Chapter 45.68 RCW.*

**47.36.010 Restoration of United States survey markers.** It shall be the duty of the highway commission to fix permanent monuments at the original positions of all United States government monuments at township corners, section corners, quarter section corners, meander corners, and witness markers, as originally established by the United States government survey whenever any such original monuments or markers fall within the right of way of any state highway and to aid in the reestablishment of any such corners, monuments or markers destroyed or obliterated by the construction of any state highway by permitting inspection of the records in the office of the highway commission. [1961 c 13 § 47.36-.010. Prior: 1937 c 53 § 42; RRS § 6400-42; 1931 c 117 § 1; RRS § 6830-1.]

**47.36.020 Traffic control signals.** The highway commission shall adopt specifications for a uniform system

of traffic control signals consistent with the provisions of this title for use upon public highways within this state. Such uniform system shall correlate with and so far as possible conform to the system current as approved by the American Association of State Highway Officials and as set out in the manual of uniform traffic control devices for streets and highways. [1961 c 13 § 47.36-.020. Prior: 1937 c 53 § 50; RRS § 6400-50; prior: 1927 c 309 § 6; RRS § 6362-6.]

**47.36.030 Traffic control devices—Specifications to be furnished to counties and cities.** The highway commission shall have the power and it shall be its duty to adopt and designate a uniform state standard for the manufacture, display, erection and location of all signs, signals, signboards, guideposts and other traffic devices erected or to be erected upon the state highways of the state of Washington for the purpose of furnishing information to persons traveling upon such state highways regarding traffic regulations, directions, distances, points of danger and conditions requiring caution, and for the purpose of imposing restrictions upon persons operating vehicles thereon. Such signs shall conform as nearly as practicable to the manual of specifications for the manufacture, display, and erection of uniform traffic control devices for streets and highways and all amendments, corrections and additions thereto. The highway commission shall prepare plans and specifications of the uniform state standard of traffic devices so adopted and designated, showing the materials, colors and designs thereof, and shall upon the issuance of any such plans and specifications or revisions thereof and upon request, furnish to the boards of county commissioners and the governing body of any incorporated city or town, a copy thereof. Signs, signals, signboards, guideposts and other traffic devices erected on county roads shall conform in all respects to the specifications of color, design and location devised by the highway commission. Traffic devices hereafter erected within incorporated cities and towns shall conform to such uniform state standard of traffic devices so far as is practicable. [1961 c 13 § 47.36.030. Prior: 1945 c 178 § 1, part; 1937 c 53 § 48, part; Rem. Supp. 1945 § 6400-48, part; prior: 1931 c 118 § 1, part; RRS § 6308-1, part; 1923 c 102 § 1, part; 1917 c 78 § 1, part; RRS § 6303, part.]

**47.36.040 Commission to furnish counties and cities with traffic devices.** The highway commission, upon written request, shall cause to be manufactured, painted and printed, and shall furnish to any board of county commissioners or the governing body of any incorporated city or town, directional signboards, guide boards and posts of the uniform state standard of color, shape and design for the erection and maintenance thereof by the board of county commissioners or the governing body of any incorporated city or town upon the roads and streets within their respective jurisdiction. Such directional signboards, guide boards and posts shall be manufactured and furnished, as aforesaid, pursuant to written request showing the number of signs desired and the directional or guide information to be printed thereon. The highway commission is hereby authorized

and directed to fix a charge for each signboard, guide board and post manufactured and furnished as aforesaid, based upon the ultimate cost of such operations to the highway commission, and the board of county commissioners, from the county road fund, and the governing body of any incorporated city or town, from the street fund, shall pay the charges so fixed for all signboards, guide boards and posts so received from the highway commission. [1961 c 13 § 47.36.040. Prior: 1945 c 178 § 1, part; 1937 c 53 § 48, part; Rem. Supp. 1945 § 6400-48, part; prior: 1931 c 118 § 1, part; RRS § 6308-1, part; 1923 c 102 § 1, part; 1917 c 78 § 1, part; RRS § 6303, part.]

**47.36.050 Duty to erect traffic devices on state highways and railroad crossings.** It shall be the duty of the highway commission to erect and maintain upon every state highway in the state of Washington suitable and proper signs, signals, signboards, guideposts and other traffic devices according to the adopted and designated state standard of design, erection and location, and in the manner required by law; it shall be the duty of the highway commission to erect and maintain upon all state highways appropriate stop signs, warning signs and school signs. Any person, firm, corporation or municipal corporation, building, owning, controlling or operating a railroad that crosses any state highway at grade shall construct, erect and maintain at or near each point of crossing, or at such point or points as will meet the approval of the highway commission, a sign of the type known as the saw buck crossing sign with the lettering "railroad crossing" inscribed thereon, also a suitable inscription indicating the number of tracks; said sign must be of standard design that will comply with the plans and specifications furnished by the highway commission. Additional safety devices and signs may be installed at any time when required by the utilities and transportation commission as provided by laws regulating railroad-highway grade crossings. [1961 c 13 § 47.36.050. Prior: 1937 c 53 § 49; RRS § 6400-49; prior: 1931 c 118 § 1, part; RRS § 6308-1, part; 1923 c 102 § 1, part; RRS § 6303, part; 1919 c 146 § 1; 1917 c 78 § 2; RRS § 6304. FORMER PART OF SECTION: 1937 c 53 § 51 now in RCW 47.36.053.]

**47.36.053 General duty to erect and maintain traffic devices on state highways and railroad crossings.** The highway commission shall place and maintain such traffic devices conforming to the manual and specifications adopted upon all state highways as it shall deem necessary to carry out the provisions of this title or to regulate, warn, or guide traffic. [1961 c 13 § 47.36.053. Prior: 1937 c 53 § 51; RRS § 6400-51. Formerly RCW 47.36.050, part.]

**47.36.060 Traffic devices on county roads and city streets.** Local authorities in their respective jurisdictions shall place and maintain such traffic devices upon public highways under their jurisdiction as are necessary to carry out the provisions of the law or local traffic ordinances or to regulate, warn, or guide traffic. Cities and towns, which as used in this section mean cities and

towns having a population of over fifteen thousand according to the latest federal census, shall adequately equip with traffic devices, streets which are designated as forming a part of the route of a primary or secondary state highway and streets which constitute connecting roads and secondary state highways to such cities and towns. Such traffic devices, signs, signals and markers shall comply with the uniform state standard for the manufacture, display, direction and location thereof as designated by the state highway commission. The design, location, erection and operation of traffic devices and traffic control signals upon such city or town streets constituting either the route of a primary or secondary state highway to such city or town or connecting streets to the primary or secondary state highways through the city or town shall be under the direction of the state highway commission and if such city or town fails to comply with any such directions, the state highway commission shall provide for the design, location, erection, or operation thereof, and any cost incurred therefor shall be charged to and paid from any funds in the motor vehicle fund of the state, which have accrued or may accrue to the credit of such city or town and the state treasurer shall issue warrants therefor upon vouchers submitted and approved by the state highway commission. [1961 c 13 § 47.36.060. Prior: 1955 c 179 § 4; 1939 c 81 § 1; 1937 c 53 § 52; RRS § 6400-52.]

**47.36.070 Failure to erect signs, procedure.** Whenever any person, firm, corporation, municipal corporation or local authorities responsible for the erection and maintenance, or either, of signs at any railroad crossing or point of danger upon any state highway fails, neglects or refuses to erect and maintain, or either, such sign or signs as required by law at highway-railroad grade crossings, it shall be the duty of the utilities and transportation commission upon complaint of the highway commission or upon complaint of any party interested, or upon its own motion, to enter upon a hearing in the manner now provided by law for hearings with respect to railroad-highway grade crossings and to make and enforce proper orders for the erection or maintenance of such signs, or both. [1961 c 13 § 47.36.070. Prior: 1937 c 53 § 54; RRS § 6400-54.]

**47.36.080 Signs at railroad crossings.** Wherever it is considered necessary or convenient the highway commission may erect approach and warning signs upon the approach of any state highway to a highway-railroad grade crossing situated at a sufficient distance therefrom to make the warning effective. The highway commission may further provide such additional or other highway-railroad grade crossing markings as may be considered to serve the interests of highway safety. [1961 c 13 § 47.36.080. Prior: 1937 c 53 § 57; RRS § 6400-57.]

**47.36.090 Cooperation with United States on road markers.** Standard federal road markers shall be placed on state highways in the manner requested by the department of commerce of the United States. The highway commission of the state of Washington is authorized and empowered to cooperate with the several

states and with the federal government in promoting, formulating and adopting a standard and uniform system of numbering or designating state highways of an interstate character and in promoting, formulating and adopting uniform and standard specifications for the manufacture, display, erection and location of road markers and signs, for the information, direction and control of persons traveling upon public highways. [1961 c 13 § 47.36.090. Prior: 1937 c 53 § 55; RRS § 6400-55; prior: 1925 c 24 § 1; RRS § 6303-1.]

**47.36.095 Establishment of continuing system for designation of highways—Signs.** The state highway commission is hereby authorized to establish a continuing system for the designating of state highways and branches or portions thereof, heretofore established by the legislature of the state of Washington, to give designations to such state highways and branches, or portions thereof, in accord with such system, and to install signs in accord therewith on such state highways and branches, or portions thereof. Such system may be changed from time to time and shall be extended to new state highways and branches, or portions thereof, as they are hereafter established by the legislature. [1967 ex.s. c 145 § 43; 1963 c 24 § 1.]

*Classification of highways: RCW 47.04.020.*

**47.36.097 Establishment of continuing system for designation of highways—Filing designations with secretary of state and county auditors.** Designations or redesignations assigned under such system by the highway commission pursuant to RCW 47.36.095 as each is made, shall be filed with the secretary of state and with the auditor of each county. Thereafter such highways shall be so designated for all purposes. [1967 ex.s. c 145 § 46.]

**47.36.100 Directional, caution, and stop signs.** Directional signs showing distance and direction to points of importance may be placed at all crossings and intersections of primary and secondary state highways. The highway commission may place such directional signs as it deems necessary upon any city streets designated by it as forming a part of the route of any primary or secondary state highway through any incorporated city or town. Caution and warning signs or signals shall be placed wherever practicable on all primary and secondary state highways in a manner provided by law. Stop signs shall be placed, erected and maintained by the highway commission as follows: Upon all county roads at the point of intersection with any arterial primary or secondary state highway; upon all primary and secondary state highways at the point of intersection with any county road which has been designated by the highway commission as an arterial having preference over the traffic on the state highway; upon at least one state highway at the intersection of two state highways. [1967 ex.s. c 145 § 38; 1961 c 13 § 47.36.100. Prior: 1947 c 206 § 1; 1937 c 53 § 56; Rem. Supp. 1947 § 6400-56.]

**47.36.110 Stop signs, "Yield" signs—Duties of persons using highway—Presumption.** In order to provide safety at intersections on the state highway system, the Washington state highway commission may require persons traveling upon any portion of such highway to stop before entering the intersection. For this purpose there may be erected a standard stop sign as prescribed in the state of Washington department of highways "Manual for Signing." All persons traveling upon the highway shall come to a complete stop at such a sign and the appearance of any sign so located shall be sufficient warning to a person that he is required to stop. A person stopping at such a sign shall proceed through such portion of the highway in a careful manner and at a reasonable rate of speed not to exceed twenty miles per hour. It shall be unlawful to fail to comply with the directions of any such a stop sign: *Provided*, That when the findings of a traffic engineering study show that the condition of an intersection is such that vehicles may safely enter the major artery without stopping, the Washington state highway commission or local authorities in their respective jurisdictions shall install and maintain a "Yield" sign.

The driver of a vehicle approaching a "Yield" sign shall reduce speed or stop if necessary in order to yield the right of way to all traffic on the intersecting street which is so close as to constitute an immediate hazard. A motorist proceeding past such a sign with a resultant collision or other interferences with traffic on the intersecting street shall be prima facie evidence that the motorist had not obeyed the sign and yielded the right of way as provided by this statute. [1963 ex.s. c 3 § 49; 1961 c 13 § 47.36.110. Prior: 1955 c 146 § 6; 1937 c 53 § 59; RRS § 6400-59.]

*Arterial highways designated—Stopping on entering: RCW 46.61.195.*

**47.36.120 City limit signs.** The highway commission shall erect wherever it deems necessary upon state highways at or near their point of entrance into cities and towns, signs of the standard design designating the city or town limits of such cities or towns. [1961 c 13 § 47.36.120. Prior: 1937 c 53 § 58; RRS § 6400-58.]

**47.36.130 Meddling with signs prohibited.** No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control signal, traffic device or railroad sign or signal, or any inscription, shield, or insignia thereon, or any other part thereof. [1961 c 13 § 47.36.130. Prior: 1937 c 53 § 53; RRS § 6400-53.]

*Imitation of signs: RCW 46.61.075.*

*Penalty for defacing, injuring, or destroying signs: RCW 46.61.080.*

*Structures concealing signs prohibited: RCW 46.61.075.*

*Unlawful erection of traffic devices: RCW 46.61.075.*

**47.36.180 Forbidden devices—Penalty.** It shall be unlawful to erect or maintain at or near a city street, county road or state highway any structure, sign, or device:

(1) Visible from a city street, county road or state highway and simulating any directional, warning, or

danger sign or light likely to be mistaken for such a sign or bearing any such words as "danger," "stop," "slow," "turn," or similar words, figures, or directions likely to be construed as giving warning to traffic;

(2) Visible from a city street, county road or state highway and displaying any red, green, blue, or yellow light or intermittent or blinking light or rotating light identical or similar in size, shape and color to that used on any emergency vehicle or road equipment or any light otherwise likely to be mistaken for a warning, danger, directional, or traffic control signal or sign;

(3) Visible from a city street, county road or state highway and displaying any lights tending to blind persons operating vehicles upon the highway, city street or county road, or any glaring light, or any light likely to be mistaken for a vehicle upon the highway or otherwise to be so mistaken as to constitute a danger; or

(4) Visible from a city street, county road or state highway and flooding or intending to flood or directed across the roadway of the highway with a directed beam or diffused light, whether or not the flood light is shielded against directing its flood beam toward approaching traffic on the highway, city street or county road.

Any structure or device erected or maintained contrary to the provisions of this section is a public nuisance, and the Washington state highway commission, the chief of the Washington state patrol, the county sheriff or the chief of police of any city or town shall notify the owner thereof that it constitutes a public nuisance and must be removed, and if the owner fails to do so, the Washington state highway commission, the chief of the Washington state patrol, the county sheriff or the chief of police of any city or town may abate the nuisance.

If the owner shall fail to remove any such structure or device within fifteen days after being notified to remove such structure or device, he shall be guilty of a misdemeanor. [1961 c 13 § 47.36.180. Prior: 1957 c 204 § 1; 1937 c 53 § 62; RRS § 6400-62.]

**47.36.200 Signs or flagmen at thoroughfare work sites.** When construction, repair or maintenance work is conducted on or adjacent to a public highway, county road, street, bridge or other thoroughfare commonly traveled and when such work interferes with the normal and established mode of travel on such highway, county road, street, bridge or thoroughfare, such location shall be properly posted by prominently displayed signs or flagmen or both. Signs used for posting in such an area shall be consistent with the provisions found in the state of Washington "Manual on Uniform Traffic Control Devices for Streets and Highways" obtainable from the Washington state highway commission. [1961 c 13 § 47.36.200. Prior: 1957 c 95 § 1.]

**47.36.210 Signs or flagmen at thoroughfare work sites—Compliance enjoined.** Any contractor, firm, corporation, political subdivision, or other agency performing such work shall comply with RCW 47.36.200 through 47.36.230. [1961 c 13 § 47.36.210. Prior: 1957 c 95 § 2.]

**47.36.220 Signs or flagmen at thoroughfare work sites—Drivers of vehicles engaged in work must obey signs or flagmen.** Each driver of a motor vehicle used in connection with such construction, repair, or maintenance work shall obey traffic signs posted for, and flagman stationed at such location in the same manner and under the same restrictions as is required for the driver of any other vehicle. [1961 c 13 § 47.36.220. Prior: 1957 c 95 § 3.]

**47.36.230 Signs or flagmen at thoroughfare work sites—Penalty.** A violation of or a failure to comply with any provision of RCW 47.36.200 through 47.36.220 shall be a misdemeanor. Each day upon which there is a violation, or there is a failure to comply, shall constitute a separate violation. [1961 c 13 § 47.36.230. Prior: 1957 c 95 § 4.]

**47.36.250 Dangerous road conditions requiring special tires, chains or traction equipment—Signs or devices—Penalty.** If the highway commission or its delegate determines at any time for any part of the public highway system that the unsafe conditions of the roadway require particular tires, tire chains or traction equipment in addition to or beyond the ordinary pneumatic rubber tires the commission may establish the following recommendations or requirements with respect to the use of such equipment for all persons using such public highway:

(1) Dangerous road conditions, chains, or other approved traction devices recommended.

(2) Dangerous road conditions, chains, or other approved traction devices required.

(3) Dangerous road conditions, chains required.

Any equipment which may be required by this section shall be approved by the state commission on equipment as authorized under RCW 46.37.420.

The highway commission shall place and maintain signs and other traffic control devices on the public highways which shall indicate the tire, tire chain or traction equipment recommendation or requirement determined under this section. Such signs or traffic control devices shall in no event prohibit the use of studded tires from November 1 to April 1, but when the highway commission determines that chains are required and that no other traction equipment will suffice, such requirement shall be applicable to all types of tires including studded tires. Such signs or traffic control devices may specify different recommendations or requirements for four wheel drive vehicles in gear.

Failure to obey a requirement indicated by a sign or other traffic control device placed or maintained under this section shall be a misdemeanor. [1975 1st ex.s. c 255 § 1; 1969 ex.s. c 7 § 2.]

*Restrictions as to tire equipment, metal studs: RCW 46.37.420.*

## Chapter 47.38

### ROADSIDE AREAS—SAFETY REST AREAS

#### Sections

47.38.010 Promulgation of rules and regulations to govern use and control of rest areas, historic sites, viewpoints, etc.

- 47.38.020 Limitations on use of rest areas.  
 47.38.030 Penalty.  
 47.38.040 Information centers may be established.

*Acquisition of property for safety rest areas, buffers, viewpoint, historic sites: RCW 47.12.250.*

**47.38.010 Promulgation of rules and regulations to govern use and control of rest areas, historic sites, viewpoints, etc.** Pursuant to chapter 34.04 RCW, the state highway commission shall promulgate rules and regulations consistent with the safety of the traveling public to govern the use and control of rest areas and other areas as designated in RCW 47.12.250, as now or hereafter amended. Nothing herein shall be construed as limiting the powers of the highway commission as provided by law. [1967 ex.s. c 145 § 29.]

*Roadside areas—Safety rest areas, provisions of scenic and recreational highway act concerning: Chapter 47.39 RCW.*

**47.38.020 Limitations on use of rest areas.** Except where specifically authorized by the state highway commission, it shall be unlawful for any person or persons to stop, stand, or park, any vehicle, including but not limited to trailers, campers, motorcycles, for more than eight hours, or for any person or persons to camp, or to maintain a camp, tent, or other sleeping accommodation or facility, in any rest area or safety rest area within the limits of the right of way of interstate highways or other state highways or in other areas of state or interstate highways as designated in RCW 47.12.250, as now or hereafter amended: *Provided*, That this section shall not apply to disabled vehicles. [1967 ex.s. c 145 § 30.]

**47.38.030 Penalty.** Any person violating RCW 47.38.020 or any rule or regulation adopted or promulgated pursuant to RCW 47.38.020 above shall be guilty of a misdemeanor. [1967 ex.s. c 145 § 31.]

**47.38.040 Information centers may be established.** In order to provide information in the specific interest of the traveling public, the commission may establish information centers at safety rest areas and permit maps, informational directories, and advertising pamphlets to be made available there for the purpose of informing the public of places of interest within the state and providing such other information as the commission may deem desirable. [1967 ex.s. c 145 § 32.]

### Chapter 47.39

## SCENIC AND RECREATIONAL HIGHWAY ACT OF 1967

#### Sections

- 47.39.010 System created—Standards.  
 47.39.020 Designation of portions of existing highways as part of system.  
 47.39.030 Development and maintenance of system by highway commission and parks and recreation commission—Allocation of costs.  
 47.39.040 Planning and design standards to be established by office of community affairs.  
 47.39.050 Planning and design standards to be established by office of community affairs—Facilities and factors to be considered.

- 47.39.060 Designation of system on maps or other descriptive material.  
 47.39.900 Short title.  
 47.39.910 Severability—1967 ex.s. c 85.

**47.39.010 System created—Standards.** There is hereby created a scenic and recreational highway system. Highways in this system shall be developed and maintained in accordance with general standards for state highways of comparable classification and usage. [1967 ex.s. c 85 § 1.]

**47.39.020 Designation of portions of existing highways as part of system.** The following portions of highways are designated as part of the scenic and recreational highway system:

(1) State route number 2, beginning at the crossing of Woods creek at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastin;

(2) State route number 3, beginning at a junction with state route number 106 in the vicinity of Belfair, thence in a northeasterly direction to a junction with Arsenal Way south of Bremerton; also

Beginning at a junction of Erlands Point Road north of Bremerton thence northeasterly to a junction with state route number 104 in the vicinity of Port Gamble;

(3) State route number 8, beginning at a junction with state route number 12 in the vicinity of Elma, thence easterly to a junction with state route number 101 near Tumwater;

(4) State route number 10, beginning at Teanaway junction, thence easterly to a junction with state route number 97 west of Ellensburg;

(5) State route number 12, beginning at a junction with a county road approximately 2.8 miles west of the crossing of the Wynooche river which is approximately 1.2 miles west of Montesano, thence in an easterly direction to a junction with state route number 8 in the vicinity of Elma; also

Beginning at the Burlington Northern Railroad bridge approximately 3.4 miles west of Dixie, thence in a northerly and easterly direction by way of Dayton, Dodge, and Pomeroy to a junction with a county road approximately 2.4 miles west of a junction with state route number 129 at Clarkston;

(6) State route number 14, beginning at the crossing of Gibbons creek approximately 0.9 miles east of Washougal, thence in an easterly direction by way of Stevenson to a westerly junction with state route number 97 in the vicinity of Maryhill; also

Beginning at the easterly junction with state route number 97 in the vicinity of Maryhill, thence easterly along the north bank of the Columbia river to a point in the vicinity of Plymouth;

(7) State route number 17, beginning at a junction with state route number 395 in the vicinity of Eltopia, thence in a northwesterly direction to the south end of the overcrossing of state route number 90, in the vicinity of Moses Lake; also

Beginning at a junction with Grape Drive in the vicinity of Moses Lake, thence northwesterly and northerly by way of Soap Lake to a junction with state route number 2 west of Coulee City;

(8) State route number 20, beginning at the Keystone ferry slip on Whidbey Island, thence easterly and northerly to a junction with Rhododendron road in the vicinity east of Coupeville; also

Beginning at a junction with Sherman road in the vicinity west of Coupeville, generally northerly to a junction with Miller road in the vicinity southwest of Oak Harbor; also

Beginning at a junction with Torpedo road in the vicinity northeast of Oak Harbor, thence northerly by way of Deception Pass to a junction with state route number 20 north in the vicinity southeast of Anacortes; also

Beginning at the crossing of Hanson creek approximately 6.0 miles west of Lyman, thence easterly by way of Concrete, Marblemount, Diablo Dam, and Twisp to a junction with state route number 153 southeast of Twisp; also

Beginning at a junction with state route number 21 approximately three miles east of Republic, thence in an easterly direction to a junction with state route number 395 at the west end of the crossing over the Columbia river at Kettle Falls; also

Beginning at a junction with a county road 2.76 miles east of the junction with state route number 395 in Colville, thence in a northeasterly direction to a junction with state route number 31 at Tiger; thence in a southerly direction to a junction with state route number 2 at Newport;

(9) State route number 21, beginning at the Keller ferry slip on the north side of Roosevelt lake, thence in a northerly direction to the crossing of Granite creek approximately fifty-four miles north of the Keller ferry;

(10) State route number 90, beginning at the CMSTPP railroad overcrossing approximately 2.3 miles southeast of North Bend, thence in an easterly direction by way of Snoqualmie pass to the crossing of the Cle Elum river approximately 2.6 miles west of Cle Elum;

(11) State route number 97, beginning at the crossing of the Columbia river at Biggs Rapids, thence in a northerly direction to the westerly junction with state route number 14 in the vicinity of Maryhill;

(12) State route number 101, beginning at a junction with state route number 109 in the vicinity of Queets, thence in a northerly, northeasterly, and easterly direction by way of Forks to the west boundary of the Olympic national park in the vicinity of Lake Crescent; also

Beginning at Sequim Bay state park, thence in a southeasterly and southerly direction to a junction with the Airport road north of Shelton; also

Beginning at a junction with state route number 3 south of Shelton, thence in a southerly and southeasterly direction to the west end of the Black Lake road overcrossing in the vicinity northeast of Tumwater;

(13) State route number 104, beginning at a junction with state route number 101 in the vicinity south of Discovery bay, thence in a southeasterly direction to the vicinity of Shine on Hood Canal; also

Beginning at a junction with state route number 3 east of the Hood Canal crossing, thence northeasterly to Port Gamble;

(14) State route number 105, beginning at a junction with state route number 101 at Raymond, thence westerly and northerly by way of Tokeland and North Cove to the shore of Grays Harbor north of Westport; also

Beginning at a junction with state route number 105 in the vicinity south of Westport, thence northeasterly to a junction with state route number 101 at Aberdeen;

(15) State route number 106, beginning at a junction with state route number 101 in the vicinity of Union, thence northeasterly to a junction with state route number 3 in the vicinity of Belfair;

(16) State route number 109, beginning at a junction with a county road approximately 3.0 miles northwest of the junction with state route number 101 in Hoquiam, thence in a northwesterly direction by way of Ocean City, Copalis, Pacific Beach, and Moclips to a junction with state route number 101 in the vicinity of Queets;

(17) State route number 112, beginning at the easterly boundary of the Makah Indian reservation, thence in an easterly direction to the vicinity of Laird's corner on state route number 101;

(18) State route number 126, beginning at a junction with state route number 12 in the vicinity of Dayton, thence in a northeasterly direction to a junction with state route number 12 in the vicinity west of Pomeroy;

(19) State route number 153, beginning at a junction with state route number 97 in the vicinity of Pateros, thence in a northerly direction to a junction with state route number 20 in the vicinity south of Twisp;

(20) State route number 155, beginning at a junction with state route number 2 in the vicinity north of Coulee City, thence in a northeasterly direction to the boundary of the federal reservation at the Grand Coulee dam; also

Beginning at a junction with a county road 2.07 miles north of the junction with 12th street in Elmer City, thence in a northwesterly direction to the west end of the crossing of Omak creek east of Omak;

(21) State route number 206, Mt. Spokane Park Drive, beginning at a junction with state route number 2 near the north line of section 3, township 26 N, range 43 E, thence northeasterly to a point in section 28, township 28 N, range 45 E at the entrance to Mt. Spokane state park;

(22) State route number 395, beginning at a point approximately 2.6 miles north of Pasco thence in a northerly direction to a junction with state route number 17 in the vicinity of Eltopia; also

Beginning at the north end of the crossing of Mill creek in the vicinity of Colville, thence in a northwesterly direction to a junction with state route number 20 at the west end of the crossing over the Columbia river at Kettle Falls;

(23) State route number 401, beginning at a junction with state route number 101 at Point Ellice, thence easterly and northerly to a junction with state route number 4 in the vicinity north of Naselle;

(24) State route number 504, beginning at a junction with state route number 5 in the vicinity north of Castle

Rock, thence in an easterly direction by way of St. Helens and Spirit lake to Mt. St. Helens;

(25) State route number 525, beginning at a junction with Maxwellton road in the southern portion of Whidbey Island, thence northwesterly to a junction with state route number 20 east of the Keystone ferry slip;

(26) State route number 542, beginning at the Nugent crossing over the Nooksack river approximately 7.7 miles northeast of Bellingham, thence easterly to the vicinity of Austin pass in Whatcom county;

(27) State route number 821, beginning at a junction with state route number 82 at the Yakima firing center interchange, thence in a northerly direction to a junction with state route number 82 at the Thrall road interchange. [1975 c 63 § 8; 1973 1st ex.s. c 151 § 10; 1971 ex.s. c 73 § 29; 1970 ex.s. c 51 § 177; 1969 ex.s. c 281 § 6; 1967 ex.s. c 85 § 2.]

**47.39.030 Development and maintenance of system by highway commission and parks and recreation commission—Allocation of costs.** (1) The highway commission shall pay from motor vehicle funds appropriated for construction of state highways, the following costs of developing and constructing scenic and recreational highways: (a) Acquisition of the right of way necessary for state highway purposes, (b) construction of the portion of the highway designed primarily for motor vehicle travel, (c) exit and entrance roadways providing access to scenic observation points, (d) safety rest areas, (e) roadside landscaping within the portion of the highway right of way acquired by the highway commission for state highway purposes, (f) the uniform signs and markers designating the various features and facilities of the scenic and recreational highways, and (g) any additional costs of constructing and developing the scenic and recreational highways, including property acquisition adjacent to highways as authorized by RCW 47.12.250, for which the highway commission shall receive reimbursement from the federal government or any other source.

(2) The parks and recreation commission shall pay the costs of developing and constructing the scenic and recreational highways not provided for in subsection (1) of this section from any funds appropriated for such purposes.

(3) The costs of maintaining the scenic and recreational highway system shall be allocated between the highway commission and the parks and recreation commission in the same manner that costs of developing and constructing such highways are allocated in subsections (1) and (2) of this section. [1967 ex.s. c 85 § 3.]

*Safety rest areas: Chapter 47.38 RCW.*

**47.39.040 Planning and design standards to be established by office of community affairs.** The establishment of planning and design standards for items provided for in RCW 47.39.050 shall be coordinated by the state office of community affairs. The highway commission, parks and recreation commission, and any other departments or commissions whose interests are affected shall prepare, submit and file with the state office of community affairs standards relating to the scenic and recreational highway system. In the event varying planning

and design standards are filed, the state office of community affairs shall consult with the submitting agencies on the merits of the several proposals and, based upon such consultation, establish a set of standards. Pursuant to the planning and design standards so established, the highway commission and parks and recreation commission shall develop the highways and areas adjacent thereto to accomplish the purposes of this chapter: *Provided*, That the highway commission shall retain exclusive authority over the highway right of way.

Responsibility for construction and maintenance is hereby established between the highway commission and the parks and recreation commission with the highway commission responsible for activities financed with funds provided for under RCW 47.39.030(1) and the parks and recreation commission responsible for activities financed from other sources of funds. By mutual consent, responsibility for development and/or maintenance may be transferred between the two commissions. [1967 ex.s. c 85 § 4.]

*Planning and community affairs agency: Chapter 43.63A RCW.*

**47.39.050 Planning and design standards to be established by office of community affairs—Facilities and factors to be considered.** Planning and design standards established for highways falling within the scenic and recreational highways system may include, but shall not be limited to, provision for the following:

- (1) Hiking, bicycle, and bridle trails, including regulations for their use;
- (2) Campsites and shelters;
- (3) Boat launching sites;
- (4) Access trails to lakes, rivers and streams, and easements along their shores;
- (5) Safety rest areas;
- (6) Historic and geologic interpretative facilities;
- (7) Scenic observation facilities;
- (8) Roadside landscaping, restoration and aesthetic enhancement;
- (9) Specifically delineated highway corridors and means for the preservation of natural beauty, historic sites, or viewpoints;
- (10) A uniform system of signs and markers designating the various features and facilities of the scenic and recreational highway systems. [1967 ex.s. c 85 § 5.]

**47.39.060 Designation of system on maps or other descriptive material.** The highway commission and parks and recreation commission shall on any maps, or in any relevant descriptive material they may prepare at state expense, include reference to those portions of highways designated in RCW 47.39.020 by appropriate color or code designation. [1967 ex.s. c 85 § 6.]

**47.39.900 Short title.** RCW 47.39.010 through 47.39.910 shall constitute a new chapter in Title 47 RCW and shall be known and may be cited as the "Scenic and Recreational Highway Act of 1967." [1967 ex.s. c 85 § 7.]

**47.39.910 Severability—1967 ex.s. c 85.** 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. [1967 ex.s. c 85 § 8.]

### Chapter 47.40 ROADSIDE IMPROVEMENT AND BEAUTIFICATION

#### Sections

- 47.40.010 Improvement and beautification a highway purpose.
- 47.40.020 Use of funds authorized.
- 47.40.030 Permit to private persons.
- 47.40.040 Application for permit, contents.
- 47.40.050 Survey—Report—Permit.
- 47.40.060 Agreement to maintain project.
- 47.40.070 Damage to project unlawful.
- 47.40.080 Penalty for destroying native flora on state lands or on adjoining highways and parks.
- 47.40.090 Glass bottles and containers along highways—Collection and removal.

*City streets, parkways, boulevards, etc.: Title 35 RCW.*

*State parks and recreation commission may plant trees along highway: RCW 43.51.040.*

*Withdrawal of public lands abutting highway: RCW 43.51.100.*

**47.40.010 Improvement and beautification a highway purpose.** The planting and cultivating of any shrubs, trees, hedges or other domestic or native ornamental growth, the improvement of roadside facilities and view points, and the correction of unsightly conditions, upon the right of way of any state highway is hereby declared to be a proper state highway purpose. [1961 c 13 § 47.40.010. Prior: 1937 c 53 § 88; RRS § 6400–88.]

**47.40.020 Use of funds authorized.** Whenever funds are available for the purpose of planting or cultivating any shrubs, trees, hedges or other domestic or native ornamental growth, the improvement of roadside facilities and view points and the correction of unsightly conditions upon the right of way of any state highway and for the roadside development and beautification thereof, the highway commission is empowered to expend such funds, either independently or in conjunction with the funds of any county, political subdivision or any person, firm, corporation, association or organization. [1961 c 13 § 47.40.020. Prior: 1937 c 53 § 89; RRS § 6400–89.]

**47.40.030 Permit to private persons.** Any person, firm, corporation, association or organization owning lands abutting upon any state highway and desiring to plant, cultivate and grow any hedge, shade or ornamental trees or shrubs along the right of way thereof, or to clear and cultivate a portion of such state highway right of way for the purpose of growing crops and destroying noxious weeds, or any person, firm, corporation, association or organization interested in public improvement and desiring to improve and beautify any state highway right of way or any portion thereof by planting, cultivating or growing any hedge, shade or ornamental trees or cultivate along or upon the right of way thereof, may upon application to the highway commission, be granted a permit therefor as by law provided. [1961 c 13 § 47.40.030. Prior: 1937 c 53 § 90; RRS § 6400–90; prior: 1927 c 242 § 1; RRS § 6437–1.]

**47.40.040 Application for permit, contents.** Each application for a permit to plant, cultivate and grow any hedge, shade or ornamental trees or shrubbery along or upon the right of way of any state highway or improve such right of way shall be in writing, signed by the applicant, and shall describe the state highway or portion thereof along or upon the right of way of which permit to plant, cultivate, grow or improve is sought, by name, number, or other reasonable description, and the lands bordering thereon by governmental subdivisions, and shall state the names, places or residence and post office addresses of the applicant or applicants owning the land abutting upon such state highway or the name of the person, firm, corporation, association or organization applying for the permit and the names of its officers and their places of residence and their post office addresses, and shall state definitely the purpose for which the permit is sought, giving a description of the kind of hedge, or variety of shrubbery or trees desired to be planted or the kinds of crops to be grown, or improvement to be made, with a diagram illustrating the location and number of hedges, trees or shrubs or the area of cultivation desired or plans of the improvement proposed to be made. [1961 c 13 § 47.40.040. Prior: 1937 c 53 § 91; RRS § 6400–91; prior: 1927 c 242 § 2; RRS § 6437–2.]

**47.40.050 Survey—Report—Permit.** Upon the filing of such application, the highway commission shall cause a survey of such state highway to be made with reference to such application and a report of the findings and recommendations as to the granting of the permit, and if it shall appear to the satisfaction of the highway commission that the use of a portion of the state highway for the purpose set out in the application will not interfere with the use of such state highway for public travel and will beautify and improve such state highway, permit may be granted and issued to the applicant to plant, cultivate and grow any hedge, shade or ornamental trees, shrubbery or crops, or make such improvement along or upon the right of way of such portion of such state highway as shall be definitely described in said permit, and to construct and maintain such temporary and substantial fence on and along the portion of the right of way of the state highway described in the permit as shall be specified in such permit, and such permit shall specify the exact location of all hedges, shade or ornamental trees or shrubbery to be planted and grown or area to be cultivated under such permit, or area to be improved to which specified location the person, firm, corporation, association or organization receiving such permit shall specifically conform: *Provided*, That the highway commission may in its discretion refuse such permit and any such permit granted shall be revocable at the will of the highway commission and nothing in this title shall be construed as in anywise affecting the title of the state to the lands included in such state highway, or the right to use the same for state highway purposes or to remove or destroy any of such hedges, trees, shrubbery or crops for the purpose of construction, alteration, repair, improvement or maintenance of such state highway or for any other purpose and at any time.

[1961 c 13 § 47.40.050. Prior: 1937 c 53 § 92; RRS § 6400-92; prior: 1927 c 242 § 3, part; RRS § 6437, part.]

**47.40.060 Agreement to maintain project.** In the event that any such permit is granted the highway commission shall enter into an agreement with any such person, firm, corporation, association or organization agreeing that such roadside development or beautification shall be maintained and kept up by the state through the highway commission or by such person, firm, corporation, association or organization. In the event that any such person, firm, corporation, association or organization so agreeing shall fail or neglect to maintain such roadside development or beautification the highway commission is empowered so to do and the expense thereof shall be a charge against such person, firm, corporation, association or organization. [1961 c 13 § 47.40.060. Prior: 1937 c 53 § 93; RRS § 6400-93; prior: 1927 c 242 § 3, part; RRS § 6437-3, part.]

**47.40.070 Damage to project unlawful.** It shall be unlawful for any person to injure, destroy or remove any hedge, shade or ornamental trees or shrubbery or crops, plants, cultivated and grown or improvement made upon or along any portion of any state highway under permit from the highway commission or otherwise, or to injure, destroy or remove any fence erected under any such permit or otherwise: *Provided*, That nothing in this section shall be construed to prevent any person with the highway commission to do so or the officers of the state charged with the duty of constructing and maintaining any such state highway, from removing any hedges, trees, shrubbery or crops planted or improvements or fences built under permit, where in their judgment they interfere with or are detrimental to, the use of such state highway for public travel, or such removal is necessary for the construction, alteration, repair, improvement or maintenance of such state highway. [1961 c 13 § 47.40.070. Prior: 1937 c 53 § 94; RRS § 6400-94; prior: 1927 c 242 § 4; RRS § 6437-4.]

**47.40.080 Penalty for destroying native flora on state lands or on or adjoining highways and parks.** Any person who shall break or cut from any lands owned by the state of Washington or shall cut down, remove, destroy or uproot any rhododendron, evergreen, huckleberry, native dogwood or any other native tree, shrub, fern, herb, bulb or wild plants, or any part thereof, within three hundred feet of the center line of any state or county road, or who shall cut down, remove or destroy any flowering or ornamental tree or shrub, or any native flowering plant, fern, herb or bulb, either perennial or annual, situate, growing or being on any public street or highway, state or city park, in the state of Washington, unless such person be engaged in the work of constructing or repairing such highway or street under authority and direction of the legally constituted public officials being charged by law with the duty of constructing or repairing such highways or streets, state or city parks, shall be guilty of a misdemeanor. [1961 c 13 § 47.40.080. Prior: 1933 c 133 § 1; 1925 ex.s. c 59 § 1; RRS § 2787-1.]

**47.40.090 Glass bottles and containers along highways—Collection and removal.** The highway commission, and any other governmental subdivision shall, with the staff, equipment and material under their control, or by contract with others, take all necessary actions to collect and remove any or all glass bottles or glass containers along the right of way of any public road or public highway. [1969 ex.s. c 281 § 48.]

*Deposit of unwholesome substance: RCW 9.66.050.*

*Removal of glass after accident: RCW 46.61.645, 46.61.650.*

*Throwing glass on highway: RCW 70.93.060, 46.61.645.*

### Chapter 47.41

## JUNKYARDS ADJACENT TO INTERSTATE AND PRIMARY HIGHWAYS

Sections	
47.41.010	Legislative declaration—Purpose.
47.41.020	Definitions.
47.41.030	Junkyards adjacent to highways prohibited— Exceptions.
47.41.040	Screening feasibility determination—Notice— Acquisition of property by commission—Screening or removal of junkyard.
47.41.050	Regulations—Review.
47.41.060	Other laws not affected.
47.41.070	Violations—Penalty—Abatement as public nuisance.
47.41.080	Agreements with United States secretary of transportation.
47.41.900	Severability—1971 ex.s. c 101.

*Motor vehicle wreckers: Chapter 46.80 RCW.*

**47.41.010 Legislative declaration—Purpose.** For the purpose of promoting the public safety, health, welfare, convenience, and enjoyment of public travel, to protect the public investment in public highways, and to preserve and enhance the scenic beauty of lands bordering public highways, it is hereby declared to be in the public interest to regulate and restrict the establishment, operation, and maintenance of junkyards in areas adjacent to the interstate and federal-aid primary systems within this state. The legislature hereby finds and declares that junkyards which do not conform to the requirements of this chapter are public nuisances. [1971 ex.s. c 101 § 1.]

**47.41.020 Definitions.** When used in this chapter, the term:

(1) "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(2) "Automobile graveyard" shall mean any establishment or place of business which is maintained, used, or operated by storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(3) "Junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk or for the maintenance or operation of an automobile graveyard and the term shall include garbage dumps and sanitary fills.

(4) "Interstate system" means that portion of the national system of interstate and defense highways located within this state, as officially designated or as may hereafter be so designated by the commission and approved by the secretary of transportation pursuant to the provisions of Title 23 United States Code.

(5) "Federal-aid primary system" means that portion of connected main highways as officially designated or as may hereafter be so designated by the commission and approved by the secretary of transportation as the federal-aid primary system pursuant to the provisions of Title 23 United States Code.

(6) "Commission" means the Washington state highway commission. [1971 ex.s. c 101 § 2.]

**47.41.030 Junkyards adjacent to highways prohibited—Exceptions.** No person shall establish, operate, or maintain a junkyard any portion of which is within one thousand feet of the nearest edge of the right of way of any interstate or federal-aid primary highway, except the following:

(1) Those which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of the system or otherwise removed from sight.

(2) Those located within areas which are zoned for industrial use under authority of law.

(3) Those located within unzoned industrial areas, which areas shall be determined from actual land uses and defined by regulations to be promulgated by the commission and approved by the secretary of transportation.

(4) Those which are not visible from the main-traveled way of the system. [1971 ex.s. c 101 § 3.]

**47.41.040 Screening feasibility determination—Notice—Acquisition of property by commission—Screening or removal of junkyard.** Prior to the first day of July, 1971, the highway commission shall determine whether or not the topography of the land adjoining the highway will permit adequate screening of any junkyard lawfully in existence located outside of a zoned industrial area or an unzoned industrial area as defined herein on August 9, 1971 which is within one thousand feet of the nearest edge of the right of way and visible from the main-traveled way of any highway on the interstate and primary system and whether screening of such junkyard would be economically feasible. Within thirty days thereafter the commission shall notify by registered or certified mail the record owner of the land upon which such junkyard is located, or the operator thereof, of its determination.

If it is economically feasible to screen any such junkyard, the commission shall screen the same so it will not be visible from the main-traveled way of such highway. The highway commission is authorized to acquire by gift, purchase, exchange, or condemnation such lands or interest in lands as may be required for such purposes.

In the event that it is not economically feasible to screen any such junkyard, the highway commission shall acquire by purchase, gift or condemnation an interest in the real property used for junkyard purposes which is

visible from the main traveled way of such highway, restricting any owner of the remaining interest to use of such real estate for purposes other than a junkyard. In addition to compensation for such real property interest, the operator of a junkyard shall receive the actual reasonable expenses in moving his business personal property to a location within the same general area where a junkyard may be lawfully established, operated and maintained. This section shall be interpreted as in addition to all other rights and remedies of a junkyard owner or operator and shall not be interpreted as a limitation on or alteration of the law of compensation in eminent domain. [1971 ex.s. c 101 § 4.]

**47.41.050 Regulations—Review.** The commission shall prescribe regulations for administration of this chapter consistent with the policy of this chapter and the national policy set forth in 23 U.S.C. Sec. 136, and the regulations promulgated thereunder by the secretary of transportation. Proceedings for review of any action taken by the commission pursuant to this chapter shall be instituted by filing a petition only in the superior court of Thurston county. [1971 ex.s. c 101 § 5.]

**47.41.060 Other laws not affected.** Nothing in this chapter shall be construed to permit a person to maintain any junkyard that is otherwise prohibited by statute or by the resolution or ordinance of any county, city, or town, nor to abrogate or affect the lawful provisions of any statute, ordinance, regulation, or resolution which are more restrictive than the provisions of this chapter. [1971 ex.s. c 101 § 6.]

**47.41.070 Violations—Penalty—Abatement as public nuisance.** If the owner of the land upon which any such junkyard is located, or the operator thereof as the case may be, shall fail to comply with the notice or remove any such junk within the time provided in this chapter after being so notified, he shall be guilty of a misdemeanor. In addition to the penalties imposed by law upon conviction, an order may be entered compelling compliance with this chapter. Each day such junkyard shall be maintained in a manner so as not to comply with this chapter shall constitute a separate offense.

If the operator of the junkyard or the owner of the property upon which it is located, as the case may be, shall not be found or refuses receipt of the notice, the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall post the property upon which it is located with a notice that the junkyard constitutes a public nuisance and that the junk thereon must be removed as in this chapter provided. If the notice is not complied with, the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall abate the nuisance and remove the junk, and for that purpose may enter upon private property without incurring liability for so doing. [1971 ex.s. c 101 § 7.]

**47.41.080 Agreements with United States secretary of transportation.** The commission is hereby authorized to enter into agreements with the United States secretary of transportation as provided in Title 23 United States Code, relating to the control of junkyards in areas adjacent to the interstate and primary systems, and to take action in the name of the state to comply with the terms of such agreement. [1971 ex.s. c 101 § 8.]

**47.41.900 Severability—1971 ex.s. c 101.** 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. [1971 ex.s. c 101 § 9.]

### Chapter 47.42 HIGHWAY ADVERTISING CONTROL ACT— SCENIC VISTAS ACT

#### Sections

- 47.42.010 Declaration of purpose.
- 47.42.020 Definitions.
- 47.42.025 Sections of highways excluded from definition of scenic system.
- 47.42.030 Signs visible from interstate, primary or scenic systems prohibited except as permitted by chapter.
- 47.42.040 Permissible signs classified.
- 47.42.045 Number of signs permitted—Spacing—Tourist facility, business or agricultural signs.
- 47.42.046 Specific information panels within right of way of interstate highway system—"Gas", "Food", or "Lodging"—Directional information—Individual business signs.
- 47.42.047 Specific information panels within portion of right of way of primary and scenic systems—"Gas", "Food", "Recreation", "Lodging"—Directional information—Individual business signs.
- 47.42.048 Signs prohibited by statute, resolution or ordinance.
- 47.42.050 Governmental units may erect, maintain information signs.
- 47.42.060 Regulations for signs visible from interstate and scenic systems—Judicial review.
- 47.42.062 Permissible signs visible from primary system within commercial and industrial areas—Sign requirements, restrictions and prohibitions.
- 47.42.063 Permissible signs visible from primary system within commercial and industrial areas—Preexisting signs—Permissible signs—Spacing.
- 47.42.065 Regulations permitting signs for viewing from highways or streets not part of any system—Requirements.
- 47.42.070 Other prohibitory state and local laws unaffected by chapter.
- 47.42.080 Prohibited signs declared public nuisance—Procedure for abatement—Penalty.
- 47.42.090 Revocation of permit.
- 47.42.100 Preexisting signs—Moratorium.
- 47.42.102 Compensation for removal of signs—Authorized—Signs to which applicable.
- 47.42.103 Compensation for removal of signs—Action to determine amount of compensation—Payment—State's share.
- 47.42.104 Compensation for removal of signs—Federal share—Acceptance.
- 47.42.105 Compensation for removal of signs—Removal of signs, displays or devices not required if federal share not available.
- 47.42.110 Agreements to secure federal aid.
- 47.42.120 Permits—Fees—Renewal—Permissible acts—Revocation.
- 47.42.130 Permit identification number—Signs to contain number and permittee's name—Presumption of noncompliance.
- 47.42.140 Scenic areas designated.

- 47.42.150 Joint fact finding committee—Studies—Report.
- 47.42.900 Severability—1961 c 96.
- 47.42.901 Severability—1963 ex.s. c 3.
- 47.42.902 Severability—1971 ex.s. c 62.
- 47.42.910 Short title—1961 c 96.
- 47.42.911 Short title—1971 ex.s. c 62.

**47.42.010 Declaration of purpose.** The control of signs in areas adjacent to state highways of this state is hereby declared to be necessary to promote the public health, safety, welfare, convenience and enjoyment of public travel, to protect the public investment in the interstate system and other state highways, and to attract visitors to this state by conserving the natural beauty of areas adjacent to the interstate system, and of scenic areas adjacent to state highways upon which they travel in great numbers, and to insure that information in the specific interest of the traveling public is presented safely and effectively. [1961 c 96 § 1.]

**47.42.020 Definitions.** When used in this chapter the term:

- (1) "Commission" means the Washington state highway commission;
- (2) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish;
- (3) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(d) of title 23, United States Code;
- (4) "Maintain" means to allow to exist;
- (5) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual, or individuals;
- (6) "Primary system" means any state highway which is or does become part of the federal-aid primary system as described in section 103(b) of title 23, United States Code;
- (7) "Scenic system" means (a) any state highway within any public park, federal forest area, public beach, public recreation area, or national monument, (b) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic system, or (c) any state highway or portion thereof, outside the boundaries of any incorporated city or town, designated by the legislature as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in RCW 47.42.025;
- (8) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended or used to advertise or inform any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway;
- (9) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned by a county or municipal code, that area occupied by three or more separate and distinct commercial and/or industrial activities within a

space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which such activities are located. Measurements shall be along or parallel to the edge of the main traveled way of the highway. The following shall not be considered commercial or industrial activities:

(a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;

(b) Transient or temporary activities;

(c) Railroad tracks and minor sidings;

(d) Signs;

(e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;

(f) Activities conducted in a building principally used as a residence.

Should any commercial or industrial activity, which has been used in defining or delineating an unzoned area, cease to operate for a period of six continuous months, any signs located within the former unzoned area shall become nonconforming and shall not be maintained by any person after three years from May 10, 1971.

(10) "Specific information panel" means a panel, rectangular in shape, located in the same manner as other official traffic signs readable from the main traveled ways, and consisting of:

(a) The words "GAS", "FOOD", or "LODGING" and directional information; and

(b) One or more individual business signs mounted on the panel.

(11) "Business sign" means a separately attached sign mounted on the specific information panel to show the brand or trademark and name, or both, of the motorist service available on the crossroad at or near the interchange. Nationally, regionally, or locally known commercial symbols or trademarks for service stations, restaurants and motels shall be used when applicable. The brand or trademark identification symbol used on the business sign shall be reproduced with the colors and general shape consistent with customary use. Any messages, trademarks, or brand symbols which interfere with, imitate, or resemble any official warning or regulatory traffic sign, signal or device are prohibited. [1974 ex.s. c 80 § 1; 1971 ex.s. c 62 § 1; 1961 c 96 § 2.]

**47.42.025 Sections of highways excluded from definition of scenic system.** The following sections of the scenic and recreational highway system are excluded from the scenic system as defined in subsection (7) of RCW 47.42.020:

(1) Beginning on state route number 101 at the junction with Airport Road north of Shelton, thence north to a point two thousand feet north of Airport Road.

(2) Beginning on state route number 101 at the junction with Mill Creek Road south of Forks, thence north two and four-tenths miles to the Calawah River bridge.

(3) Beginning on state route number 105 at a point one-half mile southwest of the boundary of Aberdeen, thence northeast to the boundary of Aberdeen.

(4) Beginning on state route number 17 at a point nine-tenths of a mile west of Grape Drive in the vicinity of Moses Lake, thence easterly to a junction of Grape Drive.

(5) Beginning on state route number 12 at a point one-half mile south of the south boundary of Dayton, thence northerly to the south boundary of Dayton.

(6) Beginning on state route number 14 one-half mile west of the west boundary of Bingen, thence east to a point one-half mile east of the east boundary of Bingen. [1971 ex.s. c 62 § 2.]

**47.42.030 Signs visible from interstate, primary or scenic systems prohibited except as permitted by chapter.** Except as permitted under this chapter, no person shall erect or maintain a sign which is visible from the main traveled way of the interstate system, the primary system, or the scenic system. In case a highway or a section of highway is both a part of the primary system and the scenic system, only those signs permitted along the scenic system shall be erected or maintained. [1971 ex.s. c 62 § 3; 1961 c 96 § 3.]

**47.42.040 Permissible signs classified.** It is declared to be the policy of the state that no signs which are visible from the main traveled way of the interstate system, primary system, or scenic system shall be erected or maintained except the following types:

(1) Directional or other official signs or notices that are required or authorized by law;

(2) Signs advertising the sale or lease of the property upon which they are located;

(3) Signs advertising activities conducted on the property on which they are located;

(4) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the national standards promulgated thereunder by the secretary of commerce or the secretary of transportation, advertising activities being conducted at a location within twelve miles of the point at which such signs are located: *Provided*, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from May 10, 1971;

(5) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the regulations promulgated thereunder by the secretary of commerce or the secretary of transportation, designed to give information in the specific interest of the traveling public: *Provided*, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from May 10, 1971;

(6) Signs lawfully in existence on October 22, 1965, determined by the commission, subject to the approval of the United States secretary of transportation, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of chapter 47.42 RCW.

Only signs of type 1, 2 and 3 shall be erected or maintained within view of the scenic system. [1975 1st ex.s. c 271 § 1; 1971 ex.s. c 62 § 4; 1961 c 96 § 4.]

**47.42.045 Number of signs permitted—Spacing—Tourist facility, business or agricultural signs.**

(1) Not more than one type 3 sign visible to traffic proceeding in any one direction on an interstate system, primary system outside an incorporated city or town or commercial or industrial area, or scenic system highway may be permitted more than fifty feet from the advertised activity;

(2) A type 3 sign, other than one along any portion of the primary system within an incorporated city or town or within any commercial or industrial area, permitted more than fifty feet from the advertised activity pursuant to subsection (1) of this section shall not be erected or maintained a greater distance from the advertised activity than one of the following options selected by the owner of the business being advertised:

(a) One hundred fifty feet measured along the edge of the protected highway from the main entrance to the activity advertised (when applicable);

(b) One hundred fifty feet from the main building of the advertised activity; or

(c) Fifty feet from a regularly used parking lot maintained by and contiguous to the advertised activity.

(3) In addition to signs permitted by subsections (1) and (2) of this section, the commission may adopt regulations permitting one type 3 sign visible to traffic proceeding in any one direction on an interstate, primary or scenic system highway on premises which, on June 25, 1976, are used wholly or in part as an operating business, farm, ranch or orchard which sign bears only the name of the business, farm, ranch or orchard and a directional arrow or short directional message. Regulations adopted under this subsection shall prohibit the erection or maintenance of such type 3 signs on narrow strips of land a substantial distance from but connected with a business, farm, ranch or orchard. Signs permitted under this subsection shall not exceed fifty square feet in area.

(4) The commission with advice from the parks and recreation commission shall adopt specifications for a uniform system of official tourist facility directional signs to be used on the scenic system highways. Official directional signs shall be posted by the commission to inform motorists of types of tourist and recreational facilities available off the scenic system which are accessible by way of public or private roads intersecting scenic system highways. [1975-'76 2nd ex.s. c 55 § 2; 1974 ex.s. c 154 § 1; 1974 ex.s. c 138 § 1; 1971 ex.s. c 62 § 5.]

**47.42.046 Specific information panels within right of way of interstate highway system—"Gas", "Food", or**

**"Lodging"—Directional information—Individual business signs.** The Washington state highway commission is authorized to erect and maintain specific information panels within the right of way of the interstate highway system to give the traveling public specific information as to gas, food, or lodging available on a crossroad at or near an interchange. Specific information panels shall include the words "GAS", "FOOD", or "LODGING" and directional information and may contain one or more individual business signs maintained on the panel. The erection and maintenance of specific information panels shall conform to the national standards promulgated by the secretary of transportation pursuant to sections 131 and 315 of Title 23, United States Code and regulations adopted by the commission. A motorist service business shall not be permitted to display its name, brand, or trademark on a specific information panel unless its owner has first entered into an agreement with the commission limiting the height of its on-premise signs at the site of its service installation to not more than fifteen feet higher than the roof of its main building. The commission shall charge reasonable fees for the display of individual business signs to defray the costs of their installation and maintenance. [1974 ex.s. c 80 § 2.]

**47.42.047 Specific information panels within portion of right of way of primary and scenic systems—"Gas", "Food", "Recreation", "Lodging"—Directional information—Individual business signs.** The Washington state highway commission is authorized to erect and maintain specific information panels within the right of way of those portions both of the primary system and the scenic system lying outside of cities and towns and lying outside of commercial and industrial areas to give the traveling public specific information as to gas, food, recreation, or lodging available off the primary or scenic highway accessible by way of highways intersecting the primary or scenic highway. Specific information panels shall include the words "GAS", "FOOD", "RECREATION", or "LODGING" and directional information and may contain one or more individual business signs maintained on the panel. The erection and maintenance of specific information panels along primary or scenic highways shall conform to the national standards promulgated by the secretary of transportation pursuant to sections 131 and 315 of Title 23 United States Code and regulations adopted by the commission including the manual on uniform traffic control devices for streets and highways. A motorist service business shall not be permitted to display its name, brand, or trademark on a specific information panel unless its owner has first entered into an agreement with the commission limiting the height of its on-premise signs at the site of its service installation to not more than fifteen feet higher than the roof of its main building. The commission shall charge reasonable fees for the display of individual business signs to defray the costs of their installation and maintenance. [1974 ex.s. c 80 § 4.]

**47.42.048 Signs prohibited by statute, resolution or ordinance.** Nothing in this chapter shall be construed to

permit a person to erect or maintain a sign that is otherwise prohibited by statute or by the resolution or ordinance of any county, city or town of the state of Washington. [1974 ex.s. c 80 § 3.]

**47.42.050 Governmental units may erect, maintain information signs.** Information signs may be erected and maintained by the state, any county, city, or town. [1961 c 96 § 5.]

**47.42.060 Regulations for signs visible from interstate and scenic systems—Judicial review.** The commission shall prescribe regulations for the erection and maintenance of signs which are visible from the main traveled way of the interstate system and the scenic system and which are permitted by this chapter, and other regulations for the administration of this chapter consistent with the policy of this chapter and the national policy set forth in section 131, title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342 and the regulations promulgated thereunder by the secretary of commerce or the secretary of transportation. Proceedings for review of any action taken by the commission pursuant to this chapter shall be instituted by filing a petition only in the superior court of Thurston county. [1971 ex.s. c 62 § 6; 1961 c 96 § 6.]

**47.42.062 Permissible signs visible from primary system within commercial and industrial areas—Sign requirements, restrictions and prohibitions.** Signs within six hundred and sixty feet of the nearest edge of the right of way which are visible from the main traveled way of the primary system within commercial and industrial areas and whose size, lighting, and spacing are consistent with the customary use of property for the effective display of outdoor advertising as set forth in this section may be erected and maintained: *Provided*, That this section shall not serve to restrict type 3 signs located along any portion of the primary system within an incorporated city or town or within any commercial or industrial area.

(1) General: Signs shall not be erected or maintained which (a) imitate or resemble any official traffic sign, signal, or device; (b) are erected or maintained upon trees or painted or drawn upon rocks or other natural features and which are structurally unsafe or in disrepair; or (c) have any visible moving parts.

(2) Size of signs:

(a) The maximum area for any one sign shall be six hundred seventy-two square feet with a maximum height of twenty-five feet and maximum length of fifty feet inclusive of any border and trim but excluding the base or apron, supports and other structural members: *Provided*, That cut-outs and extensions may add up to twenty percent of additional sign area.

(b) For the purposes of this subsection, double-faced, back-to-back, or V-type signs shall be considered as two signs.

(c) Signs which exceed three hundred twenty-five square feet in area may not be double-faced (abutting and facing the same direction).

(3) Spacing of signs:

(a) Signs may not be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.

(b) On limited access highways established pursuant to chapter 47.52 RCW no two signs shall be spaced less than one thousand feet apart, and no sign may be located within three thousand feet of the center of an interchange, a safety rest area, or information center, or within one thousand feet of an intersection at grade. Double-faced signs shall be prohibited. Not more than a total of five sign structures shall be permitted on both sides of the highway per mile.

(c) On noncontrolled access highways inside the boundaries of incorporated cities and towns not more than a total of four sign structures on both sides of the highway within a space of six hundred sixty feet shall be permitted with a minimum of one hundred feet between sign structures. In no event, however, shall more than four sign structures be permitted between platted intersecting streets or highways. On noncontrolled access highways outside the boundaries of incorporated cities and towns minimum spacing between sign structures on each side of the highway shall be five hundred feet.

(d) For the purposes of this subsection, a back-to-back sign and a V-type sign shall be considered one sign structure.

(e) Official signs, and signs advertising activities conducted on the property on which they are located shall not be considered in determining compliance with the above spacing requirements. The minimum space between structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply to signs located on the same side of the highway.

(4) Lighting: Signs may be illuminated, subject to the following restrictions:

(a) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or similar information.

(b) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the highway and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.

(c) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.

(d) All such lighting shall be subject to any other provisions relating to lighting of signs presently applicable to all highways under the jurisdiction of the state. [1975 1st ex.s. c 271 § 3; 1974 ex.s. c 154 § 2; 1974 ex.s. c 138 § 2; 1971 ex.s. c 62 § 7.]

**47.42.063 Permissible signs visible from primary system within commercial and industrial areas—Preexisting signs—Permissible signs—Spacing.** (1) Signs within six hundred and sixty feet of the nearest edge of the right of way lawfully erected and maintained which are visible from the main traveled way of the primary system within commercial and industrial areas on June 1, 1971 shall be permitted to remain and be maintained.

(2) Signs within six hundred and sixty feet of the nearest edge of the right of way which are visible from the main traveled way of the primary system within commercial and industrial areas whose size, lighting, and spacing are consistent with customary use as set forth in RCW 47.42.062 may be erected and maintained. Signs lawfully erected and maintained on June 1, 1971 shall be included in the determination of spacing requirements for additional signs. [1975 1st ex.s. c 271 § 4; 1971 ex.s. c 62 § 8.]

**47.42.065 Regulations permitting signs for viewing from highways or streets not part of any system—Requirements.** Notwithstanding any other provision of chapter 47.42 RCW, signs may be erected and maintained more than six hundred and sixty feet from the nearest edge of the right of way which are visible from the main traveled way of the interstate system, primary system, or scenic system when designed and oriented to be viewed from highways or streets other than the interstate system, primary system, or the scenic system and the advertising or informative contents of which may not be clearly comprehended by motorists using the main traveled way of the interstate system, primary system or scenic system. [1975 1st ex.s. c 271 § 5; 1971 ex.s. c 62 § 9.]

**47.42.070 Other prohibitory state and local laws unaffected by chapter.** Nothing in this chapter shall be construed to permit a person to erect or maintain any sign that is otherwise prohibited by statute or by the resolution or ordinance of any county, city, or town of the state of Washington. [1961 c 96 § 7.]

**47.42.080 Prohibited signs declared public nuisance—Procedure for abatement—Penalty.** (1) Any sign erected or maintained contrary to the provisions of this chapter or regulations promulgated hereunder and which is designed to be viewed from the interstate system, the primary system, or the scenic system shall be a public nuisance, and the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall notify the permittee or, if there is no permittee, the owner of the property on which the sign is located, by registered mail at his last known address, that it constitutes a public nuisance and must comply with the chapter or be removed.

(2) If the permittee or owner, as the case may be, shall fail to comply with the chapter or remove any such sign within fifteen days after being notified to remove such sign he shall be guilty of a misdemeanor. In addition to the penalties imposed by law upon conviction an order may be entered compelling removal of the sign.

Each day such sign shall be maintained shall constitute a separate offense.

(3) If the permittee or the owner of the property upon which it is located, as the case may be, shall not be found or refuses receipt of the notice, the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall post the sign and property upon which it is located with a notice that the sign constitutes a public nuisance and must be removed. If the sign is not removed within fifteen days after such posting, the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall abate the nuisance and destroy the sign, and for that purpose may enter upon private property without incurring liability for so doing.

(4) Nothing in this section shall be construed to affect the provisions contained in RCW 47.42.102 requiring the payment of compensation upon the removal of any signs compensable under state law. [1975-'76 2nd ex.s. c 55 § 1; 1971 ex.s. c 62 § 10; 1961 c 96 § 8.]

**47.42.090 Revocation of permit.** If any person is convicted of a violation of this chapter, or any regulation promulgated hereunder, the commission may revoke any permit issued to that person under this chapter. [1961 c 96 § 9.]

**47.42.100 Preexisting signs—Moratorium.** (1) No sign lawfully erected in a protected area as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof), prior to March 11, 1961, within a commercial or industrial zone within the boundaries of any city or town, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the interstate system is subject to municipal regulation or control but which does not comply with the provisions of this chapter or any regulations promulgated hereunder, shall be maintained by any person after March 11, 1965.

(2) No sign lawfully erected in a protected area as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof), prior to March 11, 1961, other than within a commercial or industrial zone within the boundaries of a city or town as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the interstate system is subject to municipal regulation or control but which does not comply with the provisions of this chapter or any regulations promulgated hereunder, shall be maintained by any person after three years from March 11, 1961.

(3) No sign lawfully erected in a scenic area as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof), prior to the effective date of the designation of such area as a scenic area shall be maintained by any person after three years from the effective date of the designation of any such area as a scenic area.

(4) No sign visible from the main traveled way of the interstate system, the primary system (other than type 3 signs along any portion of the primary system within an incorporated city or town or within a commercial or



industrial area), or the scenic system which was there lawfully maintained immediately prior to May 10, 1971, but which does not comply with the provisions of chapter 47.42 RCW as now or hereafter amended, shall be maintained by any person (a) after three years from May 10, 1971, or (b) with respect to any highway hereafter designated by the legislature as a part of the scenic system, after three years from the effective date of the designation. [1974 ex.s. c 154 § 3; 1974 ex.s. c 138 § 3; 1971 ex.s. c 62 § 11; 1963 ex.s. c 3 § 55; 1961 c 96 § 10.]

**47.42.102 Compensation for removal of signs—Authorized—Signs to which applicable.** (1) Except as otherwise provided in subsection (3) of this section, just compensation shall be paid upon the removal of any sign (pursuant to the provisions of chapter 47.42 RCW), lawfully erected under state law, which is visible from the main traveled way of the interstate system or the primary system.

(2) Such compensation shall be paid for the following:

(a) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

(b) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

(3) In no event, however, shall compensation be paid for the taking or removal of signs adjacent to the interstate system and the scenic system which became subject to removal pursuant to chapter 96, Laws of 1961 as amended by section 55, chapter 3, Laws of 1963 ex. sess. prior to May 10, 1971. [1975 1st ex.s. c 271 § 2; 1971 ex.s. c 62 § 12.]

**47.42.103 Compensation for removal of signs—Action to determine amount of compensation—Payment—State's share.** (1) Compensation as required by RCW 47.42.102 shall be paid to the person or persons entitled thereto for the removal of such signs. If no agreement is reached on the amount of compensation to be paid, the commission may institute an action by summons and complaint in the superior court for the county in which the sign is located to obtain a determination of the compensation to be paid. If the owner of the sign is unknown and cannot be ascertained after diligent efforts to do so, the commission may remove the sign upon the payment of compensation only to the owner of the real property on which the sign is located. Thereafter the owner of such sign may file an action at any time within one year after the removal of the sign to obtain a determination of the amount of compensation he should receive for the loss of the sign. If either the owner of the sign or the owner of the real property on which the sign is located cannot be found within the state, service of the summons and complaint on such person for the purpose of obtaining a determination of the amount of compensation to be paid may be by publication in the manner provided by RCW 4.28.100.

(2) In the event compensation is determined by judicial proceedings, the sum so determined shall be paid

into the registry of the court to be disbursed upon removal of the sign by its owner or by the owner of the real property on which the sign is located. If the amount of compensation is agreed upon the commission may pay the agreed sum into escrow to be released upon the removal of the sign by its owner or the owner of the real property on which the sign is located.

(3) The state's share of compensation shall be paid from the motor vehicle fund, or if a court having jurisdiction enters a final judgment declaring that motor vehicle funds may not be used, then from the general fund. [1971 ex.s. c 62 § 13.]

**47.42.104 Compensation for removal of signs—Federal share—Acceptance.** The commission may accept any allotment of funds by the United States, or any agency thereof, appropriated to carry out the purposes of section 131 of title 23, United States Code, as now or hereafter amended. The commission shall take such steps as may be necessary from time to time to obtain from the United States, or the appropriate agency thereof, funds allotted and appropriated, pursuant to said section 131, for the purpose of paying the federal share of the just compensation to be paid to sign owners and owners of real property under the terms of subsection (g) of said section 131 and RCW 47.42.102, 47.42.103 and 47.42.104. [1971 ex.s. c 62 § 14.]

**47.42.105 Compensation for removal of signs—Removal of signs, displays or devices not required if federal share not available.** No sign, display, or device shall be required to be removed if the federal share of the just compensation to be paid upon the removal of such sign, display, or device is not available to make such payment. [1971 ex.s. c 62 § 15.]

**47.42.110 Agreements to secure federal aid.** The commission is authorized to enter into agreements (and such supplementary agreements as may be necessary) consistent with this chapter, with the secretary of commerce or the secretary of transportation authorized under section 131(b) of title 23, United States Code, as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, in order that the state may become eligible for increased federal aid as provided for in section 131 of title 23, United States Code, as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342. [1971 ex.s. c 62 § 16; 1961 c 96 § 11.]

**47.42.120 Permits—Fees—Renewal—Permissible acts—Revocation.** Notwithstanding any other provisions of this chapter, no sign except a sign of type 1 or 2 or those type 3 signs which advertise activities conducted upon the properties where such signs are located, shall be erected or maintained without a permit issued by the commission. Application for permit shall be made to the commission on forms furnished by it, which forms shall contain a statement that the owner or lessee of the land in question has consented thereto and shall be accompanied by a fee of ten dollars to be deposited with the state treasurer to the credit of the motor vehicle

fund. Permits shall be for the calendar year and shall be renewed annually upon payment of said fee for the new year without the filing of a new application. Fees shall not be prorated for fractions of the year. Advertising copy may be changed at any time without the payment of additional fee. Assignment of permits in good standing shall be effective only upon receipt of written notice of assignment by the highway commission. A permit may be revoked after hearing if the commission finds that any statement made in the application therefor was false or misleading, or that the sign covered thereby is not in good general condition and in a reasonable state of repair, or is otherwise in violation of this chapter, provided that such false or misleading information has not been corrected and that the sign has not been brought into compliance with this chapter within thirty days after written notification thereof. [1971 ex.s. c 62 § 17; 1961 c 96 § 12.]

**47.42.130 Permit identification number—Signs to contain number and permittee's name—Presumption of noncompliance.** Every permit issued by the commission shall be assigned a separate identification number, and it shall be the duty of each permittee to fasten to each sign a weatherproof label, not larger than six square inches, which shall be furnished by the commission and on which shall be plainly visible the said permit number. The permittee shall also place his name in a conspicuous position on the front or back of each sign. The failure of a sign to have affixed thereto such a label shall be prima facie evidence that the same is not in compliance with the provisions of this chapter. [1961 c 96 § 13.]

**47.42.140 Scenic areas designated.** The following portions of state highways are designated as a part of the scenic system:

(1) State route number 2 beginning at the crossing of Woods creek at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastin.

(2) State route number 7 beginning at a junction with state route number 706 at Elbe, thence in a northerly direction to a junction with state route number 507 south of Spanaway.

(3) State route number 11 beginning at the Blanchard overcrossing, thence in a northerly direction to the limits of Larabee state park (north line of section 36, township 37 north, range 2 east).

(4) State route number 12 beginning at Kosmos southeast of Morton, thence in an easterly direction across White pass to the Oak Flat junction with state route number 410 northwest of Yakima.

(5) State route number 90 beginning at the westerly junction with state route number 901, thence in an easterly direction by way of North Bend and Snoqualmie pass to a junction with state route number 970 at Cle Elum.

(6) State route number 97 beginning at a junction with state route number 970 at Virden, thence via Blewett pass to a junction with state route number 2 in the vicinity of Peshastin.

(7) State route number 123 beginning at a junction with state route number 12 at Ohanapecosh junction in the vicinity west of White pass, thence in a northerly direction to a junction with state route number 410 at Cayuse junction in the vicinity west of Chinook pass.

(8) State route number 165 beginning at the northwest entrance to Mount Rainier national park, thence in a northerly direction to a junction with state route number 162 east of the town of South Prairie.

(9) State route number 305, beginning at the ferry slip at Winslow on Bainbridge Island, thence northwesterly by way of Agate Pass bridge to a junction with state route number 3 approximately four miles northwest of Poulsbo.

(10) State route number 410 beginning at the crossing of Scatter creek approximately six miles east of Enumclaw, thence in an easterly direction by way of Chinook pass to a junction of state route number 12 and state route number 410.

(11) State route number 706 beginning at a junction with state route number 7 at Elbe thence in an easterly direction to the southwest entrance to Mount Rainier national park.

(12) State route number 970 beginning at a junction with state route number 90 in the vicinity of Cle Elum thence via Teanaway to a junction with state route number 97 in the vicinity of Virden. [1975 c 63 § 9; 1974 ex.s. c 138 § 4. Prior: 1971 ex.s. c 73 § 28; 1971 ex.s. c 62 § 18; 1961 c 96 § 14. Cf. 1974 ex.s. c 154 § 4.]

**47.42.150 Joint fact finding committee—Studies—Report.** The joint fact finding committee on highways, streets and bridges is authorized and directed to study the application of the federal standards to the regulation of outdoor advertising upon the interstate highways within the state of Washington and criteria for the establishment of additional scenic areas upon any state highway upon which outdoor advertising shall be regulated, and report to the 1963 legislature thereon. [1961 c 96 § 15.]

**47.42.900 Severability—1961 c 96.** If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected. [1961 c 96 § 16.]

**47.42.901 Severability—1963 ex.s. c 3.** If any provision of \*section 55 of this amendatory act shall be held to be invalid or shall be held to invalidate any provision of chapter 96, Laws of 1961 (chapter 47.42 RCW), then that provision of this amendatory act shall be of no force and effect and the provisions of chapter 96, Laws of 1961 (chapter 47.42 RCW) shall continue in effect. [1963 ex.s. c 3 § 56.]

**\*Reviser's note:** "section 55 of this amendatory act" refers to the 1963 amendment of RCW 47.42.100.

**47.42.902 Severability—1971 ex.s. c 62.** 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. [1971 ex.s. c 62 § 20.]

**47.42.910 Short title—1961 c 96.** This chapter shall be known and may be cited as the highway advertising control act of 1961. [1961 c 96 § 17.]

**47.42.911 Short title—1971 ex.s. c 62.** This act may be cited as the "Scenic Vistas Act of 1971". [1971 ex.s. c 62 § 19.]

#### Chapter 47.44 FRANCHISES ON STATE HIGHWAYS

##### Sections

- 47.44.010 Wire and pipe line and tram and railway franchises—Application—Notice—Posting and publication.
- 47.44.020 Grant of franchise—Conditions—Hearing.
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- 47.44.060 Penalty.
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- 47.44.130 Payment for costs of relocating utilities within right-of-way of interstate highways—Transmission of account moneys to utilities—Disposition of fund moneys if federal program discontinued.
- 47.44.140 Payment for costs of relocating utilities within right-of-way of interstate highways—Severability, 1971 ex.s. c 262—Repayment of contributions in event of invalidity.

**47.44.010 Wire and pipe line and tram and railway franchises—Application—Notice—Posting and publication.** The highway commission or such persons as it may designate shall have the power to grant franchises to persons, associations, private or municipal corporations, the United States government or any agency thereof, to use any state highway for the construction and maintenance of water pipes, flume, gas pipes, telephone, telegraph and electric light and power lines and conduits, trams or railways, and any structures or facilities which are part of an urban public transportation system owned or operated by a municipal corporation, agency or department of the state of Washington other than the highway commission, and any other such facilities. All applications for such franchise shall be made in writing and subscribed by the applicant, and shall describe the state highway or portion thereof over which franchise is desired and the nature of the franchise. Upon the filing of any such applications, a notice of the filing shall be given in the county or counties in which

any portion of the state highway upon which such franchise is applied for is located, at the expense of the applicant, by posting written or printed notice in a public place at the county seat of such county or counties and by publishing a like notice in two successive issues of a newspaper having a general circulation in such county or counties; which notice shall state the name or names of the applicant or applicants, and a description of the state highway or part thereof over which the franchise is applied for. It shall be the duty of the county auditor of the respective counties to cause such notices to be posted and published upon receipt and to file proof of such posting and publication with the highway commission.

Sufficient copies of the notice required by this section shall be sent directly to the county auditor of the respective counties. [1975 1st ex.s. c 46 § 1; 1967 c 108 § 7; 1963 c 70 § 1; 1961 ex.s. c 21 § 26; 1961 c 13 § 47.44.010. Prior: 1943 c 265 § 2; 1937 c 53 § 83; Rem. Supp. 1943 § 6400-83.]

*Urban public transportation system defined: RCW 47.04.082.*

**47.44.020 Grant of franchise—Conditions—Hearing.** When fourteen days have elapsed after the notice has been posted and published as required in RCW 47.44.010 as now or hereafter amended and if the highway commission or such persons as it may designate deems it to be for the public interest, the franchise may be granted in whole or in part, with or without hearing under such regulations and conditions as the commission may prescribe, with or without compensation, but not in excess of the reasonable cost for investigating, handling and granting the franchise. The commission or such persons as it may designate may require that the utility and appurtenances be so placed on the highway that they will, in its opinion, least interfere with other uses of the highway.

If a hearing is held, it shall be conducted by the commission or such persons as it may designate, and may be adjourned from time to time until completed. The applicant may be required to produce all facts pertaining to the franchise, and evidence may be taken for and against granting it.

The facility shall be made subject to removal when necessary for the construction, alteration, repair, or improvement of the highway and at the expense of the franchise holder, except that the state shall pay the cost of such removal whenever the state shall be entitled to receive proportionate reimbursement therefor from the United States in the cases and in the manner set forth in RCW 47.44.030. Renewal upon expiration of a franchise shall be by application and notice posted and published, and a hearing may or may not be conducted in the same manner as an original application. A person constructing or operating such a utility on a state highway is liable to any person injured thereby for any damages incident to the work of installation or the continuation of the occupancy of the highway by the utility, and except as provided above, is liable to the state for all necessary expenses incurred in restoring the highway to a permanent suitable condition for travel. No franchise shall be granted for a longer period than fifty years, and no

exclusive franchise or privilege shall be granted. [1975 1st ex.s. c 46 § 2; 1961 c 13 § 47.44.020. Prior: 1959 c 330 § 1; 1937 c 53 § 84; RRS § 6400-84.]

**47.44.030 Removal of facilities—Notice—Reimbursement of owner when national system involved.** If the highway commission deems it necessary that such a facility be removed from the highway for the safety of persons traveling thereon or for construction, alteration, improvement, or maintenance purposes, it shall give notice to the franchise holder to remove the facility at his expense and as the highway commission orders: *Provided*, That notwithstanding any contrary provision of law or of any existing or future franchise held by a public utility, the state highway commission shall pay or reimburse the owner for relocation or removal of any publicly, privately or cooperatively owned public utility facilities when necessitated by the construction, reconstruction, relocation or improvement of a highway which is part of the national system of interstate and defense highways for each item of cost for which the state shall be entitled to be reimbursed by the United States in an amount equal to at least ninety percent thereof under the provisions of section 123, federal aid highway act of 1958, and any other subsequent act of congress under which the state shall be entitled to be reimbursed by the United States in an amount equal to at least ninety percent of the cost of relocation of utility facilities on said national system of interstate and defense highways. [1961 c 13 § 47.44.030. Prior: 1959 c 330 § 2; 1937 c 53 § 85; RRS § 6400-85.]

**47.44.031 Removal of facilities—Limitation.** The provisions of RCW 47.44.030 authorizing the state highway commission to pay or reimburse the owner of a utility shall apply only to relocation or removal of utility facilities required by state construction contracts which are advertised for bids by the state highway commission after June 30, 1959. [1961 c 13 § 47.44.031. Prior: 1959 c 330 § 3.]

**47.44.040 Franchises across joint bridges.** Whenever any bridge shall exist on the route of any state highway and crosses any stream, body of water, gulch, navigable water, swamp or other topographical formation constituting the boundary of a county, city or town of this state or the boundary of this state and the same is owned or operated by this state jointly with any such county, city or town or with any municipal corporation of this state, or with such other state or with any county, city or town of such other state, the highway commission is empowered to join with the proper officials of such county, city or town or such municipal corporation of this state or of such other state or of such county, city or town of such other state in granting franchises to persons or private or municipal corporations for the construction and maintenance thereon of water pipes, flumes, gas pipes, telephone, telegraph and electric light and power lines and conduits, trams and railways, and any structures or facilities which are part of an urban public transportation system owned or operated by a municipal corporation, agency or department of the state

of Washington other than the highway commission, or any other such facilities. All such franchises shall be granted in the same manner as provided for the granting of like franchises on state highways. Any revenue accruing to the state of Washington from such franchises shall be paid to the state treasurer and by him deposited to the credit of the fund from which this state's share of the cost of joint operation of such bridge is paid. [1967 c 108 § 8; 1961 c 13 § 47.44.040. Prior: 1937 c 53 § 86; RRS § 6400-86.]

*Urban public transportation system defined: RCW 47.04.082.*

**47.44.050 Permit for short distances.** The highway commission is empowered to grant a permit to construct or maintain on, over, across or along any state highway any water, gas, telephone, telegraph, light, power or other such facilities when the same does not extend along such state highway for a distance greater than three hundred feet. The highway commission may require such information as it deems necessary in the application for any such permit and may grant or withhold the permit within its discretion. Any permit granted may be canceled at any time and any facilities remaining upon the right of way of such state highway after thirty days written notice of such cancellation shall be an unlawful obstruction and may be removed in the manner provided by law. [1961 c 13 § 47.44.050. Prior: 1943 c 265 § 3; 1937 c 53 § 87; Rem. Supp. 1943 § 6400-87.]

**47.44.060 Penalty.** Any person, firm or corporation who shall construct or maintain 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 guilty of a misdemeanor and each day of violation shall be a separate and distinct offense. [1961 c 13 § 47.44.060. Prior: 1943 c 265 § 1; 1937 c 53 § 82; Rem. Supp. 1943 § 6400-82.]

**47.44.070 Franchises to use toll facility property.** See RCW 47.56.256.

**47.44.080 Payment for costs of relocating utilities within right-of-way of interstate highways—Legislative finding.** The legislature finds that federal regulations governing the construction, reconstruction, repair, alteration, relocation and improvement of the national system of defense and interstate highways, funded in large part by funds of the United States, require substantial removal and relocation of the facilities of local utilities. The removal and relocation of these facilities in Washington, necessary to serve the national need for safe interstate highways, cost millions of dollars. The congress, accepting a national interstate highway system as a national commitment to be paid for nationally, has provided federal funds to pay the great bulk of the costs—including the costs of removing and relocating utility facilities where payment of such costs is permitted by state law. Thus the cost of utility facility removal and

relocation was intended to be part of the national highway commitment, rather than a burden to the utility rate payers of this state.

The legislature further finds that it is in the public interest and for a public purpose that utilities owning such facilities be paid or reimbursed for the relocation and removal costs so that federal moneys might be obtained and Washington tax and utility rate payers pay no more than their fair share for the national highway program. Receipt of federal funds will benefit utility rate payers who make up the public and will not confer a significant benefit on utility owners. [1971 ex.s. c 262 § 1.]

**47.44.090 Payment for costs of relocating utilities within right-of-way of interstate highways—Federal-aid utility relocation fund.** There is hereby established in the state treasury a special fund, to be known as the federal-aid utility relocation fund and to be administered by the state highway commission in accordance with the provisions of RCW 47.44.080 through 47.44.140. The special fund is and shall be administered as a separate and special fund of a proprietary nature. There shall be appropriate accounts and subaccounts within the fund, as required by sound accounting practices, including but not limited to individual accounts for each of the several utilities making payments to the fund as hereinafter provided. The special fund shall not be a part of the general fund of the state nor of the state motor vehicle fund, and in no event shall any of the general fund or the motor vehicle fund be used in connection with RCW 47.44.080 through 47.44.140. [1971 ex.s. c 262 § 2.]

**47.44.100 Payment for costs of relocating utilities within right-of-way of interstate highways—Contributions and advances to fund.** Contributions and advances may be made to the federal-aid utility relocation fund by publicly, privately or cooperatively owned utilities, and shall be credited to individual accounts for those utilities. The contributions and advances shall be accepted on such terms and conditions as are appropriate for the purposes of carrying out RCW 47.44.080 through 47.44.140. All moneys received by the fund shall upon receipt become funds of the state, subject, however, to the provisions of RCW 47.44.080 through 47.44.140. [1971 ex.s. c 262 § 3.]

**47.44.110 Payment for costs of relocating utilities within right-of-way of interstate highways—Use of fund moneys, limitations.** Moneys in the federal-aid utility relocation fund shall be used as follows:

(1) To pay the cost of administering the provisions of RCW 47.44.080 through 47.44.140, which cost shall be equitably apportioned among and paid from the individual accounts of the participating utilities;

(2) To pay the costs of relocation and removal of utility facilities required by the construction, reconstruction, repair, alteration, relocation and improvement of interstate highways, notwithstanding any contrary provision of law or of any existing or future franchise held by any

publicly, privately or cooperatively owned utility, but subject to the following limitations:

(a) No payment shall be made except in connection with the removal and relocation of facilities pursuant to highway commission order and except upon the presentation of evidence satisfactory to the state highway commission substantiating utility expenditures for removal or relocation; and

(b) No payment shall be made from the individual account of any utility which exceeds the total moneys in such individual account. [1971 ex.s. c 262 § 4.]

**47.44.120 Payment for costs of relocating utilities within right-of-way of interstate highways—Application for reimbursement under Federal-aid Highway Act of 1958.** Promptly after the highway commission has paid or reimbursed a utility, in accordance with the provisions of RCW 47.44.080 through 47.44.140, for costs of the removal or relocation of its facilities located on the federal interstate highway system, the highway commission shall apply to the United States for reimbursement of such removal and relocation costs under the provisions of section 123, Federal-aid Highway Act of 1958. Any funds received as a result of such application shall be deposited in the federal-aid utility relocation fund, and credited to the accounts of individual utilities in such amounts as the funds received represent and are attributable to federal reimbursement for state payments from those individual accounts as provided in RCW 47.44.080 through 47.44.140. [1971 ex.s. c 262 § 5.]

**47.44.130 Payment for costs of relocating utilities within right-of-way of interstate highways—Transmission of account moneys to utilities—Disposition of fund moneys if federal program discontinued.** All moneys in individual accounts shall be transmitted to the particular utilities within thirty days of their receipt by the highway commission. In the event of the discontinuance of the federal-aid highway program, any moneys remaining in the federal-aid utility relocation fund, after all proper payments have been made therefrom, shall be paid to the state general fund. [1971 ex.s. c 262 § 6.]

**47.44.140 Payment for costs of relocating utilities within right-of-way of interstate highways—Severability, 1971 ex.s. c 262—Repayment of contributions in event of invalidity.** The legislature intends that the provisions of this act shall be nonseverable. If any provision of this act, or part thereof, or its application to any person or circumstance is held invalid, the entire act shall be inoperative. In the event this act should be declared unconstitutional, all contributions and advances to the federal-aid utility relocation fund shall be repaid to the utilities in proportion to their contributions and advances. [1971 ex.s. c 262 § 7.]

#### Chapter 47.48

#### CLOSING HIGHWAYS AND RESTRICTING TRAFFIC

##### Sections

47.48.010 Closure authorized—Restricting use of portion of highway to urban public transportation system use.

47.48.020 Notice of closure—Emergency closure.  
47.48.040 Penalty.

*Closure of Camas slough: RCW 88.28.055.*

**47.48.010 Closure authorized—Restricting use of portion of highway to urban public transportation system use.** Whenever the condition of any state highway, county road or city street, either newly or previously constructed, altered, repaired or improved, or any part thereof is such that for any reason its use or continued use by vehicles or by any class of vehicles will greatly damage such state highway, county road or city street or will be dangerous to traffic thereon or the same is being constructed, altered, repaired, improved or maintained in such a manner as to require that such state highway, county road or city street or any portion thereof be closed to travel by all vehicles or by any class of vehicles for any period of time, the highway commission if it be a state highway, the county commissioners if it be a county road, or the governing body of any city or town if it be a city street, is authorized to close such state highway, county road or city street, as the case may be, to travel by all vehicles or by any class of vehicles for such a definite period as they shall determine: *Provided*, That nothing in the law of this state shall prevent the highway commission, county commissioners, or governing body of any city or town from classifying vehicles according to gross weight, axle weight, height, width, length, braking area, performance, or tire equipment for the purposes of this section, or from restricting the use of any portion of any public highway within the jurisdiction and control of any such commission or governing body to its use by an urban public transportation system. [1967 c 108 § 9; 1961 c 13 § 47.48.010. Prior: 1937 c 53 § 65; RRS § 6400-65; prior: 1929 c 214 § 1; 1927 c 232 § 1; 1921 c 21 § 1; RRS § 6839.]

*Urban public transportation system defined: RCW 47.04.082.*

**47.48.020 Notice of closure—Emergency closure.** Before any state highway, county road or city street is closed to all vehicles or any class of vehicles, a notice of the date on and after which the state highway, county road or city street or any part thereof shall be closed and the definite period of such closing and whether it shall be closed to all vehicles or to vehicles of a particular class or classes shall be published in one issue of a newspaper of general circulation in the county or city or town in which such state highway, county road or city street or any portion thereof to be closed is located; and a like notice shall be posted on or prior to the date of publication of such notice in a conspicuous place at each end of the state highway, county road or city street or portion thereof to be closed: *Provided*, That no such state highway, county road or city street or portion thereof shall be closed sooner than three days after the publication and the posting of the notice herein provided for: *Provided, however*, That in cases of emergency the proper officers may, without publication or delay, close state highways, county roads and city streets temporarily by posting notices at each end of the closed portion thereof and at all intersecting state highways if the closing be of a portion of a state highway, at all intersecting

state highways and county roads if the closing be a portion of a county road, and at all intersecting city streets if the closing be of a city street. In all emergency cases, as herein provided, the orders of the proper authorities shall be immediately effective. [1961 c 13 § 47.48.020. Prior: 1937 c 53 § 66, part; RRS § 6400-66 part; prior: 1921 c 21 § 2, part; RRS § 6840, part. Formerly RCW 47.48.020 and 47.48.030.]

**47.48.040 Penalty.** When any state highway, county road or city street or portion thereof shall have been closed, as by law provided, any person, firm or corporation disregarding such closing and using such state highway, county road or city street or portion thereof with any vehicle or any class of vehicle, as the case may be, to which said state highway, county road or city street or portion thereof is closed by any notice or emergency notice, shall be guilty of a misdemeanor, and shall in addition to any penalty for violation of the provisions of this section, be liable in any civil action instituted in the name of the state of Washington or the county or city or town having jurisdiction for any damages occasioned to such state highway, county road, or city street, as the case may be, as the result of disregarding such closing and using such state highway, county road, or city street, or portion thereof with any vehicle or any class of vehicle to which the same is closed. [1961 c 13 § 47.48.040. Prior: 1937 c 53 § 67; RRS § 6400-67; prior: 1921 c 21 § 3; RRS § 6841.]

## Chapter 47.52 LIMITED ACCESS FACILITIES

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- 47.52.195 Review and appeal on petition of abutter.
- 47.52.200 Enforcement of laws on facility within city or town—Jurisdiction.

*Description, plans of highways, filing: RCW 47.28.025–47.28.026.*

*Port districts, toll facilities: Chapter 53.34 RCW.*

*Speed limits on limited access facilities: RCW 46.61.430.*

**47.52.001 Declaration of policy.** Unrestricted access to and from public highways has resulted in congestion and peril for the traveler. It has caused undue slowing of all traffic in many areas. The investment of the public in highway facilities has been impaired and highway facilities costing vast sums of money will have to be relocated and reconstructed. It is the declared policy of this state to limit access to the highway facilities of this state in the interest of highway safety and for the preservation of the investment of the public in such facilities. [1961 c 13 § 47.52.001. Prior: 1951 c 167 § 1.]

**47.52.010 "Limited access facility" defined.** For the purposes of this chapter, a "limited access facility" is defined as a highway or street especially designed or designated for through traffic, and over, from, or to which owners or occupants of abutting land, or other persons, have no right or easement, or only a limited right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility, or for any other reason to accomplish the purpose of a limited access facility. Such highways or streets may be parkways, from which vehicles forming part of an urban public transportation system, trucks, buses, or other commercial vehicles may be excluded; or they may be freeways open to use by all customary forms of street and highway traffic, including vehicles forming a part of an urban public transportation system. [1967 c 108 § 10; 1961 c 13 § 47.52.010. Prior: 1951 c 167 § 2; 1947 c 202 § 1; Rem. Supp. 1947 § 6402–60.]

*Urban public transportation system defined: RCW 47.04.082.*

**47.52.011 "Existing highway" defined.** For the purposes of this chapter, the term "existing highway" shall include all highways, roads and streets duly established, constructed, and in use. It shall not include new highways, roads or streets, or relocated highways, roads or streets, or portions of existing highways, roads or streets which are relocated. [1961 c 13 § 47.52.011. Prior: 1951 c 167 § 3.]

**47.52.020 Powers of highway authorities—State facility, county road crossings.** The highway authorities of the state, counties, and incorporated cities and towns, acting alone or in cooperation with each other, or with any federal, state, or local agency, or any other state having authority to participate in the construction and maintenance of highways, may plan, designate, establish, regulate, vacate, alter, improve, construct, maintain, and provide limited access facilities for public use wherever such authority or authorities are of the opinion that traffic conditions, present or future, will justify such special facilities: *Provided*, That upon county roads within counties, such state or county authorities shall be subject to the consent of the board of county commissioners, except that where a state limited access facility crosses a county road the state highway commission may, without the consent of the board of county commissioners, close off such county road so that it will not intersect such limited access facility.

The state highway commission may, in constructing or relocating any state highway, cross any county road at grade without obtaining the consent of the board of county commissioners, and in so doing may revise the alignment of such county road to the extent that the state highway commission finds necessary for reasons of traffic safety or practical engineering considerations. [1961 c 13 § 47.52.020. Prior: 1957 c 235 § 2; prior: 1953 c 30 § 1; 1951 c 167 § 4; 1947 c 202 § 2, part; Rem. Supp. 1947 § 6402–61, part.]

**47.52.025 Additional powers—May control use of limited access facilities—Reservation of facility, lanes or ramps for public transportation vehicles, etc.** Highway authorities of the state, counties, and incorporated cities and towns, in addition to the specific powers granted in this chapter, shall also have, and may exercise, relative to limited access facilities, any and all additional authority, now or hereafter vested in them relative to highways or streets within their respective jurisdictions, and may regulate, restrict, or prohibit the use of such limited access facilities by various classes of vehicles or traffic. Such highway authorities may reserve any limited access facility or portions thereof, including designated lanes or ramps for the exclusive or preferential use of public transportation vehicles, privately owned buses, or private motor vehicles carrying not less than a specified number of passengers when such limitation will increase the efficient utilization of the highway facility or will aid in the conservation of energy resources. Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all time or at specified times of day or on specified days. [1974 ex.s. c 133 § 1; 1961 c 13 § 47.52.025. Prior: 1957 c 235 § 3; prior: 1951 c 167 § 5; 1947 c 202 § 2, part; Rem. Supp. 1947 § 6402–61, part.]

**47.52.026 Regulations—Control of vehicles entering limited access highways—Closure, metering or restrictions as to highway ramps—Notice.** (1) The state highway commission may adopt regulations for the control of vehicles entering any state limited access highway as it deems necessary (a) for the efficient or

safe flow of traffic traveling upon any part of the highway or connections therewith or (b) to avoid exceeding federal, state, or regional air pollution standards either along the highway corridor or within an urban area served by the highway.

(2) Regulations adopted by the highway commission pursuant to subsection (1) of this section may provide for the closure of highway ramps or the metering of vehicles entering highway ramps or the restriction of certain classes of vehicles entering highway ramps (including vehicles with less than a specified number of passengers), and any such restrictions may vary at different times as necessary to achieve the purposes mentioned in subsection (1) of this section.

(3) Restrictions of vehicles authorized by regulations adopted pursuant to this section shall be effective when proper notice thereof is given by any police officer or by appropriate signals, signs, or other traffic control devices. [1974 ex.s. c 133 § 3.]

**47.52.027 Standards and rules relating to national interstate and defense highways—Construction, maintenance, access.** The state highway commission may adopt design standards, rules and regulations relating to construction, maintenance and control of access of the national system of interstate and defense highways within this state as it deems advisable to properly control access thereto, to preserve the traffic-carrying capacity of such highways, and to provide the maximum degree of safety to users thereof. In adopting such standards, rules and regulations the commission shall take into account the policies, rules and regulations of the secretary of commerce and the bureau of public roads relating to the construction, maintenance and operation of the system of interstate and defense highways. The standards, rules and regulations so adopted by the commission shall constitute the public policy of this state and shall have the force and effect of law. [1961 c 13 § 47.52.027. Prior: 1959 c 319 § 35. Formerly RCW 47.28.160.]

*Nonmotorized traffic may be prohibited: RCW 46.61.160.*

**47.52.040 Design of facility—Ingress and egress restricted—Closure of intersecting roads.** The highway authorities of the state, counties and incorporated cities and towns may so design any limited access facility and so regulate, restrict, or prohibit access as to best serve the traffic for which such facility is intended; and the determination of design by such authority shall be conclusive and final. In this connection such highway authorities may divide and separate any limited access facility into separate roadways by the construction of raised curbs, central dividing sections, or other physical separations, or by designating such separate roadways by signs, markers, stripes, and the proper lane for such traffic by appropriate signs, markers, stripes and other devices. No person shall have any right of ingress or egress to, from, or across limited access facilities to or from abutting lands, except at designated points at which access may be permitted by the highway authorities upon such terms and conditions as may be specified from time to time: *Provided*, That any intersecting

streets, roads or highways, not made a part of such facility, shall be deemed closed at the right of way line by the designation and construction of said facility and without the consent of any other party or the necessity of any other legal proceeding for such closing, notwithstanding any laws to the contrary. [1961 c 13 § 47.52.040. Prior: 1955 c 75 § 1; 1947 c 202 § 3; Rem. Supp. 1947 § 6402-62.]

**47.52.041 Closure of intersecting roads—Rights of abutters.** No person, firm or corporation, private or municipal, shall have any claim against the state, city or county by reason of the closing of such streets, roads or highways as long as access still exists or is provided to such property abutting upon the closed streets, roads or highways. Circuity of travel shall not be a compensable item of damage. [1961 c 13 § 47.52.041. Prior: 1955 c 75 § 2.]

**47.52.042 Closure of intersecting roads—Other provisions of chapter not affected.** RCW 47.52.040 and 47.52.041 shall not be construed to affect provisions for establishment, notice, hearing and court review of any decision establishing a limited access facility on an existing highway pursuant to chapter 47.52 RCW. [1961 c 13 § 47.52.042. Prior: 1955 c 75 § 3.]

**47.52.050 Acquisition of property for facility.** (1) For the purpose of this chapter the highway authorities of the state, counties and incorporated cities and towns, respectively, or in cooperation one with the other, may acquire private or public property and property rights for limited access facilities and service roads, including rights of access, air, view and light, by gift, devise, purchase, or condemnation, in the same manner as such authorities are now or hereafter may be authorized by law to acquire property or property rights in connection with highways and streets within their respective jurisdictions. Except as otherwise provided in subsection (2) of this section all property rights acquired under the provisions of this chapter shall be in fee simple. In the acquisition of property or property rights for any limited access facility or portion thereof, or for any service road in connection therewith, the state, county, incorporated city and town authority may, in its discretion, acquire an entire lot, block or tract of land, if by so doing the interest of the public will be best served, even though said entire lot, block or tract is not immediately needed for the limited access facility.

(2) The highway authorities of the state, counties, and incorporated cities and towns may acquire by gift, devise, purchase, or condemnation a three dimensional air space corridor in fee simple over or below the surface of the ground, together with such other property in fee simple and other property rights as are needed for the construction and operation of a limited access highway facility, but only if the acquiring authority finds that the proposal will not:

(a) impair traffic safety on the highway or interfere with the free flow of traffic; or

(b) permit occupancy or use of the air space above or below the highway which is hazardous to the operation



of the highway. [1971 ex.s. c 39 § 1; 1961 c 13 § 47.52-.050. Prior: 1947 c 202 § 4; Rem. Supp. 1947 § 6402-63.]

*Award of costs in air space corridor acquisitions: RCW 8.25.073.*

**47.52.060 Court process to be expedited.** Court proceedings necessary to acquire property or property rights for purposes of this chapter shall take precedence over all other causes not involving the public interest in all courts to the end that the provision for limited access facilities may be expedited. [1961 c 13 § 47.52.060. Prior: 1947 c 202 § 5; Rem. Supp. 1947 § 6402-64.]

**47.52.070 Establishment of facility—Grade separation—Service roads.** The designation or establishment of a limited access facility shall, by the authority making the designation or establishment, be entered upon the records or minutes of such authority in the customary manner for the keeping of such records or minutes. The state, counties and incorporated cities and towns may provide for the elimination of intersections at grade of limited access facilities with existing state or county roads, and with city or town streets, by grade separation or service road, or by closing off such roads and streets at the right of way boundary line of such limited access facility; and after the establishment of any such facility, no highway or street which is not part of said facility, shall intersect the same at grade. No city or town street, county road, or state highway, or any other public or private way, shall be opened into or connect with any such limited access facility without the consent and previous approval of the highway authority of the state, county, incorporated city or town having jurisdiction over such limited access facility. Such consent and approval shall be given only if the public interest shall be served thereby. [1961 c 13 § 47.52.070. Prior: 1951 c 167 § 10; 1947 c 202 § 6; Rem. Supp. 1947 § 6402-65.]

**47.52.080 Abutter's right of access protected—Compensation.** No existing public highway, road or street shall be constructed as a limited access facility except upon the waiver, purchase, or condemnation of the abutting owner's right of access thereto as herein provided. In cases involving existing highways, if the abutting property is used for business at the time the notice is given as provided in \*RCW 47.52.072, the owner of such property shall be entitled to compensation for the loss of adequate ingress to or egress from such property as business property in its existing condition at the time of the notice provided in \*RCW 47.52.072 as for the taking or damaging of property for public use. [1961 c 13 § 47.52.080. Prior: 1955 c 54 § 2; 1951 c 167 § 11; 1947 c 202 § 7; Rem. Supp. 1947 § 6402-66.]

\*Reviser's note: "RCW 47.52.072" was repealed by 1965 ex.s. c 75 § 7.

**47.52.090 Cooperative agreements—Provision for urban public transportation systems—Title to facility—Traffic regulations—Underground utilities and overcrossings—Passenger transportation—Storm sewers—City street crossings.** The highway authorities

of the state, counties, incorporated cities and towns, and municipal corporations owning or operating an urban public transportation system are authorized to enter into agreements with each other, or with the federal government, respecting the financing, planning, establishment, improvement, construction, maintenance, use, regulation, or vacation of limited access facilities in their respective jurisdictions to facilitate the purposes of this chapter. Any such agreement may provide for the exclusive or nonexclusive use of a portion of such facility by street cars, trains or other vehicles forming a part of an urban public transportation system and for the erection, construction and maintenance thereon of structures and facilities of such a system including facilities for the receipt and discharge of passengers: *Provided*, That within incorporated cities and towns the title to such limited access facility, after purchase and construction by the state alone, shall vest in the state, and the Washington state highway commission shall exercise full jurisdiction, responsibility and control to, and over, such facilities: *Provided, further*, That:

(1) Cities and towns shall regulate all traffic restrictions on such facilities except as provided in RCW 46.61.430 and all regulations adopted shall be subject to approval of the state highway commission before becoming effective. Nothing herein shall preclude the state patrol, any county, or city or town from enforcing any traffic regulations and restrictions prescribed by state law, county resolution, or municipal ordinance.

(2) The city or town or franchise holder shall at its own expense maintain its underground facilities beneath the surface across the highway and shall have the right to construct such additional facilities underground or beneath the surface of the facility or necessary overcrossings of power lines and other utilities as may be necessary insofar as such facilities do not interfere with the use of the right of way for limited access highway purposes, and the city or town shall have the right to maintain any municipal utility and the right to open the surface of such highway, and the construction, maintenance until permanent repair is made, and permanent repair of such facilities shall be done in a time and manner authorized by permit to be issued by the state highway commission or its authorized representative, except to meet emergency conditions for which no permit will be required, but any damage occasioned thereby shall promptly be repaired by the city or town itself, or at its direction. Where a city or town is required to relocate overhead facilities within the corporate limits of a city or town as a result of the construction of a limited access facility, the cost of such relocation shall be paid by the state.

(3) Cities and towns shall have the right to grant utility franchises crossing the facility underground and beneath its surface insofar as such franchises are not inconsistent with the use of the right of way for limited access facility purposes: *Provided*, That such franchises are not in conflict with state laws: *Provided further*, That the state highway commission shall be authorized to enforce, in an action brought in the name of the state, any condition of any franchise which a city or town shall have granted: *And provided further*, That no franchise

for transportation of passengers in motor vehicles shall be granted on such highways without the approval of the state highway commission, except cities and towns shall not be required to obtain a franchise for the operation of municipal vehicles or vehicles operating under franchises from the city or town operating within the corporate limits of a city or town and within a radius not to exceed eight miles outside of such corporate limits for public transportation on such facilities, but such vehicles may not stop on the limited access portion of such facility to receive or to discharge passengers unless appropriate special lanes or deceleration, stopping and acceleration space is provided for such vehicles.

Every franchise or permit granted any person by a city or town for use of any portion of a limited access facility shall require the grantee or permittee to restore, permanently repair and replace to its original condition any portion of the highway damaged or injured by it. Except to meet emergency conditions, the construction and permanent repair of any limited access facility by the grantee of a franchise shall be in a time and manner authorized by permit to be issued by the state highway commission, or its authorized representative.

(4) The state highway commission shall have the right to utilize all storm sewers which are adequate and available for the additional quantity of run-off proposed to be passed through such storm sewers.

(5) The construction and maintenance of city streets over and under crossings and surface intersections of the limited access facility shall be in accordance with the governing policy entered into between the state highway commission and the association of Washington cities on June 21, 1956, or as such policy may be amended by agreement between the Washington state highway commission and the association of Washington cities. [1967 c 108 § 11; 1961 c 13 § 47.52.090. Prior: 1957 c 235 § 4; 1947 c 202 § 8; Rem. Supp. 1947 § 6402-67.]

*Urban public transportation system defined: RCW 47.04.082.*

**47.52.100 Existing roads and streets as service roads.** In connection with the development of any limited access facility the state, county or incorporated city or town highway authorities are authorized to plan, designate, establish, use, regulate, alter, improve, construct, maintain and vacate local service roads and streets, or to designate as local service roads and streets any existing road or street, and to exercise jurisdiction over service roads in the same manner as is authorized for limited access facilities under the terms of this chapter. If, in their opinion such local service roads and streets are necessary or desirable, such local service roads or streets shall be separated from the limited access facility by such means or devices designated as necessary or desirable by the proper authority. [1961 c 13 § 47.52.100. Prior: 1947 c 202 § 9; Rem. Supp. 1947 § 6402-68.]

**47.52.105 Acquisition and construction to preserve limited access or reduce compensation.** Whenever, in the opinion of the Washington state highway commission, frontage or service roads in connection with limited access facilities, are not feasible either from an engineering or economic standpoint, the highway commission

may acquire private or public property by purchase or condemnation and construct any road, street or highway thereon connecting to or leading into any other road, street or highway, when by so doing, it will preserve a limited access facility or reduce compensation required to be paid to an owner by reason of reduction in or loss of access. The commission shall provide by agreement with a majority of the board of county commissioners or city governing body of the county or city concerned as to location, future maintenance and control of any road, street or highway to be so constructed. Such road, street or highway need not be made a part of said state highway system or connected thereto, but may upon completion by the state be turned over to the county or city, as the case may be, for location, maintenance and control pursuant to the agreement as part of said system of such county roads or city streets. [1967 c 117 § 1; 1961 c 13 § 47.52.105. Prior: 1955 c 63 § 1.]

**47.52.110 Marking of facility with signs.** After the opening of any new and additional limited access highway facility, or after the designation and establishment of any existing street or highway, as included the particular highways and streets or those portions thereof designated and established, shall be physically marked and indicated as follows: By the erection and maintenance of such signs as in the opinion of the respective authorities may be deemed proper, indicating to drivers of vehicles that they are entering a limited access area and that they are leaving a limited access area. [1961 c 13 § 47.52.110. Prior: 1947 c 202 § 10; Rem. Supp. 1947 § 6402-69.]

**47.52.120 Violations specified—Penalty.** After the opening of any limited access highway facility, it shall be unlawful for any person (1) to drive a vehicle over, upon, or across any curb, central dividing section or other separation or dividing line on limited access facilities; (2) to make a left turn or semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation or line; (3) to drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line; (4) to drive any vehicle into the limited access facility from a local service road except through an opening provided for that purpose in the dividing curb, or dividing section or dividing line which separates such service road from the limited access facility proper; (5) to stop or park any vehicle or equipment within the right of way of such facility, including the shoulders thereof, except at points specially provided therefor, and to make only such use of such specially provided stopping or parking points as is permitted by the designation thereof: *Provided*, That this subsection shall not apply to authorized emergency vehicles, law enforcement vehicles, or to vehicles stopped for emergency causes or equipment failures; (6) to travel to or from such facility at any point other than a point designated by the establishing authority as an approach to said facility or to use an approach to such facility for any use in excess of that specified by the establishing authority. Any person who violates any of the provisions

of this section shall be guilty of a misdemeanor and upon arrest and conviction therefor shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the city or county jail for not less than five days nor more than ninety days, or by both fine and imprisonment. Nothing contained herein shall prevent the highway authority from proceeding to enforce the prohibitions or limitations of access to such facilities by injunction or as otherwise provided by law. [1961 c 13 § 47.52.120. Prior: 1959 c 167 § 1; 1947 c 202 § 11; Rem. Supp. 1947 § 6402-70.]

**47.52.121 Prior determinations validated.** Any determinations of an authority establishing a limited access facility subsequent to March 19, 1947, and prior to March 16, 1951, in connection with new highways, roads or streets, or relocated highways, roads or streets, or portions of existing highways, roads or streets which are relocated, and all acquirements of property or access rights in connection therewith are hereby validated, ratified, approved and confirmed, notwithstanding any lack of power (other than constitutional) of such authority, and notwithstanding any defects or irregularities (other than constitutional) in such proceedings. [1961 c 13 § 47.52.121. Prior: 1951 c 167 § 12.]

**47.52.131 Establishment of facility by state—Consideration of data—Report to local authorities—Conferences—Proposed plan.** When the state highway commission is planning a limited access facility through a county or an incorporated city or town, the commission, or its staff, prior to any hearing hereinafter provided, shall give careful consideration to available data as to the county or city's comprehensive plan, land use pattern, present and potential traffic volume of county roads and city streets crossing the proposed facility, origin and destination traffic surveys, existing utilities, the physical appearance the facility will present, and other pertinent surveys, and shall submit to the county and city officials for study a report showing how these factors have been taken into account and how the proposed plan for a limited access facility will serve public convenience and necessity, together with the locations and access and egress plans, and over and under crossings under consideration. Such report shall show the proposed approximate right of way limits and profile of the facility with relation to the existing grade and shall discuss in a general manner plans for landscaping treatment, fencing, and illumination, and shall include sketches of typical roadway sections for the roadway itself and any necessary structures such as viaducts or bridges, subways, or tunnels.

Conferences shall be held on the merits of this state report and plans, and any proposed modification or alternate proposal of the county, city or town in order to attempt to reach an agreement between the state highway commission and the county or city officials. As a result of the conference, the proposed plan, together with any modifications thereof, shall be prepared by the state highway commission and presented to the county or city for inspection and study. [1965 ex.s. c 75 § 1.]

**47.52.133 Establishment of facility—Public hearing—Notices.** The highway authorities of the state, counties, and incorporated cities and towns, prior to the establishment of any limited access facility, shall hold a public hearing within the county, city or town wherein the limited access facility is to be established, to determine the desirability of the plan proposed by such authority. Notice of such hearing shall be given to the owners of property abutting the section of any existing highway, road or street being established as a limited access facility, as indicated in the tax rolls of the county, and in the case of a state limited access facility, to the county and/or city or town. Such notice shall be by United States mail in writing, setting forth a time for the hearing, which time shall be not less than fifteen days after mailing of such notice. Notice of such hearing also shall be given by publication to be not less than fifteen days prior to such hearing in one or more newspapers of general circulation within the county, city or town. Such notice by publication shall be deemed sufficient as to any owner or reputed owner or any unknown owner or owner who cannot be located. Such notice shall indicate a suitable location where plans for such proposal may be inspected. [1965 ex.s. c 75 § 2.]

**47.52.135 Hearing procedure.** At the hearing any representative of the county, city or town, or any other person may appear and be heard even though such official or person is not an abutting property owner. Such hearing shall be conducted in such a manner as to comply with the requirements of section 116(c) of the Federal Aid Highway Act of 1956 or any act supplemental thereto or amendatory thereof. The members of such authority shall preside, or may designate some suitable person to preside as examiner. All testimony or statements given at such hearing shall be taken down by a stenographer under oath, as in superior courts. The authority shall introduce by competent evidence a summary of the proposal for the establishment of a limited access facility and any evidence that supports the adoption of the plan as being in the public interest. At the conclusion of such evidence, any person entitled to notice who has entered a written appearance shall be deemed a party to this hearing for purposes of this chapter and may thereafter introduce, either in person or by counsel, evidence and statements or counterproposals bearing upon the reasonableness of the proposal. Any such evidence and statements or counterproposals shall receive reasonable consideration by the authority before any proposal is adopted. Such evidence must be material to the issue before the authority and shall be presented in an orderly manner. [1965 ex.s. c 75 § 3.]

**47.52.137 Adoption of plan—Service of findings and order—Resume to be published—Finality—Review.** Following the conclusion of such hearing the authority shall adopt a plan with such modifications, if any, it deems proper and necessary. Its findings and order shall be in writing and copies thereof shall be served by United States mail upon all persons having entered a written appearance at such hearing, and in the

case of a state limited access facility, the county commissioners of the county affected and the mayor of the city or town affected. The authority shall also cause a resume of such plan to be published once each week for two weeks in one or more newspapers of general circulation within such county, city or town beginning not less than ten days after the mailing of such findings and order. Such determination by the authority shall become final within thirty days after such mailing unless a review is taken as hereinafter provided. In case of an appeal, the order shall be final as to all parties not appealing. [1965 ex.s. c 75 § 4.]

**47.52.139 Approval by county, city or town upon receipt of findings and order—Disapproval, request for review.** Upon receipt of the findings and order adopting a plan, the county, city or town may notify the state highway commission of its approval of such plan in writing, in which event such plan shall be final.

In the event that a county, city or town does not approve the plan, the county, city or town shall file its disapproval in writing with the state highway commission within thirty days after the mailing thereof to such mayor or county commissioner. Along with the written disapproval shall be filed a written request for a hearing before a board of review, hereinafter referred to as the board. The request for hearing shall set forth the portions of the plan of the state highway commission to which the county, city or town objects, and shall include every issue to be considered by the board. The hearing before a board of review shall be governed by RCW 47.52.150 through 47.52.190. [1965 ex.s. c 75 § 5.]

**47.52.150 State facility through city or town—Board of review, composition and appointment.** Upon request for a hearing before the board by any county, city or town, a board consisting of five members shall be appointed as follows: The mayor or the county commissioners, as the case may be shall appoint two members of the board, of which one shall be a duly elected official of the city, county or legislative district, except that of the legislative body of the county, city or town requesting the hearing, subject to confirmation by the legislative body of the city or town; the state highway commission shall appoint two members of the board who shall not be members of such commission; and one member shall be selected by the four members thus appointed. Such fifth member shall be a licensed civil engineer or a recognized professional city or town planner, who shall be chairman of the board. In the case both the county and an included city or town request a hearing, the board shall consist of nine members appointed as follows: The mayor and the county commission shall each appoint two members from the elective officials of their respective jurisdictions and of the four thus selected no more than two thereof may be members of a legislative body of the county, city or town. The state highway commission shall appoint four members of the board who shall not be members of such commission. One member shall be selected by the members thus selected and such ninth member shall be a licensed civil engineer or a recognized city or town planner who shall be chairman of the board.

Such boards as are provided by this section shall be appointed within thirty days after the next meeting of the state highway commission immediately following the receipt of such a request by the commission. In the event the state highway commission or a county, city or town shall not appoint members of the board or members thus appointed fail to appoint a fifth or ninth member of the board, as the case may be, either the state highway commission or the county, city or town may apply to the superior court of the county in which the county, city or town is situated to appoint the member or members of the board in accordance with the provisions of this chapter. [1963 c 103 § 3; 1961 c 13 § 47.52.150. Prior: 1959 c 242 § 3; 1957 c 235 § 7.]

**47.52.160 State facility through city or town—Hearing—Notice—Evidence—Determination of issues.** The board shall fix a reasonable time not more than thirty days after the date of their appointment and shall indicate the time and place for the hearing, and shall give notice thereof to the county, city or town and to the state highway commission. At the time and place fixed for the hearing, the state and the county, the city or town shall present all of their evidence with respect to the objections set forth in the request for the hearing before the board, and if either the state, the county or the city or town fails to do so, the board may determine the issues upon such evidence as may be presented to it at said hearing. [1963 c 103 § 4; 1961 c 13 § 47.52.160. Prior: 1957 c 235 § 8.]

**47.52.170 State facility through city or town—Hearing—Procedure.** No witness's testimony shall be received unless he shall have been duly sworn, and the board may cause all oral testimony to be stenographically reported. Members of the board, its duly authorized representatives, and all persons duly commissioned by it for the purpose of taking depositions, shall have power to administer oaths; to preserve and enforce order during such hearings; to issue subpoenas for, and to compel the attendance and testimony of witnesses, or the production of books, papers, documents and other evidence, or the taking of depositions before any designated individual competent to administer oaths, and it shall be their duty so to do; to examine witnesses; and to do all things conformable to law which may be necessary to enable them, or any of them, effectively to discharge the duties of their office. [1961 c 13 § 47.52.170. Prior: 1957 c 235 § 9.]

**47.52.180 State facility through city or town—Hearing—Findings of board.** At the conclusion of such hearing, the board shall consider the evidence taken and shall make specific findings with respect to the objections and issues within thirty days after the hearing, which findings shall approve, disapprove or modify the proposed plan of the state highway commission. Such findings shall be final and binding upon both parties. [1961 c 13 § 47.52.180. Prior: 1957 c 235 § 10.]

**47.52.190 State facility through city or town—Hearing—Assistants—Costs—Reporter.** The

board shall employ such assistance and clerical help as is necessary in the performance of its duties. The costs thereby incurred and incident to the conduct of the hearing, necessary expenses and fees, if any, of members of the board shall be borne equally by the county, city or town requesting the hearing and the state highway commission. When oral testimony is stenographically reported, the state highway commission shall provide a reporter at its expense. [1963 c 103 § 5; 1961 c 13 § 47.52.190. Prior: 1957 c 235 § 11.]

**47.52.195 Review and appeal on petition of abutter.** An abutting property owner may petition for review in the superior court of the state of Washington in the county where the limited access facility is to be located. Such review and any appeal therefrom shall be considered and determined by said court upon the record of the authority in the manner, under the conditions and subject to the limitations and with the effect specified in the Administrative Procedure Act, chapter 34.04 RCW, as amended. [1965 ex.s. c 75 § 6.]

**47.52.200 Enforcement of laws on facility within city or town—Jurisdiction.** Whenever any limited access highway facility passes within or through any incorporated city or town the municipal police officers of such city or town, the sheriff of the county wherein such city or town is situated and officers of the Washington state patrol shall have independent and concurrent jurisdiction to enforce any violation of the laws of this state occurring thereon: *Provided*, The Washington state patrol shall bear primary responsibility for the enforcement of laws of this state relating to motor vehicles within such limited access highway facilities. [1961 c 122 § 1.]

**Chapter 47.56**

**STATE TOLL BRIDGES, TUNNELS AND FERRIES**

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- 47.56.667 Bridging lower Columbia river in vicinity of Astoria–Megler—When toll free.
- 47.56.700 Columbia river, Vernita bridge and highway approach from Richland—Authorized.
- 47.56.701 Columbia river, Vernita bridge and highway approach from Richland—Revenue bonds—Tolls and charges.
- 47.56.702 Columbia river, Vernita bridge and highway approach from Richland—Pledge of excise taxes imposed on motor vehicle fuels.
- 47.56.703 Columbia river, Vernita bridge and highway approach from Richland—Continued imposition of such taxes.
- 47.56.704 Columbia river, Vernita bridge and highway approach from Richland—Repayment of motor vehicle fund money—Continuation of tolls.
- 47.56.705 Columbia river, Vernita bridge and highway approach from Richland—Facility to be part of highway system—Operation, collection of tolls.
- 47.56.706 Columbia river, Vernita bridge and highway approach from Richland—Laws applicable—Construction of 1963 statute.
- 47.56.710 Spokane river toll bridge—Contracts with bondholders authorized—Additional bridges.
- 47.56.720 Puget Island–Westport ferry—Payments for operation and maintenance to Wahkiakum county.
- 47.56.725 Ferry systems operated by Pierce, Skagit, and Whatcom counties—Deficit reimbursements.
- 47.56.730 "No Smoking" areas on ferries—Establishment authorized.

*Bridges across navigable waters: RCW 79.01.368–79.01.380.*

*Port districts, toll facilities: Chapter 53.34 RCW.*

*Toll bridge bonds authorized, adjoining counties: RCW 36.76.140.*

*Traffic violations and unlawful acts on toll facility or ferry: RCW 46.61.690.*

*Viaducts, bridges, elevated roadways, tunnels, etc., authority of cities to construct: Chapter 35.85 RCW.*

**47.56.010 Definitions.** "Toll bridge" means a bridge constructed or acquired under this chapter, upon which

tolls are charged, together with all appurtenances, additions, alterations, improvements, and replacements thereof, and the approaches thereto, and all lands and interests therein used therefor, and buildings and improvements thereon;

"Toll road" means any express highway, superhighway or motorway at such locations and between such termini as may hereafter be established by law, and constructed or to be constructed as a limited access highway under the provisions of this chapter by the authority, and shall include, but not be limited to all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, toll houses, service areas, service facilities, communications facilities, and administration, storage and other buildings which the authority may deem necessary for the operation of such project, together with all property, rights, easements and interests which may be acquired by the authority for the construction or the operation of such project, all of which shall be conducted in the same manner and under the same procedure as provided for the establishing, constructing, operating, and maintaining of toll bridges by the authority, insofar as reasonably consistent and applicable. [1961 c 13 § 47.56.010. Prior: 1953 c 220 § 1; 1937 c 173 § 1, part; RRS § 6524-1, part.]

**47.56.020 Authority created—Members.** There is hereby created the Washington toll bridge authority composed of the governor, two members of the state highway commission designated by said commission to serve at its pleasure, and two members appointed by the governor for terms of office as herein provided. The members appointed by the governor shall be known as appointive members. The director of highways shall be an ex officio member of said authority but without a vote. [1961 c 278 § 1; 1961 c 13 § 47.56.020. Prior: 1955 c 285 § 20; 1953 c 220 § 2; 1937 c 173 § 2; RRS § 6524-2.]

**47.56.021 Terms of appointive members of authority—Vacancies.** Within ninety days after March 10, 1961, the governor shall appoint the first appointive members of the authority: One member to serve two years and one member to serve four years from the first day of July 1961. Upon expiration of said original terms subsequent appointments of the appointive members shall be for four years except in the case of vacancy, in which event appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. [1961 c 278 § 2.]

**47.56.023 Compensation and travel expenses for members of authority.** The appointive members and the highway commission members of the Washington toll bridge authority shall receive forty dollars for each day actually spent in performance of his duties, but in no event shall payment to a member exceed three thousand dollars in any one fiscal year; nor shall a highway commission member's total pay for serving on the highway commission and on the authority exceed the maximum payments specified in RCW 47.01.040 as now or hereafter amended in any one year. Each member of the

authority shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended in going to, attending, and returning from meetings of the authority, and in the discharge of such duties as may be requested of him by a majority vote of the authority. [1975-'76 2nd ex.s. c 34 § 141; 1965 ex.s. c 170 § 32; 1961 c 278 § 4.]

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**47.56.025 Authority continued with same powers notwithstanding change in membership.** Notwithstanding the change in membership in the Washington toll bridge authority as provided in \*section 1 of this act, said authority as created by section 2, chapter 173, Laws of 1937, as last amended by section 20, chapter 285, Laws of 1955 shall be deemed to be a continuing agency of this state and shall continue to be vested with all the powers, functions, and duties heretofore vested in the Washington toll bridge authority. [1961 c 278 § 5.]

**\*Reviser's note:** "section 1 of this act" refers to 1961 c 278 § 1 codified as RCW 47.56.020. Such code section formerly codified 1937 c 173 § 2 as last amended by 1955 c 285 § 20, referred to in the above printed section, which prior law provided for authority membership as follows: Governor, state auditor, chairman of the public service commission, chairman of the Washington state highway commission, and the director of general administration.

**47.56.027 Rules, general powers of authority—Executive secretary.** The authority shall establish such rules and regulations as may be deemed wise and lay down policies of procedure and generally supervise and control the operation of the functions vested in it by law and said authority is hereby clothed with all necessary powers to carry out said functions. The authority shall appoint an executive secretary who shall serve at its pleasure and who shall be the chief administrative officer of the authority. [1961 c 278 § 6.]

**47.56.029 Authority's resolutions, motions—Notice of meetings—Quorum.** The authority shall act collectively with recorded resolutions or motions adopted by a majority of the authority at regular or special meetings, notice of which meetings shall be given to all members pursuant to the rules of said authority. Three members shall constitute a quorum at any meeting, but no resolution, motion, or other decision of the authority shall be adopted or passed without a favorable vote of at least three members. [1961 c 278 § 7.]

**47.56.030 Highway commission in charge of toll facilities including state ferries for purposes of design, construction, operation, maintenance, and collection of tolls.** The state highway commission shall have full charge of the construction of all toll bridges and other toll facilities including the Washington state ferries that may be authorized by the Washington toll bridge authority, and the operation and maintenance thereof and the collection of tolls and charges thereon. The commission shall have full charge of design of all toll facilities. The commission shall proceed with the construction of such toll bridges and other facilities and the approaches thereto by contract in the manner of state

highway construction immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as practicable. The highway commission is authorized to negotiate contracts for any amount without bid in order to make repairs to ferries or ferry terminal facilities or removal of such facilities whenever continued use of ferries or ferry terminal facilities constitutes a real or immediate danger to the traveling public or precludes prudent use of such ferries or facilities. [1969 ex.s. c 180 § 3; 1961 c 278 § 8; 1961 c 13 § 47.56.030. Prior: 1937 c 173 § 10; RRS § 6524-10.]

**47.56.032 Authority to perform powers relating to state ferries through highway commission—Acquisition, operation, construction, maintenance, collection of tolls, etc.** All powers vested in the authority relating to the acquiring, operating, extending, designing, constructing, repairing and maintenance of the Washington state ferries or any part thereof and the collecting of tolls and charges for use of its facilities, shall be performed by the authority through the state highway commission: *Provided*, That the authority shall determine all fares, tolls and other charges for its facilities and shall directly perform all duties and exercise all powers relating to financing, refinancing and fiscal management of the system's bonded indebtedness in the manner provided by law. [1961 c 278 § 9.]

**47.56.034 Division of toll facilities in highway commission—Powers and duties.** There shall be in the state highway commission a division of toll facilities. The division of toll facilities shall perform all functions vested by law in the state highway commission relating to the acquisition, operation, design, construction, improvement, maintenance and repair of all toll bridges and other toll facilities, including the Washington state ferries. [1965 ex.s. c 170 § 30; 1961 c 278 § 10.]

**47.56.040 Toll bridges authorized—Investigations.** The Washington toll bridge authority is empowered, in accordance with the provisions of this chapter, to provide for the establishing and constructing of toll bridges upon any public highways of this state together with approaches thereto wherever the same is considered necessary or advantageous and practicable for crossing any stream, body of water, gulch, navigable water, swamp or other topographical formation whether the same is within this state or constitutes a boundary between this state and an adjoining state or country. The necessity or advantage and practicability of any such toll bridge shall be determined by the Washington toll bridge authority and the feasibility of financing any toll bridge in the manner provided by this chapter shall be a primary consideration and determined according to the best judgment of the Washington toll bridge authority. For the purpose of obtaining information for the consideration of the authority upon the construction of any toll bridge or any other matters pertaining thereto it shall be the duty of any cognizant officer or employee of the state upon the request of the authority to make reasonable examination, investigation, survey or reconnaissance for the

determination of material facts pertaining thereto and report the same to the authority. The cost of any such examination, investigation, survey or reconnaissance shall be borne by the department or office conducting the same from the funds provided for such department or office for its usual functions. [1961 c 13 § 47.56.040. Prior: 1937 c 173 § 3; RRS § 6524-3; prior: 1913 c 56 § 2; RRS § 6525.]

**47.56.042 State boundary bridges—Investigations—Agreements with counties or states.** The Washington toll bridge authority is hereby authorized to enter into agreements with any county of this state and/or with an adjoining state or county thereof for the purpose of implementing an investigation of the feasibility of any toll bridge project for the bridging of a river forming a portion of the boundary of this state, and such adjoining state. The authority may use funds from its revolving fund to carry out the purposes of this section. Such agreements may provide that in the event any such project is determined to be feasible and adopted, any advancement of funds by any state or county may be reimbursed out of any proceeds derived from the sale of bonds or out of tolls and revenues to be derived from such project. [1961 c 13 § 47.56.042. Prior: 1955 c 203 § 1.]

**47.56.050 Purchase of bridges and ferries authorized—Provisions applicable.** (1) The Washington toll bridge authority, whenever it is considered necessary or advantageous and practicable, is empowered to provide for the acquisition by purchase of, and to acquire by purchase, (a) any bridge or bridges or ferries which connect with or may be connected with the public highways of this state, and (b) together with approaches thereto.

(2) In connection with the acquisition by purchase of any bridge or bridges or ferries pursuant to the provisions of subsection (1) of this section, the Washington toll bridge authority, the state highway commission, the state treasurer, any city, county or other political subdivision of this state, and all said officers—

(a) are empowered and required to do all acts and things as in this chapter provided for the establishing and constructing of toll bridges and operating, financing and maintaining such bridges insofar as such powers and requirements are applicable to the purchase of any bridge or bridges or ferries and their operation, financing and maintenance; and

(b) in purchasing, operating, financing and maintaining any bridge or bridges or ferries acquired or to be acquired by purchase pursuant to the provisions of this section, shall act in the same manner and under the same procedures as are provided in this chapter for the establishing, constructing, operating, financing and maintaining of toll bridges insofar as such manner and procedure are applicable to the purchase of any bridge or bridges or ferries and their operation, financing and maintenance.

(3) Without limiting the generality of the provisions contained in subsections (1) and (2) hereof, the Washington toll bridge authority is empowered (a) to



cause surveys to be made for the purpose of investigating the propriety of acquiring by purchase any such bridge or bridges or ferries and the right of way necessary or proper for said bridge or bridges or ferries, and other facilities necessary to carry out the provisions of this chapter; (b) to issue, sell and redeem bonds and to deposit and pay out the proceeds of said bonds for the financing thereof; (c) to collect, deposit, and expend toll therefrom; (d) to secure and remit financial and other assistance in the purchase thereof; and (e) to carry insurance thereon.

(4) The provisions of RCW 47.56.220 shall apply when any such bridge or bridges or ferries are acquired by purchase pursuant to this section. [1973 c 106 § 25; 1961 c 13 § 47.56.050. Prior: 1945 c 266 § 1; Rem. Supp. 1945 § 6524-3a.]

**47.56.060 Toll bridges—General powers of the authority and officials—Financial statements.** The Washington toll bridge authority, the officials thereof and all state officials are empowered to do such acts and make such agreements not inconsistent with law as may be necessary or desirable in connection with the duties and powers conferred upon them respectively by law regarding the construction, maintenance, operation and insurance of such toll bridges or the safeguarding of the funds and revenues required for such construction and the payment of the indebtedness incurred therefor. The Washington toll bridge authority and the highway commission shall keep full, complete and separate accounts of each toll bridge and annually shall prepare balance sheet and income and profit and loss statements showing the financial condition of each such toll bridge, which statement shall be open to the inspection of holders of bonds issued by said authority at all reasonable times. [1961 c 13 § 47.56.060. Prior: 1937 c 173 § 17; RRS § 6524-17.]

**47.56.070 Toll facilities authorized—Provisions applicable—Restrictions.** The authority may provide for the establishment, construction, and operation of toll tunnels, toll roads and other facilities necessary for their construction and connection with public highways of the state. It may cause surveys to be made to determine the propriety of their establishment, construction, and operation, and may acquire rights of way and other facilities necessary to carry out the provisions hereof; and may issue, sell, and redeem bonds, and deposit and expend them; secure and remit financial and other assistance in the construction thereof; carry insurance thereon; and handle any other matters pertaining thereto, all of which shall be conducted in the same manner and under the same procedure as provided for the establishing, constructing, operating, and maintaining of toll bridges by the authority, insofar as reasonably consistent and applicable. No toll facility, toll bridge, toll road or toll tunnel, shall be combined with any other toll facility for the purpose of financing unless such facilities form a continuous project, to the end that each such facility or project be self-liquidating and self-sustaining: *Provided*, That no toll road shall be constructed, obligations for the construction thereof entered into, or right of way

acquired without prior approval of the location, plans and specifications by the Washington state highway commission. [1961 c 13 § 47.56.070. Prior: 1953 c 220 § 3; 1937 c 173 § 3 1/2 ; RRS § 6524-3 1/2.]

**47.56.075 Toll roads, facilities—Legislative authorization or local sponsorship required.** The authority shall approve for construction only such toll roads as the legislature shall specifically authorize or such toll facilities as shall be specifically sponsored by a city, town or county. [1961 c 13 § 47.56.075. Prior: 1953 c 220 § 7.]

**47.56.077 Concessions to operate private business on toll road right of way prohibited.** The authority shall not grant concessions for the operation or establishment of any privately owned business upon toll road rights of way. [1961 c 13 § 47.56.077. Prior: 1953 c 220 § 8.]

**47.56.080 Construction of toll bridges and issuance of bonds authorized.** Whenever in the judgment of the highway commission it is considered in the best interest of the public highways of the state that any new toll bridge or bridges be constructed upon any public highway and across any stream, body of water, gulch, navigable water, swamp or other topographical formation and operated by the state the highway commission shall submit its recommendation to that effect to the Washington toll bridge authority together with preliminary estimates of the cost of such construction and an estimate of the amount necessary to be raised for such purpose by the issuance of revenue bonds, and a statement of the probable amount of money, property, materials or labor to be contributed from other sources in aid of any such construction. If the Washington toll bridge authority concurs in the recommendation of the highway commission or on its own motion determines to construct any toll bridge or toll bridges, the Washington toll bridge authority shall adopt a resolution declaring that public interest and necessity require the construction of such toll bridge or bridges and authorizing the issuance of revenue bonds for the purpose of obtaining funds in an amount not in excess of that estimated to be required for such construction. The issuance of bonds as provided in this chapter for the construction of more than one toll bridge may at the discretion of the Washington toll bridge authority be included in the same authority and issue of bonds. [1961 c 13 § 47.56.080. Prior: 1937 c 173 § 6; RRS § 6524-6.]

**47.56.090 Authority to acquire right of way in constructing a toll bridge.** Whenever the Washington toll bridge authority shall authorize and direct the highway commission to construct a toll bridge the highway commission is empowered to secure right of way therefor and for approaches thereto by gift or purchase, or by condemnation in the manner provided by law for the taking of private property for public highway purposes. [1961 c 13 § 47.56.090. Prior: 1937 c 173 § 5; RRS § 6524-5.]

**47.56.100 Toll bridges—Right of way across state land, streets, roads—Compensation.** The right of way is hereby given, dedicated and set apart upon which to locate, construct and maintain bridges or approaches thereto or other highway crossings, and transportation facilities thereof or thereto, through, over or across any of the lands which are now or may be the property of this state, including highways, and through, over or across the streets, alleys, lanes and roads within any city, county, or other political subdivision of the state. If any property belonging to any city, county or other political subdivision of the state is required to be taken for the construction of any such bridge or approach thereto or should any such property be injured or damaged by such construction, such compensation therefor as may be proper or necessary and as shall be agreed upon may be paid by the Washington toll bridge authority to the particular county, city, or other political subdivision of the state owning such property, or condemnation proceedings may be brought for the determination of such compensation. [1961 c 13 § 47.56.100. Prior: 1937 c 173 § 16; RRS § 6524-16.]

**47.56.110 Toll bridges—Resolution of necessity in acquiring right of way—Effect of.** Before the highway commission shall proceed with any action to secure right of way or with construction of any toll bridge under the provisions of this chapter the Washington toll bridge authority shall have first passed a resolution that public interest and necessity require the acquisition of right of way for and the construction of such toll bridge. Such resolution shall be conclusive evidence (1) of the public necessity of such construction; (2) that such property is necessary therefor and, (3) that such proposed construction is planned or located in a manner which will be most compatible with the greatest public good and the least private injury. When it becomes necessary for the highway commission to condemn any real estate to be used in connection with any such bridge, the attorney general of the state shall represent the highway commission. In eminent domain proceedings to acquire property for any of the purposes of this chapter, any toll bridge, real property, personal property, franchises, rights, easements or other property or privileges appurtenant thereto appropriated or dedicated to a public use or purpose by any person, firm, private, public or municipal corporation, county, city, town, district or any political subdivision of the state, may be condemned and taken, and the acquisition and use thereof as herein provided for the same public use or purpose to which such property has been so appropriated or dedicated, or for any other public use or purpose, shall be deemed a superior and permanent right and necessity, and a more necessary use and purpose than the public use or purpose to which such property has already been appropriated or dedicated. It shall not be necessary in any eminent domain proceedings hereunder to plead or prove any acts or proceedings preliminary or prior to the adoption of the resolution hereinbefore referred to describing the property sought to be taken and directing such proceedings. [1961 c 13 § 47.56.110. Prior: 1937 c 173 § 11; RRS § 6524-11.]

**47.56.120 Toll bridges—Construction directed—Costs.** In the event that the Washington toll bridge authority should determine that any toll bridge should be constructed under its authority it shall authorize and direct the highway commission to construct such toll bridge. In the event the highway commission is authorized and directed to construct such toll bridge all cost thereof including right of way, survey and engineering shall be paid out of any funds available for payment of the cost of such toll bridge under this chapter. [1961 c 13 § 47.56.120. Prior: 1937 c 173 § 4; RRS § 6524-4.]

**47.56.130 Toll bridges—Bonds—Cooperative funds from state and federal government.** The Washington toll bridge authority is hereby empowered to issue bonds for the construction of any toll bridge or toll bridges authorized under the provisions of this chapter. Any and all bonds issued for the construction of any toll bridge or toll bridges under the authority of the Washington toll bridge authority, shall be issued in the name of the Washington toll bridge authority and shall constitute obligations only of said Washington toll bridge authority and shall be identified as ----- toll bridge bonds and shall contain a recital on the face thereof that the payment or redemption of said bonds and the payment of the interest thereon is secured by a direct and exclusive charge and lien upon the tolls and other revenues of any nature whatever received from the operation of the particular toll bridge or bridges for the construction of which the bonds are issued and that neither the payment of the principal or any part thereof nor of the interest thereon or any part thereof constitutes a debt, liability or obligation of the state of Washington. The Washington toll bridge authority is empowered to receive and accept funds from the state of Washington or the federal government upon a cooperative or other basis for the construction of any toll bridge authorized under this chapter and is empowered to enter into such agreements with the state of Washington or the federal government as may be required for the securing of such funds. [1961 c 13 § 47.56.130. Prior: 1937 c 173 § 7; RRS § 6524-7.]

**47.56.140 Toll bridges, bonds—Form, contents, manner of sale—Interim bonds.** The revenue bonds may be issued and sold by the authority from time to time and in such amounts as it deems necessary to provide sufficient funds for the construction of the bridge, and to pay interest on outstanding bonds issued for its construction during the period of actual construction and for six months after completion thereof.

The authority shall determine the form, conditions, and denominations of the bonds, and the maturity dates which the bonds to be sold shall bear and the interest rate thereon. All bonds of the same issue need not bear the same interest rate. Principal and interest of the bonds shall be payable at such place as determined by the authority, and may contain provisions for registration as to principal or interest, or both. They shall be in coupon form with interest payable at such times as determined by the authority, and shall mature at such

times and in such amounts as the authority prescribes. The authority may provide for the retirement of the bonds at any time prior to maturity, and in such manner and upon payment of such premiums as it may determine in the resolution providing for the issuance of the bonds. All such bonds shall be signed by the state auditor and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state auditor. The countersignature of the governor on such bonds and the signature of the state auditor on such coupons may be their printed or lithographed facsimile signatures. Successive issues of such bonds within the limits of the original authorization shall have equal preference with respect to the redemption thereof and the payment of interest thereon. The authority may fix different maturity dates, serially or otherwise, for successive issues under any one original authorization. The bonds shall be negotiable instruments under the law merchant. All bonds issued and sold hereunder shall be sold on sealed bids to the highest and best bidder after such advertising for bids as the authority deems proper. The authority may reject any and all bids and may thereafter sell the bonds at private sale under such terms and conditions as it deems most advantageous to its own interests; but not at a price below that of the best bid which was rejected. The authority may contract loans and borrow money through the sale of bonds of the same character as those herein authorized, from the United States or any agency thereof, upon such conditions and terms as may be agreed to and the bonds shall be subject to all the provisions of this chapter, except the requirement that they be first offered at public sale.

Temporary or interim bonds, certificates, or receipts, of any denomination, and with or without coupons attached, signed by the state auditor, may be issued and delivered until bonds are executed and available for delivery. [1970 ex.s. c 56 § 62; 1969 ex.s. c 232 § 33; 1963 ex.s. c 3 § 45; 1961 c 13 § 47.56.140. Prior: 1953 c 79 § 1; 1937 c 173 § 8; RRS § 6524-8.]

**Purpose—Effective date—**1970 ex.s. c 56: See notes following RCW 39.44.030.

**Validation—Saving—Severability—**1969 ex.s. c 232: See notes following RCW 39.44.030.

**47.56.150 Toll bridges—Bond proceeds and toll revenues, disposition of—Construction fund—Disbursement—Investment.** The proceeds from the sale of all bonds authorized under the provisions of this chapter shall be paid to the state treasurer for the credit of the Washington toll bridge authority and be deposited as demand deposits forthwith in such depository or depositories as may be authorized by law to receive deposits of state funds to the credit of a fund to be designated as the construction fund of the particular toll bridge or toll bridges for which such bonds were issued and sold, which fund shall not be a state fund and shall at all times be kept segregated and set apart from all other funds and in trust for the purposes herein set out. Such proceeds shall be paid out or disbursed solely for the construction of such toll bridge or toll bridges, the acquisition of the necessary lands and easements therefor and the payment of interest on such bonds during the

period of actual construction and for a period of six months thereafter, only as the need therefor shall arise and the Washington toll bridge authority may agree with the purchaser of said bonds upon any conditions or limitations restricting the disbursement of such funds that may be deemed advisable, for the purpose of assuring the proper application of such funds. All moneys in such fund and not required to meet current construction costs of the toll bridge or toll bridges for which such bonds were issued and sold, and all funds constituting surplus revenues which are not immediately needed for the particular object or purpose to which they must be applied or are pledged shall be invested in bonds and obligations of the nature eligible for investment of surplus state moneys: *Provided*, That the Washington toll bridge authority may provide in the proceedings authorizing the issuance of said bonds that the investment of such moneys shall be made only in particular bonds and obligations within the classifications eligible for such investment and such provisions shall thereupon be binding upon the said authority and all officials having anything to do with such investment. Any surplus which may exist in said construction fund shall be applied to the retirement of bonds issued for the construction of such toll bridge or toll bridges by purchase or call and in the event such bonds cannot be purchased at a price satisfactory to the Washington toll bridge authority and are not by their terms callable prior to maturity such surplus shall be paid into the fund applicable to the payment of principal and interest of said bonds and shall be used for that purpose. The proceedings authorizing the issuance of bonds may provide limitations and conditions upon the time and manner of applying such surplus to the purchase and call of outstanding bonds and the terms upon which they shall be purchased or called and such limitations and conditions shall be followed and observed in the application and use of such surplus. All bonds so retired by purchase or call shall be immediately canceled. [1961 c 13 § 47.56.150. Prior: 1937 c 173 § 14, part; RRS § 6524-14, part.]

**47.56.160 Toll bridges—Toll revenue fund.** All tolls or other revenues received from the operation of any toll bridge or toll bridges constructed with the proceeds of bonds issued and sold hereunder shall be paid over by the highway commission to the state treasurer who shall deposit the same forthwith as demand deposits in such depository or depositories as may be authorized by law to receive deposits of state funds to the credit of a special trust fund to be designated as the toll revenue fund of the particular toll bridge or toll bridges producing such tolls or revenue, which fund shall be a trust fund and shall at all times be kept segregated and set apart from all other funds. [1961 c 13 § 47.56.160. Prior: 1937 c 173 § 14, part; RRS § 6524-14, part.]

**47.56.170 Toll bridges—Transfer of funds for bond payments—Surplus funds.** From the money so deposited in each separate construction fund as hereinabove provided, the state treasurer shall transfer to the place or places of payment named in said bonds such sums as may be required to pay the interest as it

becomes due on all bonds sold and outstanding for the construction of such particular toll bridge or toll bridges during the period of actual construction and during the period of six months immediately thereafter. The state treasurer shall thereafter transfer from each separate toll revenue fund to the place or places of payment named in said bonds such sums as may be required to pay the interest on said bonds and redeem the principal thereof as such interest payments and bond redemption become due for all bonds issued and sold for the construction of the particular toll bridge or toll bridges producing the tolls or revenues so deposited in said toll revenue fund. All funds so transferred for the payment of principal or interest on bonds issued for any particular toll bridge shall be segregated and applied solely for the payment of said principal or interest. The proceedings authorizing the issuance of bonds may provide for the setting up of a reserve fund or funds out of the tolls and other revenues not needed for the payment of principal and interest, as the same currently matures and for the preservation and continuance of such fund in a manner to be provided therein, and such proceedings may also require the immediate application of all surplus moneys in such toll revenue fund to the retirement of such bonds prior to maturity, by call or purchase, in such manner and upon such terms and the payment of such premiums as may be deemed advisable in the judgment of said Washington toll bridge authority.

The moneys remaining in each separate toll revenue fund after providing the amount required for interest and redemption of bonds as hereinabove provided, shall be held and applied as provided in the proceedings authorizing the issuance of said bonds. In the event the proceedings authorizing the issuance of said bonds do not require surplus revenues to be held or applied in any particular manner, they shall be allocated and used for such other purposes incidental to the construction, operation and maintenance of such toll bridge or bridges as the Washington toll bridge authority may determine. [1961 c 13 § 47.56.170. Prior: 1937 c 173 § 14, part; RRS § 6524-14, part.]

**47.56.180 Toll bridges—Payments made by warrants on vouchers—Interest on deposits.** Warrants for payments to be made on account of such bonds shall be duly drawn by the state treasurer on vouchers approved by the Washington toll bridge authority.

Moneys required to meet the costs of construction and all expenses and costs incidental to the construction of any particular toll bridge or toll bridges or to meet the costs of operating, maintaining and repairing the same, shall be paid from the proper fund therefor by the state treasurer upon voucher submitted by the highway commission approved by the Washington toll bridge authority.

All interest received or earned on money deposited in each and every fund herein provided for shall be credited to and become a part of the particular fund upon which said interest accrues. [1973 c 106 § 26; 1961 c 13 § 47.56.180. Prior: 1937 c 173 § 14, part; RRS § 6524-14, part.]

**47.56.190 Toll bridges—Agreement on deposit of funds.** The Washington toll bridge authority may provide in the proceedings authorizing the issuance of bonds or may otherwise agree with the purchasers of bonds regarding the deposit of all moneys constituting the construction fund and the toll revenue fund and provide for the deposit of such money at such times and with such depositaries or paying agents and upon the furnishing of such security as may meet with the approval of the purchasers of such bonds: *Provided*, That the depositaries and security so provided for or agreed upon shall be qualified and eligible in accordance with the requirements of law. [1961 c 13 § 47.56.190. Prior: 1937 c 173 § 14, part; RRS § 6524-14, part.]

**47.56.200 Toll bridges—Use of bond proceeds and revenue for expenses.** Notwithstanding anything contained in this chapter the proceeds received from the sale of bonds and the tolls or other revenues received from the operation of any toll bridge or toll bridges may be used to defray any expenses incurred by the Washington toll bridge authority in connection with and incidental to the issuance and sale of bonds for the construction of such toll bridge or toll bridges including expenses for the preparation of surveys and estimates and the making of inspections and examinations as may be required by the purchasers of such bonds: *Provided*, That the proceedings authorizing the issuance of such bonds may contain appropriate provisions governing the use and application of said bond proceeds and toll or other revenues for the purposes herein specified. [1961 c 13 § 47.56.200. Prior: 1937 c 173 § 14, part; RRS § 6524-14, part.]

**47.56.210 Toll bridges—Remedies of bond holders.** While any bonds issued by said Washington toll bridge authority remain outstanding, the powers, duties or existence of the said Washington toll bridge authority or of the highway commission or of any other official or agency of the state shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of such bonds. The holder of any bond may by mandamus or other appropriate proceeding require and compel the performance of any of the duties imposed upon any state department, official or employee or imposed upon the authority or its officers, agents and employees in connection with the construction, maintenance, operation and insurance of any bridge and in connection with the collection, deposit, investment, application and disbursement of all tolls and other revenues derived from the operation and use of any bridge and in connection with the deposit, investment and disbursement of the proceeds received from the sale of bonds: *Provided*, That the enumeration of such rights and remedies herein shall not be deemed to exclude the exercise or prosecution of any other rights or remedies by the holders of such bonds. [1961 c 13 § 47.56.210. Prior: 1937 c 173 § 18; RRS § 6524-18.]

**47.56.220 Toll bridges—Limitations on other service—Protection of outstanding bonds.** As long as any of the bonds issued hereunder for the construction of any toll bridge are outstanding and unpaid, there shall not be

erected, constructed or maintained any other bridge or other crossing over, under, through or across the waters over which such toll bridge is located or constructed, connecting or joining directly or indirectly the lands or extensions thereof or abutments thereon on both sides of the waters spanned or crossed by such toll bridge within a distance of ten miles from either side of such toll bridge excepting bridges or other highway crossings actually in existence and being maintained, or for which there was outstanding an existing and lawfully issued franchise, at the time of the location of such toll bridge and prior to the time of the authorization of such revenue bonds, and no ferry or other similar means of crossing the said waters within the said distance and connecting or plying directly or indirectly between the lands or extensions thereof or abutments thereon on both sides of the waters spanned or crossed by such bridge shall be maintained or operated or permitted or allowed: *Provided*, That ferries and other similar means of crossing actually in existence and being maintained and operated, or for which there was outstanding an existing and lawfully issued franchise, at the time of the location of such bridge and prior to the time of the authorization of such revenue bonds, may continue and be permitted to be operated and maintained under such existing rights and franchises, or any lawful renewal or extension thereof. The provisions of this section shall be binding upon the Washington toll bridge authority, the state of Washington and all of its departments, agencies or instrumentalities as well as any and all private, political, municipal and public corporations and subdivisions, including cities, counties, and other political subdivisions and the prohibitions of this section shall restrict and limit the powers of the legislature of the state of Washington in respect to the matters herein mentioned as long as any of such bonds are outstanding and unpaid and shall be deemed to constitute a contract to that effect for the benefit of the holders of all such bonds. [1961 c 13 § 47.56.220. Prior: 1937 c 173 § 13; RRS § 6524-13.]

**47.56.230 Toll bridges—Insurance or indemnity bonds authorized.** When any such toll bridge or bridges authorized hereunder is being built by the highway commission the Washington toll bridge authority may carry or cause to be carried such an amount of insurance or indemnity bond or bonds as protection against loss or damage as the Washington toll bridge authority may deem proper. The Washington toll bridge authority is hereby further empowered to carry such an amount of insurance to cover any accident or destruction in part or in whole to any toll bridge or toll bridges until all bonds sold for the construction of such toll bridge or toll bridges and interest accrued thereon have been fully redeemed and paid. All moneys collected on any indemnity bond or insurance policy as the result of any damage or injury to any such toll bridge or toll bridges shall be used for the purpose of repairing or rebuilding of any such toll bridge or toll bridges as long as there are revenue bonds against any such structure outstanding and unredeemed. The Washington toll bridge authority is also empowered to carry insurance or indemnity bonds

insuring against the loss of tolls or other revenues to be derived from any such toll bridge or bridges by reason of any interruption in the use of such toll bridge or toll bridges from any cause whatever, and the proceeds of such insurance or indemnity bonds shall be paid into the fund into which the tolls and other revenues of the bridge thus insured are required to be paid and shall be applied to the same purposes and in the same manner as other moneys in the said fund. Such insurance or indemnity bonds may be in an amount equal to the probable tolls and other revenues to be received from the operation of such toll bridge or toll bridges during any period of time that may be determined upon by the Washington toll bridge authority and fixed in its discretion, and be paid for out of the toll revenue fund as may be specified in said proceedings. The Washington toll bridge authority may provide in the proceedings authorizing the issuance of bonds for the carrying of insurance as authorized by this chapter, and the purchase and carrying of insurance as authorized by this chapter, and the purchase and carrying of such insurance shall thereupon be obligatory upon the said authority and be paid for out of the toll revenue fund as may be specified in said proceedings. [1961 c 13 § 47.56.230. Prior: 1937 c 173 § 15; RRS § 6524-15.]

**47.56.240 Toll bridges—Fixing of toll rates authorized—Lien of bonds on revenue.** The Washington toll bridge authority is hereby empowered to fix the rates of toll and other charges for all toll bridges built under the terms of this chapter. Toll charges so fixed may be changed from time to time as conditions may warrant. The said authority in establishing toll charges shall give due consideration to the cost of operating and maintaining such toll bridge or toll bridges including the cost of insurance and to the amount required annually to meet the redemption of bonds and interest payments thereon. The tolls and charges shall be at all times fixed at rates to yield annual revenue equal to annual operating and maintenance expenses including insurance costs and all redemption payments and interest charges of the bonds issued for any particular toll bridge or toll bridges as the same become due and the bond redemption and interest payments shall constitute a first direct and exclusive charge and lien on all such tolls and other revenues and interest thereon and sinking funds created therefrom received from the use and operation of said toll bridge or toll bridges and such tolls and revenues together with the interest earned thereon shall constitute a trust fund for the security and payment of such bonds and shall not be used or pledged for any other purpose as long as such bonds or any of them are outstanding and unpaid. [1961 c 13 § 47.56.240. Prior: 1937 c 173 § 9; RRS § 6524-9.]

**47.56.242 Liquidation and closure of facility accounts upon removal of tolls—Transfer to motor vehicle fund.** The state highway commission is hereby authorized to liquidate and close toll facility trust and other facility accounts established without the state treasury pursuant to the provisions of chapter 47.56 RCW after the removal of tolls from the facility for

which the accounts were established. Any balance remaining in such accounts shall thereupon be transferred to the motor vehicle fund. In addition, the state highway commission may, after the removal of tolls from a particular facility or facilities, require that all moneys transferred to the place of payment named in the revenue bonds, for the purpose of paying principal or interest or for redemption of said bonds, not then expended for such purpose, be returned to the state treasurer for deposit in the motor vehicle fund. [1967 ex.s. c 145 § 48.]

**47.56.243 Liquidation and closure of facility accounts upon removal of tolls—Satisfaction of valid claims.** After transfer of such moneys pursuant to RCW 47.56.242, all valid claims against such accounts, including proper claims for refunds for unused commute media and other prepaid toll fees, may be satisfied, and any outstanding bonds or coupons may be redeemed by payment from the motor vehicle fund upon proper application to and approval by the highway commission.

Neither the provisions of this section nor of RCW 47.56.242 shall be construed to preclude any remedy otherwise available to bond or coupon holders. [1967 ex.s. c 145 § 49.]

**47.56.245 Toll charges retained until costs paid.** The authority shall retain toll charges on all existing and future facilities until all costs of investigation, financing, acquisition of property, and construction advanced from the motor vehicle fund, and obligations incurred under RCW 47.56.250 and chapter 16, Laws of 1945 have been fully paid. With respect to every facility completed after March 19, 1953, costs of maintenance, management and operation shall be paid periodically out of the revenues of the facility in which such costs were incurred. [1965 ex.s. c 170 § 53; 1961 c 13 § 47.56.245. Prior: 1953 c 220 § 6.]

**47.56.247 Credit permits for vehicular passage.** The toll bridge authority may issue permits for the passage of vehicles on any or all of its toll bridges, toll tunnels, toll roads or for the Washington state ferry system on a credit basis upon such terms and conditions as the authority shall deem proper. [1961 c 258 § 1.]

**Severability—1961 c 258:** "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." [1961 c 258 § 3.] This applies to RCW 47.56.247 and 47.56.248.

**47.56.248 Credit permits for vehicular passage—Cash deposit or bond may be required—Revocation of permit.** The authority may require the holder of such a permit to furnish to and maintain in force with the authority a cash deposit or a corporate surety bond: *Provided*, That the authority may require the holder of such permit to increase the amount of cash bond, or to furnish an additional surety bond, or may reduce the amount of the cash bond or surety bond required, as the amount of charges incurred and regularity of payment warrant, or may revoke any permit granted for failure of

the holder to comply with any of its terms. [1961 c 258 § 2.]

**47.56.250 Contributions by the state or political subdivision—Bonds—Repayment.** Whenever a proposed toll bridge, toll road, toll tunnel or any other toll facility of any sort is to be constructed, any city, county or other political subdivision located in relation to such facility so as to benefit directly or indirectly thereby, may, either jointly or separately, at the request of the Washington state highway commission or the authority advance or contribute money, or bonds, rights of way, labor, materials, and other property toward the expense of building the toll facility, and for preliminary surveys and the preparation of plans and estimates of cost therefor and other preliminary expenses. Any such city, county or other political subdivision may, either jointly or separately, at the request of the commission or the authority advance or contribute money or bonds for the purpose of guaranteeing the payment of interest or principal on the bonds issued by the authority to finance the toll facility. Appropriations for such purposes may be made from any funds available, including county road funds received from or credited by the state, or funds obtained by excess tax levies made pursuant to law or the issuance of general obligation bonds for this purpose. General obligation bonds issued by a city, county, or political subdivision may with the consent of the state highway commission or the authority be placed with the Washington toll bridge authority to be sold by the authority to provide funds for such purpose. Money, or bonds or property so advanced or contributed may be immediately transferred or delivered to the authority to be used for the purpose for which contribution was made. The authority may enter into an agreement with a city, county, or other political subdivision to repay any money, or bonds or the value of a right of way, labor, materials, or other property so advanced or contributed. The authority may make such repayment to a city, county or other political subdivision and reimburse the state for any expenditures made by it in connection with the toll facility out of tolls and other revenues for the use of the toll facility. [1961 c 13 § 47.56.250. Prior: 1959 c 162 § 1; 1955 c 166 § 1; 1937 c 173 § 12; RRS § 6524-12.]

**47.56.252 Sale of unneeded property to governmental entities—Certification to governor—Execution, delivery of deed.** If the toll bridge authority deems that any land, including improvements thereon, is no longer required for toll bridge, toll tunnel, toll road or Washington state ferry system purposes and that it is in the public interest, the authority may negotiate for the sale of such land to the state or to any city, county, port district, or other political subdivision or municipal corporation of the state. The authority shall certify the agreement for the sale to the governor, with a description of the land and the terms of the sale and the governor may execute and the secretary of state shall attest the deed and deliver it to the grantee. [1961 c 257 § 1.]

**Severability**—1961 c 257: "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." [1961 c 257 § 7.] This applies to RCW 47.56.252 through 47.56.257.

**47.56.253 Permits, leases, licenses to governmental entities to use property of toll facility or ferry system.** If the authority deems it in the public interest and not inconsistent with the use and operation of the toll facility involved, the authority may on application therefor issue a permit, lease or license to the state, or to any city, county, port district, or other political subdivision or municipal corporation of the state to use any portion of the property of any toll bridge, toll road, toll tunnel, or Washington state ferry system upon such terms and conditions as the authority may prescribe. [1961 c 257 § 2.]

**47.56.254 Sale of unneeded property—Authorized—Rules.** If the authority determines that any real property (including lands, improvements thereon, and any interests or estates) held by the authority is no longer required for purposes of the authority, the authority shall offer it for sale as authorized by RCW 47.56.252 or in the manner and with the authority authorized to the state highway commission by RCW 47.12.280. The authority may adopt rules further implementing this section as granted to the highway commission by RCW 47.12.280. [1973 1st ex.s. c 177 § 3; 1961 c 257 § 3.]

**47.56.255 Sale of unneeded property—Certification to governor—Execution, delivery of deed.** When full payment for real property agreed to be sold as authorized by RCW 47.56.254 has been received the authority may certify this fact to the governor, with a description of the land and terms of the sale and the governor may execute and the secretary of state shall attest the deed and deliver it to the grantee. [1973 1st ex.s. c 177 § 4; 1961 c 257 § 4.]

**47.56.256 Highway commission may grant franchises for utility, railway, urban public transportation purposes.** If the Washington state highway commission deems it not inconsistent with the use and operation of any facility of the toll bridge authority, the commission may grant franchises to persons, associations, private or municipal corporations, the United States government or any agency thereof, to use any portion of the property of any toll bridge, toll road, toll tunnel or the Washington state ferry system, including approaches thereto, for the construction and maintenance of water pipes, flume, gas pipes, telephone, telegraph and electric light and power lines and conduits, trams or railways, any structures or facilities which are part of an urban public transportation system owned or operated by a municipal corporation, agency or department of the state of Washington other than the state highway commission, and any other such facilities in the manner of granting franchises on state highways. [1967 c 108 § 12; 1961 c 257 § 5.]

*Urban public transportation system defined: RCW 47.04.082.*

**47.56.257 Moneys received under RCW 47.56.252 through 47.56.256 to be deposited in proper trust fund.** Any moneys received pursuant to the provisions of RCW 47.56.252 through 47.56.256 shall be deposited into the separate and proper trust fund with the state treasurer established for the respective toll facility. [1961 c 257 § 6.]

**47.56.260 Ferry service at Tacoma Narrows—Ratification.** All of the acts of the department of highways of the state of Washington, done and performed in connection with the operation and maintenance of ferry service at the Tacoma Narrows after the collapse of the Tacoma Narrows bridge, are hereby ratified. [1961 c 13 § 47.56.260. Prior: 1941 c 9 § 1; Rem. Supp. 1941 § 6524-3b. FORMER PART OF SECTION: 1941 c 9 § 2 now codified as RCW 47.56.261.]

**47.56.261 Ferry service at Tacoma Narrows—Authorization.** The department of highways is hereby authorized to continue to operate said ferries and pay the revenue derived therefrom to the state treasurer for the credit of the motor vehicle fund. [1961 c 13 § 47.56.261. Prior: 1941 c 9 § 2; Rem. Supp. 1941 § 6524-3c. Formerly RCW 47.56.260, part.]

**47.56.270 Lake Washington and Tacoma Narrows bridges made a part of primary highways.** The Lake Washington bridge and the Tacoma Narrows bridge in chapter 47.16 RCW made a part of the primary state highways of the state of Washington, shall, upon completion, be operated, maintained, kept up and repaired by the highway commission and the Washington toll bridge authority in the manner provided in this chapter, and the cost of such operation, maintenance, upkeep and repair shall be paid from funds appropriated for the use of the highway commission for the construction and maintenance of the primary state highways of the state of Washington. The highway commission is authorized and empowered to enter into agreements with the Washington toll bridge authority, agreeing to construct upon a particular route and between established termini, and fixing a date for the completion thereof, portions of primary state highways or secondary state highways, as the case may be, to and connecting with the Lake Washington bridge and/or the Tacoma Narrows bridge. [1961 c 13 § 47.56.270. Prior: 1939 c 5 § 4; RRS § 6524-3a.]

**47.56.271 Tacoma Narrows bridge to be operated as a toll free facility.** The Tacoma Narrows bridge hereinbefore by the provisions of \*RCW 47.16.140 and 47.56.270 made a part of the primary state highways of the state, shall be operated and maintained by the state highway commission as a toll free facility at such time as the present bonded indebtedness relating thereto is wholly retired and tolls equaling the present indebtedness of the toll bridge authority to the county of Pierce have been collected. It is the express intent of the legislature that the provisions of RCW 47.56.245 (section 47.56.245, chapter 13, Laws of 1961) shall not be applicable to the Tacoma Narrows bridge. [1965 c 50 § 1.]

\*Reviser's note: "RCW 47.16.140" was repealed by 1970 ex. sess. c 51 § 178.

**47.56.273 Fox Island toll bridge—Need for removal of tolls.** Present tolls on the Fox Island toll bridge have retarded the development of Fox Island for residential purposes because of the financial burden upon residents and potential residents resulting from paying these tolls in addition to those imposed upon the Narrows bridge. The removal or readjustment of tolls from the Fox Island toll bridge is required in the interest of the orderly development of Fox Island. The development of Fox Island will provide additional users of the Narrows bridge with a resultant increase of revenue to the state from tolls due to such additional use. [1961 c 13 § 47.56.273. Prior: 1957 c 270 § 1.]

**47.56.274 Fox Island toll bridge—Appropriation—Not available until Pierce county assumes obligations.** There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1959, the sum of one million three hundred fifty thousand dollars or so much thereof as is necessary to make the payment as provided by RCW 47.56.275. Such appropriation shall not be made unless Pierce county shall by resolution of the board of county commissioners agree to be bound by and perform all obligations imposed upon such county by RCW 47.56.273 through 47.56.278. [1961 c 13 § 47.56.274. Prior: 1957 c 270 § 2.]

**47.56.275 Fox Island toll bridge—Retirement of revenue bonds—Deposit of appropriation.** As a condition of the appropriation referred to in RCW 47.56.274, Pierce county shall request the toll bridge authority to retire all Fox Island toll bridge revenue bonds issued in accordance with the resolution of the toll bridge authority adopted February 16, 1953, as amended in part by the resolution of the toll bridge authority adopted March 2, 1953. The toll bridge authority shall then direct the state treasurer to deposit so much of such appropriation in the Fox Island toll bridge revenue bond fund, as established by resolutions of the toll bridge authority heretofore referred to in this section, as is required to retire all outstanding Fox Island toll bridge revenue bonds, including interest and premium on bond retirement. The state treasurer shall then deposit such sum in such bond fund, and the toll bridge authority shall then proceed to redeem all Fox Island toll bridge revenue bonds. [1961 c 13 § 47.56.275. Prior: 1957 c 270 § 3.]

**47.56.276 Fox Island toll bridge—Tacoma Narrows toll bridge county aid fund—Assignment—Disposition.** As a condition of the appropriation referred to in RCW 47.56.274, Pierce county shall by resolution of its board of county commissioners assign to the motor vehicle fund so much of its right, title, and interest in any moneys now or hereafter deposited in the Tacoma Narrows toll bridge county aid fund, established by resolution of Pierce county adopted March 12, 1948, as shall equal the moneys appropriated and paid from the motor vehicle fund in accordance with RCW 47.56.274 and 47.56.275, together with such interest as shall be

earned by that portion of the Tacoma Narrows toll bridge county aid fund assigned to the motor vehicle fund in accordance with the terms of RCW 47.56.274 through 47.56.278.

Such resolution of the board of county commissioners of Pierce county shall provide that moneys released from the Tacoma Narrows toll bridge county aid fund in accordance with resolutions of the toll bridge authority adopted March 25, 1948, February 16, 1953, and March 2, 1953, relating to the Tacoma Narrows toll bridge and Fox Island toll bridge bond issues, shall first be paid to the motor vehicle fund until the full amount assigned to said fund, including interest thereon, shall have been so paid. The balance remaining in the county aid fund shall thereafter be released to Pierce county in accordance with resolutions of toll bridge authority adopted March 25, 1948, February 16, 1953, and March 2, 1953. [1961 c 13 § 47.56.276. Prior: 1957 c 270 § 4.]

**47.56.277 Fox Island toll bridge—Continuation of tolls to repay funds—Revision, readjustment of tolls, traffic classification.** Upon the retirement of all Fox Island toll bridge revenue bonds as provided by RCW 47.56.275, the toll bridge authority shall maintain and collect the tolls on the Fox Island toll bridge at the same rates that were in effect at the time the last of said bonds were retired for as long as will be necessary to provide revenue sufficient to repay to Pierce county the amount advanced out of the Tacoma Narrows toll bridge county aid fund from funds deposited with the state treasurer under the provisions of RCW 47.56.275 to pay the principal and interest of the Fox Island toll bridge revenue bonds: *Provided*, That following retirement of all Fox Island toll bridge revenue bonds, the board of county commissioners of Pierce county may by resolution and with the concurrence of the toll bridge authority revise from time to time the schedule of tolls and readjust classifications of traffic on the Fox Island toll bridge and cancel any part of the indebtedness due Pierce county for such advances made by it to pay principal and interest on the Fox Island toll bridge revenue bonds. [1961 c 13 § 47.56.277. Prior: 1957 c 270 § 5.]

**47.56.278 Fox Island toll bridge—Disposition of various funds—Accounts—Audit—Toll operations and maintenance of bridge.** All residual sums in the Fox Island toll bridge accounts shall be transferred to the Fox Island toll bridge revenue bond fund when the one million three hundred and fifty thousand dollars appropriation, as appropriated in RCW 47.56.274, becomes available from the motor vehicle fund for deposit in the Fox Island toll bridge revenue bond fund, except that the Fox Island toll bridge change fund and the Fox Island toll bridge operating fund shall be maintained as now provided by resolution of the toll bridge authority adopted February 16, 1953 and amended by resolution of the toll bridge authority adopted March 2, 1953. All costs of toll collection shall be paid from the operating fund. The balance of tolls collected each month and not retained in the operating fund shall be paid to Pierce county on or before the fifteenth day of the following month.



Proper books of account shall be maintained by the Washington toll bridge authority and shall be audited yearly by a qualified auditor designated by the state auditor. A copy of each yearly audit shall be provided for Pierce county.

Toll operations of the Fox Island toll bridge shall be under the complete control of the toll bridge authority, subject however to the provisions of RCW 47.56.277. Maintenance of the Fox Island toll bridge shall be the sole obligation of Pierce county. [1961 c 13 § 47.56.278. Prior: 1957 c 270 § 6.]

**47.56.281 Additional Lake Washington bridge (1957 Act)—Approaches—Site.** The Washington toll bridge authority is hereby authorized and directed to make all surveys necessary, design, and construct an additional bridge, including approaches adequate to carry a free flow of traffic thereto, across Lake Washington at a site in the vicinity of Union Bay and Evergreen Point or at such other location across Lake Washington which is deemed feasible by the authority. [1961 c 13 § 47.56.281. Prior: 1957 c 266 § 1; prior: 1953 c 192 § 1.]

**47.56.282 Additional Lake Washington bridge (1957 Act)—Revenue bonds—Toll charges and other support.** The authority is hereby authorized by resolution to issue and sell its revenue bonds in an amount sufficient to provide funds to pay all costs of construction of an additional Lake Washington bridge and approaches and all costs of construction or any alterations to the existing Lake Washington bridge or its approaches as a result of the construction of the additional bridge, including but not limited to all costs of survey, acquisition of rights of way, design, engineering, all expenses of issuance and sale of such bonds, and to pay interest on said bonds during construction and for six months after tolls are first imposed.

Said revenue bonds shall constitute obligations only of the Washington toll bridge authority and shall be payable both principal and interest from the tolls and revenues derived from the operation of said toll facility as hereinbefore constituted and from any other moneys or funds available therefor. Said bonds shall not constitute an indebtedness of the state of Washington and shall contain a recital on the face thereof to that effect, and shall be negotiable instruments under the law merchant. Such bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on all of the tolls and other revenues received from the operation of said toll facility and from any interest which may be earned from the deposit or investment of any such revenues, except for payment of costs of operation, maintenance and necessary repairs of said facility. The tolls and charges to be imposed shall be fixed in such amounts so that when collected they will produce revenues that shall be at least equal to expenses of operating, maintaining and repairing said toll facility, including all insurance costs, amounts for adequate reserves and coverage of annual debt service on said bonds, and all payments necessary to pay the principal thereof and interest

thereon. [1965 ex.s. c 170 § 56; 1961 c 13 § 47.56.282. Prior: 1957 c 266 § 2.]

**47.56.283 Additional Lake Washington bridge (1957 Act)—Imposition of tolls on existing and additional bridges.** The authority shall have the right to impose tolls for pedestrian or vehicular traffic over either the additional Lake Washington bridge or the existing Lake Washington bridge, or both bridges, for the purpose of paying the costs of reconstructing and improving the existing bridge and its approaches, if necessary, and the construction of the new bridge and its approaches, to pay interest on and create a sinking fund for the retirement of revenue bonds issued for the account of such project, and to pay any and all costs and expenses incurred by the authority in connection with and incidental to the issuance and sale of bonds, and for the preparation of surveys and estimates and to establish the required interest reserves for and during the estimated construction period and for six months thereafter. [1961 c 13 § 47.56.283. Prior: 1957 c 266 § 3.]

**47.56.284 Additional Lake Washington bridge (1957 Act)—Bridges designated as continuous project—Other additional bridges authorized.** The existing Lake Washington bridge, the toll bridge authorized herein, and any other bridge hereafter constructed across Lake Washington, are hereby construed and designated as a continuous project within the terms and provisions of RCW 47.56.070; and notwithstanding the provisions of RCW 47.56.220, the authority may authorize additional toll bridges across Lake Washington at such times as traffic may warrant and at such sites as deemed feasible. [1961 c 13 § 47.56.284. Prior: 1957 c 266 § 4.]

**47.56.285 Additional Lake Washington bridge (1957 Act)—Appropriation—Repayment from sale of bonds.** There is appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1959, the sum of two hundred fifty thousand dollars, or so much thereof as may be necessary, for the purpose of location, design, and all other things preliminary to the construction of an additional Lake Washington bridge. Any funds herein appropriated from the motor vehicle fund shall be considered as a loan and repaid by the authority to the motor vehicle fund upon the sale of bonds as provided in RCW 47.56.282. [1961 c 13 § 47.56.285. Prior: 1957 c 266 § 5.]

**47.56.286 Additional Lake Washington bridge (1957 Act)—Interpretation.** The provision of chapter 47.56 RCW, except where inconsistent with RCW 47.56.281 through 47.56.286, shall govern and be controlling in all matters and things necessary to carry out the purposes of RCW 47.56.281 through 47.56.286. Nothing in RCW 47.56.281 through 47.56.286 is intended to amend, alter, modify or repeal any of the provisions of any statute relating to the powers and duties of the Washington toll bridge authority except as such powers and duties are amplified or modified by the specific provisions of RCW 47.56.281 through 47.56.286 for the uses and purposes

herein set forth, and RCW 47.56.281 through 47.56.286 shall be additional to such existing statutes and concurrent therewith. [1961 c 13 § 47.56.286. Prior: 1957 c 266 § 6.]

**47.56.287 Second Lake Washington bridge—Use of motor vehicle fund moneys to pay deficits.** To the extent that revenues from the imposition of tolls and franchise fees for use of the second Lake Washington bridge authorized and constructed under the provisions of RCW 47.56.281 are insufficient to meet costs of maintenance and operation and required payments of principal, interest, and other charges incidental to the issuance, sale, and retirement of the bonds issued pursuant to the provisions of RCW 47.56.282 or on any subsequent refunding bond issues, the Washington state highway commission shall use moneys in the motor vehicle fund to pay such deficits. [1965 ex.s. c 170 § 54.]

**47.56.288 Second Lake Washington bridge—Designation of funds to pay deficits—Pledge of excise tax proceeds.** Any funds required to pay such deficits shall be from the proceeds of state excise taxes on motor vehicle fuels and shall be taken from that portion of the motor vehicle fund which is or may be appropriated for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet such deficits.

The proceeds of such excise taxes are hereby pledged to the payment of any such deficits in the costs of maintenance and operation of the bridge and in the payment of principal and interest which may arise on account of the bonds issued under the provisions of RCW 47.56.282, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, such deficits. [1965 ex.s. c 170 § 55.]

**47.56.290 Additional Lake Washington bridge (1953 Act)—Appropriation—Repayment from bond issue.** There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending March 31, 1955, the sum of two hundred thousand dollars or so much thereof as may be necessary to carry out the provisions of chapter 192, Laws of 1953, which sum shall be considered as a loan from the motor vehicle fund to be repaid to said fund on the sale of bonds issued in connection therewith. [1961 c 13 § 47.56.290. Prior: 1953 c 192 § 2.]

**47.56.291 Additional Lake Washington bridge in vicinity of first bridge—Design and construction authorized.** Notwithstanding the provisions of RCW 47.56.220, the Washington state highway commission is authorized to design and construct an additional bridge across Lake Washington at a site in the vicinity of the first Lake Washington bridge. [1965 ex.s. c 170 § 57.]

**47.56.310 Additional Columbia river bridge authorized—Vancouver to Portland bridges—Cooperation with Oregon.** The Washington toll bridge authority is hereby authorized in conjunction with the Oregon state highway commission, to erect an additional bridge or so much thereof as may be agreed upon with the Oregon state highway commission, including approaches thereto, across the Columbia river adjacent to the existing interstate bridge between Vancouver, Washington, and Portland, Oregon, and to reconstruct and improve the said existing interstate bridge and its approaches or so much thereof as may be agreed upon with the Oregon state highway commission. Such additional bridge, together with the existing interstate bridge, shall be an integral part of U.S. highway No. 99, and to the Oregon boundary shall be a part of primary state highway No. 1. All acts necessary to the design and construction of said new bridge and approaches thereto and the reconstruction and alteration of the existing bridge and approaches may be done and performed by either the Oregon state highway commission or the Washington toll bridge authority with the approval of the other or by both of them jointly. [1961 c 13 § 47.56.310. Prior: 1955 c 152 § 1; 1953 c 132 § 1.]

**47.56.320 Additional Columbia river bridge authorized—Tolls.** The Washington toll bridge authority is authorized to enter into an agreement with the Oregon state highway commission that the new bridge, including approaches, provided for herein shall be merged and consolidated with the existing interstate bridge, including its approaches, located between Vancouver, Washington and Portland, Oregon so that both bridges shall be and become a single toll facility.

The Washington toll bridge authority is hereby authorized to operate and to assume the full control of said toll facility and each portion thereof, whether within or without the borders of the state of Washington, with full power to impose and collect tolls from the users of both bridges constituting said toll facility for the purpose of providing revenue at least sufficient to pay the cost and incidental expenses of construction of the new bridge including approaches thereto in both states, the reconstruction and improvement of the existing interstate bridge including approaches thereto in both states, the cost of maintaining, operating and repairing both of said bridges while the same are operated as said toll facility, and for the payment of the principal of and interest on its revenue bonds authorized by, and for the purposes set forth in, RCW 47.56.310 through 47.56.345. [1961 c 13 § 47.56.320. Prior: 1955 c 152 § 2; 1953 c 132 § 2.]

**47.56.330 Additional Columbia river bridge authorized—Agreements with Oregon authorized.** The Washington toll bridge authority and the Washington state highway commission are hereby authorized to enter into such agreements with the Oregon state highway commission as they shall find necessary or convenient to carry out the purposes of RCW 47.56.310 through 47.56.345.

Any such agreements may include, but shall not be limited to, the following:

(1) A provision that all acts pertaining to the design and construction of said new bridge and the reconstruction and improvement of the existing interstate bridge may be done and performed by the Oregon state highway commission or the Washington toll bridge authority, with the approval of the other, or by both, and that any and all contracts for the construction of the new bridge and the reconstruction and improvement of the existing bridge shall be awarded in the name of the state of Oregon by and through its state highway commission or the state of Washington under direction of the Washington toll bridge authority, or both: *Provided*, That there shall be a further provision that each state shall have full power to design and construct approaches to each bridge within the respective boundaries of said state with reimbursement from the proceeds of the sale of revenue bonds to be issued.

(2) A provision that the state of Oregon, the Oregon state highway commission, and any other duly constituted agency of the state of Oregon, the state of Washington, the Washington toll bridge authority, the Washington state highway commission, and any other duly constituted agency of the state of Washington shall be reimbursed out of the proceeds of the sale of such bonds for any advances they may have made or expenses they may have incurred for any of the purposes for which said revenue bonds may be issued, after duly verified, itemized statements of such advances and expenses have been submitted to and jointly approved by the Oregon state highway commission and Washington toll bridge authority.

(3) A provision that during the period of operation of said bridges and the approaches thereto as a toll facility all maintenance and repair work may be performed by either the Oregon state highway commission or by the Washington toll bridge authority with a provision for reimbursement of the costs of such maintenance and repair from revenue derived from the collection of tolls on said toll facility.

Any such agreements shall include the following provisions:

(1) A provision that the new bridge and approaches provided for herein shall be consolidated and merged with the existing interstate bridge and its approaches located between Vancouver, Washington and Portland, Oregon so that both bridges shall be and become a single toll facility.

(2) A provision that the Washington toll bridge authority shall assume and have complete responsibility for the operation of both bridges and approaches thereto as a single toll facility except as to repair and maintenance, and with full power in the Washington toll bridge authority to impose and collect all toll charges from the users of said bridges and to disburse the revenue derived therefrom for the payment of expenses of maintenance and operation and repair thereof, all costs of constructing said new bridge and reconstructing and improving said existing bridge and all expenses incidental thereto, and the payment of the principal of and the interest on the revenue bonds herein provided for.

(3) A provision that the Washington toll bridge authority shall provide for the issuance, sale and payment of revenue bonds payable solely from the revenue derived from the imposition and collection of tolls upon both bridges as a single toll facility, and that such bonds shall be in such amounts as to provide funds with which to pay the costs of the design and construction of the proposed new bridge, including the approaches thereto in both states and the costs of acquisition of rights of way therefor, the reconstruction and alteration of the existing bridge and approaches thereto, expenses incident to the issuance of such bonds including the payment of interest for the period beginning with the date of issuance thereof and ending at the expiration of six months after tolls are first imposed, and a reasonable amount for working capital and prepaid insurance, with the further provision that any sale of the bonds to be issued shall be approved by the Oregon state highway commission.

(4) A provision that the Washington toll bridge authority, after consultation with the Oregon state highway commission, shall fix the classifications and amounts of tolls to be charged and collected from users of said toll facility with power after consultation with the Oregon state highway commission to revise the same if deemed necessary, and the time or times when such tolls shall first be imposed, with the further provision that such toll charges shall be removed after all costs of construction of the new bridge and approaches thereto and the reconstruction and improvement of the existing bridge and approaches thereto, including all incidental costs, shall have been paid, and all of said revenue bonds, and interest thereon, issued and sold pursuant to the authority of RCW 47.56.310 through 47.56.345 shall have been fully paid and redeemed. [1961 c 13 § 47.56.330. Prior: 1955 c 152 § 4; 1953 c 132 § 3.]

**47.56.340 Additional Columbia river bridge authorized—When toll free.** Both the bridges herein provided for shall be operated as toll-free bridges whenever the costs of construction of the new bridge and approaches thereto and the reconstruction and improvement of the existing bridge and approaches thereto, including all incidental costs shall have been paid, and when all of said revenue bonds and interest thereon issued and sold pursuant to the authority of RCW 47.56.310 through 47.56.345 shall have been fully paid and redeemed. [1961 c 13 § 47.56.340. Prior: 1955 c 152 § 3; 1953 c 132 § 4.]

**47.56.343 Additional Columbia river bridge authorized—Revenue bonds.** The Washington toll bridge authority shall have the power and is hereby authorized by resolution to issue and sell its revenue bonds in an amount sufficient to provide funds to pay all the costs of construction of the new bridge and approaches thereto and the reconstruction and improvement of the existing bridge and approaches thereto, including all costs of survey, acquisition of rights of way, engineering, legal and incidental expenses, to pay the interest due thereon during the period beginning with the date of issue of the bonds and ending at the expiration of six months after the first imposition and collection of tolls from the users

of said toll facility, and to pay amounts that will provide a reasonable sum for working capital and prepaid insurance and all costs incidental to the issuance and sale of the bonds.

Except as may be otherwise specifically provided in RCW 47.56.310 through 47.56.345, the provisions of chapter 47.56 RCW shall govern the issuance and sale of said revenue bonds, the execution thereof, the disbursement of the proceeds of sale thereof, the interest rate or rates thereon, their form, terms, conditions, covenants, negotiability, denominations, maturity date or dates, the creation of special funds or accounts safeguarding and providing for the payment of the principal thereof and interest thereon, and their manner of redemption and retirement.

Said revenue bonds shall constitute obligations only of the Washington toll bridge authority and shall be payable both principal and interest solely from the tolls and revenues derived from the operation of said toll facility as hereinbefore constituted. Said bonds shall not constitute an indebtedness of the state of Washington and shall contain a recital on the face thereof to that effect, and shall be negotiable instruments under the law merchant. Such bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on all of the tolls and other revenues received from the operation of said toll facility and from any interest which may be earned from the deposit or investment of any such revenues, except for payment of costs of operation, maintenance and necessary repairs of said facility. The tolls and charges to be imposed shall be fixed in such amounts so that when collected they will produce revenues that shall be at least equal to expenses of operating, maintaining and repairing said toll facility, including all insurance costs, amounts for adequate reserves and coverage of annual debt service on said bonds, and all payments necessary to pay the principal thereof and interest thereon. [1961 c 13 § 47.56.343. Prior: 1955 c 152 § 5.]

**47.56.345 Additional Columbia river bridge authorized—Construction—Severability.** Except as may be otherwise specifically provided in RCW 47.56.310 through 47.56.345, the provisions of chapter 47.56 RCW shall govern and be controlling in all matters and things necessary to carry out the purposes of RCW 47.56.310 through 47.56.345. Nothing in RCW 47.56.310 through 47.56.345 is intended to amend, alter, modify or repeal any of the provisions of any statute relating to the powers and duties of the Washington toll bridge authority except as such powers and duties are amplified or modified by the specific provisions of RCW 47.56.310 through 47.56.345 for the uses and purposes herein set forth, and RCW 47.56.310 through 47.56.345 shall be additional to such existing statutes and concurrent therewith.

If any sentence, clause or phrase of RCW 47.56.310 through 47.56.345 shall be held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other sentence, clause or phrase of RCW 47.56.310 through 47.56.345.

The provisions of RCW 47.56.310 through 47.56.345 shall be liberally construed so that the uses and purposes hereof may be achieved and accomplished. [1961 c 13 § 47.56.345. Prior: 1955 c 152 § 6.]

**47.56.350 Bridging Puget Sound, Hood Canal—Study, construction, authorized—Bonds.** For the biennium ending March 31, 1955, there is appropriated to the Washington toll bridge authority from the motor vehicle fund the sum of seven hundred thousand dollars or so much thereof as thereafter may be necessary for the following purposes:

(1) Two hundred fifty thousand dollars of the appropriation shall be available for further study, including traffic surveys acceptable to prospective bond purchasers or investment firms, securing necessary permits for the bridging of Puget Sound, including Hood Canal, as more specifically set forth in the printed report of the Washington toll bridge authority to the governor and the legislature dated December 1, 1952, and entitled "Bridging Puget Sound": *Provided*, That any such study shall be directed to the bridging of Puget Sound and as well the bridging of Hood Canal or to the bridging of both and shall not be applied to either of the said subjects to the exclusion of the other: *Provided further*, That four hundred fifty thousand dollars from the appropriation, or such additional funds which have not been expended, shall lapse and revert to the motor vehicle fund in the event that the authority determines that neither of the projects is feasible.

(2) If a project is deemed feasible by the authority as an integral part of the state highway system and has been approved by the highway commission, the authority shall enter into final design plans, and construction thereof, issue revenue bonds to pay all costs of the project and let contracts in connection with the proposed project. Such revenue bonds shall be issued in accordance with the applicable provisions of RCW 47.56.080, and in addition to the purposes above stated may be issued to provide funds for paying all costs of issuance and sale of such bonds, to pay interest on said bonds during construction and for six months thereafter, and to pay and redeem all outstanding ferry bonds of the authority theretofore issued for operation of ferries upon Puget Sound. [1961 c 13 § 47.56.350. Prior: 1953 c 78 § 1.]

**47.56.360 Bridging Puget Sound, Hood Canal—Operation, maintenance, prior charge upon revenue—Appropriations to be repaid.** All operation and maintenance on any project while tolls are collected thereon shall be paid as they are incurred as a prior charge upon the revenue and tolls collected upon such project. Any funds herein appropriated from the motor vehicle fund to the Washington toll bridge authority, together with the sum of two hundred twenty-five thousand dollars heretofore appropriated by section 19, chapter 259, Laws of 1951, shall be considered as a loan and repaid by the authority to the motor vehicle fund upon the sale of bonds of any project. [1961 c 13 § 47.56.360. Prior: 1953 c 78 § 2.]

**47.56.365 Repayment of 1961 appropriation for Hood Canal bridge—Continuation of tolls.** Any part of the appropriation or reappropriation provided for by \*this act which is expended shall be repaid to the motor vehicle fund to be used for state highway purposes, from revenues of the Hood Canal bridge. Tolls may be continued on said bridge any required additional length of time necessary for this purpose: *Provided*, That the obligations imposed by this section shall be subordinate to any obligations to pay principal, interest, reserves and sinking funds required for any refunding or parity bonds hereafter issued by the Washington toll bridge authority in connection with the Washington state ferry system and Hood Canal bridge. [1961 ex.s. c 9 § 7; 1961 c 10 § 3.]

*\*Reviser's note:* The language "this act" refers to chapter 10, Laws of 1961 the first two sections of which read as follows:

"Section 1. There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority, the sum of five million five hundred thousand dollars for the repair, modification, and completion of construction of the Hood Canal bridge. No part of this appropriation shall be used until all moneys now in the "Ferry System, 1957, Construction Fund" established by resolution No. 325 of the Washington toll bridge authority, adopted October 16, 1957, have been fully expended."

"Sec. 2. There is hereby reappropriated from the motor vehicle fund to the Washington toll bridge authority, for the biennium ending June 30, 1963, and for obligations incurred and not yet paid, the sum of five million five hundred thousand dollars, the same being the unexpended balance of the appropriation contained in section 1 of this act, for the repair, modification, and completion of construction of the Hood Canal bridge: *Provided*, That no expenditure authorized by this section shall exceed the unexpended balance of this appropriation as shown on the records of the state treasurer as of June 30, 1961."

*Refunding or parity bonds: RCW 47.60.400-47.60.470.*

**47.56.366 Hood Canal bridge—Authority may permit public sport fishing—Disclaimer.** The Washington toll bridge authority may permit public sport fishing from the Hood Canal bridge. The commission may establish and promulgate rules and regulations governing public use of the bridge for sport fishing to the end that such activity shall not interfere with the primary use and operation of the bridge as a highway facility. Notwithstanding the provisions of RCW 4.92-.090 or any other statute imposing liability upon the state of Washington, the state hereby disclaims any liability arising out of loss or injury in connection with the public use of the aforesaid bridge for sport fishing purposes. [1963 c 240 § 2.]

**47.56.380 Express highway—Tacoma-Seattle-Everett—Limited access.** The Washington toll bridge authority is hereby authorized to study and if feasible, after approval by the state highway commission, to locate, construct, finance and operate as a toll road, until paid for, an express highway from the vicinity of Tacoma through Seattle to the vicinity of Everett. Right of way shall be acquired as a limited access facility. [1961 c 13 § 47.56.380. Prior: 1953 c 183 § 1.]

**47.56.390 Express highway—Operation as toll highway—Part of state system.** The toll road, when completed, shall become a part of the state highway system but may be operated as a toll highway by the

Washington toll bridge authority until such time as all costs of investigation, financing, acquisition of property, construction, maintenance, management, operation, repayment of advances from the motor vehicle fund, and obligations incurred under RCW 47.56.250 and chapter 16, Laws of 1945, have been fully paid. [1961 c 13 § 47.56.390. Prior: 1953 c 183 § 2.]

**47.56.400 Express highway—Powers and duties of the authority.** The Washington toll bridge authority shall have the same powers, duties and functions with respect to toll roads as it now has with respect to toll bridges and all the provisions of chapter 47.56 RCW shall apply to and govern toll roads insofar as is reasonably consistent and applicable, except as otherwise provided in RCW 47.56.380 through 47.56.400. [1961 c 13 § 47.56.400. Prior: 1953 c 183 § 3.]

**47.56.410 Lopez Island-San Juan toll bridge—Appropriation—Study—Location, exploration, foundation, design.** There is appropriated to the Washington toll bridge authority from the motor vehicle fund for the biennium ending June 30, 1959, the sum of one hundred seventy-five thousand dollars or so much thereof as thereafter may be necessary for the following purposes:

(1) Twenty-five thousand dollars of the appropriation shall be available to study and make surveys, including traffic studies acceptable to prospective bond purchasers or investment firms, of the feasibility of the construction of a toll bridge between Lopez Island and San Juan Island in San Juan county so as to permit ferry runs from the mainland to Upright Head, overland travel from Upright Head to Roche Harbor, and ferry runs from Roche Harbor to Sidney, British Columbia. It shall be understood in such feasibility studies that San Juan county shall construct and maintain all road connections between the proposed bridge and the ferry landings at Upright Head and Roche Harbor.

(2) If as a result of the studies referred to above the toll bridge authority determines the project is feasible, and if San Juan county shall agree to sponsor such project and to conduct and maintain the road connections referred to above, one hundred fifty thousand dollars shall be available for the location, foundation exploration, and design of such bridge. [1961 c 13 § 47.56.410. Prior: 1957 c 141 § 1.]

**47.56.420 Lopez Island-San Juan toll bridge—Final designs, construction, revenue bonds authorized.** If the project is deemed feasible by the authority, the authority shall enter into final design plans, and construction thereof, issue revenue bonds to pay all costs of the project and let contracts in connection with the proposed project. Such revenue bonds shall be issued in accordance with the applicable provisions of RCW 47.56.080 through 47.56.250, and in addition to the purposes above stated may be issued to provide funds for paying all costs of issuance and sale of such bonds, and to pay interest on said bonds during construction and for six months thereafter. [1961 c 13 § 47.56.420. Prior: 1957 c 141 § 2.]

**47.56.430 Lopez Island-San Juan toll bridge—**  
**Operation, maintenance, prior charge upon revenue—**  
**Appropriations to be repaid.** All operation and maintenance on any project while tolls are collected thereon shall be paid as they are incurred as a prior charge upon the revenue and tolls collected upon such project. Any funds herein appropriated from the motor vehicle fund to the Washington toll bridge authority shall be considered as a loan and repaid by the authority to the motor vehicle fund upon the sale of bonds for this project. [1961 c 13 § 47.56.430. Prior: 1957 c 141 § 3.]

**47.56.440 Lopez Island-San Juan toll bridge—**  
**Effect of toll bridge authority resolution No. 295—**  
**Ferry system refunding revenue bonds.** Nothing authorized by RCW 47.56.410 through 47.56.440 shall be undertaken or done in any manner not in accord with any of the covenants and conditions contained in resolution No. 295 passed by the toll bridge authority on February 9, 1955, providing for the sale of Washington state ferry system refunding revenue bonds; and all things authorized by RCW 47.56.410 through 47.56.440, including but not limited to feasibility, studies, location, design, construction and financing, shall be performed in accordance with the covenants and conditions of said resolution. If the terms of such resolution shall require that tolls on the bridge authorized by RCW 47.56.410 through 47.56.440 be used to redeem outstanding bonds issued pursuant to said resolution, such tolls shall be so used. [1961 c 13 § 47.56.440. Prior: 1957 c 141 § 4.]

**47.56.450 Columbia river bridge at Biggs Rapids—**  
**Authorized—Cooperation with Klickitat county, highway commission, Oregon highway commission and Sherman county.** If the Washington toll bridge authority should conclude that the construction of a toll bridge across the Columbia river in the vicinity of Biggs Rapids is feasible as a result of studies presently being conducted, the authority is hereby authorized, in conjunction with Klickitat county, the Washington state highway commission, the Oregon state highway commission, and Sherman county, Oregon, to design and construct a toll bridge at such location. All acts necessary to the design and construction of such bridge and approaches thereto may be done by the Washington toll bridge authority, Klickitat county, the Washington state highway commission, the Oregon state highway commission, Sherman county, Oregon, or any of such governmental agencies pursuant to agreement with the Washington toll bridge authority. [1961 c 13 § 47.56.450. Prior: 1957 c 142 § 1.]

**47.56.460 Columbia river bridge at Biggs Rapids—**  
**Appropriation—Repayment from bond issue.** There is appropriated from the motor vehicle fund for the biennium ending June 30, 1959, the sum of one hundred fifty thousand dollars, or as much thereof as may be necessary for the purpose of location, design, preparation of cost estimates, and all other things preliminary to the construction of such bridge. Any funds herein appropriated from the motor vehicle fund to the Washington toll bridge authority shall be considered as a loan and repaid

by the authority to the motor vehicle fund upon the sale of bonds for this project as provided in RCW 47.56.470. [1961 c 13 § 47.56.460. Prior: 1957 c 142 § 2.]

**47.56.470 Columbia river bridge at Biggs Rapids—**  
**Revenue bonds.** The Washington toll bridge authority is hereby authorized by resolution to issue and sell its revenue bonds in an amount sufficient to provide funds to pay all the costs of construction of such bridge and approaches thereto, including but not limited to all costs of survey, acquisition of rights of way, design, engineering, all expenses of issuance and sale of such bonds, and to pay interest on said bonds during construction and for six months after tolls are first imposed.

Except as may be otherwise specifically provided in RCW 47.56.450 through 47.56.500, the provisions of chapter 47.56 RCW shall govern the issuance and sale of said revenue bonds, the execution thereof, the disbursement of the proceeds of sale thereof, the interest rate or rates thereon, their form, terms, conditions, covenants, negotiability, denomination, maturity date or dates, the creation of special funds or accounts safeguarding and providing for the payment of the principal therefor and interest thereon, and their manner of redemption and retirement.

Said revenue bonds shall constitute obligations only of the Washington toll bridge authority and shall be payable both principal and interest solely from the tolls and revenues derived from the operation of said toll facility as hereinbefore constituted. Said bonds shall not constitute an indebtedness of the state of Washington and shall contain a recital on the face thereof to that effect, and shall be negotiable instruments under the law merchant. Such bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on all of the tolls and other revenues received from the operation of said toll facility and from any interest which may be earned from the deposit or investment of any such revenues, except for payment of costs of operation, maintenance and necessary repairs of said facility. The tolls and charges to be imposed shall be fixed in such amounts so that when collected they will produce revenues that shall be at least equal to expenses of operating, maintaining and repairing said toll facility, including all insurance costs, amounts for adequate reserves and coverage of annual debt service on said bonds, and all payments necessary to pay the principal thereof and interest thereon. [1961 c 13 § 47.56.470. Prior: 1957 c 142 § 3.]

**47.56.480 Columbia river bridge at Biggs Rapids—**  
**Construction of act.** The provisions of chapter 47.56 RCW shall govern and be controlling in all matters and things necessary to carry out the purposes of RCW 47.56.450 through 47.56.500. Nothing in RCW 47.56.450 through 47.56.500 is intended to amend, alter, modify or repeal any of the provisions of any statute relating to the powers and duties of the Washington toll bridge authority except as such powers and duties are amplified or modified by the specific provisions of RCW 47.56.450 through 47.56.500 for the uses and purposes herein set forth, and RCW 47.56.450 through 47.56.500

shall be additional to such existing statutes and concurrent therewith. [1961 c 13 § 47.56.480. Prior: 1957 c 142 § 4.]

**47.56.490 Columbia river bridge at Biggs Rapids—Powers of toll bridge authority—Tolls.** The Washington toll bridge authority is hereby authorized to operate and to assume the full control of said toll facility and each portion thereof, whether within or without the borders of the state of Washington, with full power to impose and collect tolls from the users of such bridge for the purpose of providing revenue at least sufficient to pay the cost and incidental expenses of construction, maintenance, repair, and operation of such bridge and approaches in both states, and for the payment of the principal of and interest on its revenue bonds as authorized by RCW 47.56.470. [1961 c 13 § 47.56.490. Prior: 1957 c 142 § 5.]

**47.56.500 Columbia river bridge at Biggs Rapids—Agreements authorized.** The Washington toll bridge authority, the Washington state highway commission and Klickitat county are each authorized to enter into such agreement with each other, the Oregon state highway commission and Sherman county, Oregon, as they shall find necessary and convenient to carry out the purposes of RCW 47.56.450 through 47.56.500; and the Washington toll bridge authority, the Washington state highway commission and Klickitat county are each authorized to do any and all acts contained in such agreement and necessary and convenient to carry out the purposes of RCW 47.56.450 through 47.56.500.

Such agreement shall include, but shall not be restricted to the following provisions:

(1) A provision that the Washington toll bridge authority shall assume and have complete responsibility for the operation of such bridge and approaches thereto, and with full power in the Washington toll bridge authority to impose and collect all toll charges from the users of such bridge and to disburse the revenue derived therefrom for the expenses of maintenance and operation and repair thereof, all costs of construction, and the payment of principal and interest on any revenue bonds herein provided for.

(2) A provision that the Washington toll bridge authority shall provide for the issuance, sale and payment of revenue bonds payable solely from the revenue derived from the imposition and collection of tolls upon such toll bridge.

(3) A provision that the Washington toll bridge authority, after consultation with the other governmental agencies who are parties to such agreement, shall fix and revise the classifications and amounts of tolls to be charged and collected from the users of the toll bridge, with the further provision that such toll charges shall be removed after all costs of planning, designing, and construction of such toll bridge and approaches thereto and all incidental costs shall have been paid, and all of said revenue bonds, and interest thereon, issued and sold pursuant to RCW 47.56.450 through 47.56.500 shall have been fully paid and redeemed.

(4) A provision that all acts pertaining to the design and construction of such toll bridge may be done and performed by the Oregon state highway commission, the Washington state highway commission or the Washington toll bridge authority, or any of them, and that any and all contracts for the construction of such toll bridge shall be awarded in the name of the state of Oregon by and through its state highway commission or the state of Washington by and through its state highway commission or its toll bridge authority, or all of them.

(5) A provision that the state of Washington, the state of Oregon, and all governmental agencies party to such agreement shall be reimbursed out of the proceeds of the sale of such bonds for any advances they may have made or expenses they may have incurred for any of the purposes for which said revenue bonds may be issued, after duly verified itemized statements of such advances and expenses have been submitted to and been approved by all parties to such agreement.

(6) A provision that during the period of operation of such bridge and approaches thereto as a toll facility all maintenance and repair may be performed by either the Oregon state highway commission or the Washington state highway commission with a provision for reimbursement of the costs of such maintenance and repair from revenue derived from the collection of tolls on such bridge. [1961 c 13 § 47.56.500. Prior: 1957 c 142 § 6.]

**47.56.570 Naches Pass tunnel—Study—May be part of highway system or toll project—Description.** The Washington state highway commission and the Washington toll bridge authority are hereby authorized and directed, acting jointly with the joint fact-finding committee on highways, streets and bridges, to retain an independent engineering firm to prepare traffic, engineering and financial studies, and surveys to determine the feasibility of undertaking the construction of a Naches cut-off and tunnel on primary state highway No. 5 through the Cascade mountains, together with the necessary approaches connecting to existing highways in whole or in part as an improvement on the state highway system, or as a toll tunnel project, in either case making use of federal agency funds as appropriate and available and funds contributed or advanced by any political subdivisions which it is determined will be economically benefited by construction of the project, said cut-off shall start on state highway No. 5 near the junction of the White and Greenwater rivers; thence in an easterly direction through Greenwater river drainage area to the west portal of the tunnel under Pyramid Park, a distance of 1.85 miles to the east portal, thence following the north fork of the Little Naches river to the Little Naches river, thence down it to its junction with the Bumping river at state primary highway No. 5. [1961 c 13 § 47.56.570. Prior: 1959 c 292 § 1.]

**47.56.580 Naches Pass tunnel—What studies and surveys shall include.** Such studies and surveys shall include but shall not be confined to the following:

(1) The most desirable design, tunnel approaches, and connecting roads;

- (2) The most desirable location;
- (3) The cost of construction and the length of construction time required;
- (4) The financial feasibility of the tunnel and the amount, if any, of supplementary aid required to finance it;
- (5) The relative economic benefit to counties, cities, or other political subdivisions to be principally served by construction of the tunnel;
- (6) The benefit to the state highway system, taking into account the statewide interest in the tunnel and the estimated additional motor vehicle fuel tax revenue which would accrue to the motor vehicle fund as a result of the construction of the tunnel. [1961 c 13 § 47.56-.580. Prior: 1959 c 292 § 2.]

**47.56.590 Naches Pass tunnel—Plan for financing.** Upon the completion of such studies and surveys, the highway commission and the toll bridge authority, in cooperation with the joint fact-finding committee on highways, streets and bridges, shall prepare a plan for financing the project. The plan shall include the cost of the entire project; the portion of such total cost which can be financed by the issuance of toll bridge authority revenue bonds; the portion of such total cost and the amount of guarantee funds which should be contributed or advanced by any political subdivisions to be economically benefited by construction of the project; and the portion of such total cost and the amount of guarantee funds which should be contributed from that portion of the motor vehicle fund available to the department of highways for state highway purposes. When completed, the financing plan shall be adopted by resolution of the commission and the authority. [1961 c 13 § 47.56.590. Prior: 1959 c 292 § 3.]

**47.56.600 Naches Pass tunnel—Design.** Upon adoption of the financing plan the commission and the authority, acting jointly, shall forthwith proceed to make the design for the entire project. [1961 c 13 § 47.56.600. Prior: 1959 c 292 § 4.]

**47.56.610 Naches Pass tunnel—Contribution by political subdivisions.** After adoption of the financing plan, the authority and the highway commission, acting jointly, shall request any political subdivision which will be benefited by the construction of the project, to advance or contribute money or bonds toward the expenses of construction or to guarantee toll bridge authority revenue bonds to be issued to finance the project. [1961 c 13 § 47.56.610. Prior: 1959 c 292 § 5.]

**47.56.620 Naches Pass tunnel—Appropriation.** There is appropriated from the motor vehicle fund jointly to the Washington state highway commission and the Washington toll bridge authority for the period beginning July 1, 1959 and ending June 30, 1961, the sum of one hundred thousand dollars or so much thereof as shall be necessary to carry out the provisions of RCW 47.56.570 through 47.56.630. [1961 c 13 § 47.56.620. Prior: 1959 c 292 § 6.]

**47.56.630 Naches Pass tunnel—Repayment to motor vehicle fund of funds appropriated.** All funds herein appropriated from the motor vehicle fund to the Washington state highway commission and the Washington toll bridge authority shall be considered as a loan and shall be repaid by the commission and the authority to the motor vehicle fund upon the sale of bonds for this project. [1961 c 13 § 47.56.630. Prior: 1959 c 292 § 7.]

**47.56.631 Naches Pass tunnel—Additional studies—Route of highway and tunnel—Appropriation.** The Washington toll bridge authority is authorized and directed to make all necessary traffic studies, acceptable to prospective bond purchasers or investment firms to determine the amount of subsidy or other financial assistance necessary to make feasible the construction of a toll highway and tunnel on primary state highway 5 through the Cascade mountains, together with the necessary approaches connecting to existing highways. Said highway and tunnel project shall start on state highway 5 near the junction of the White and Greenwater rivers; thence in an easterly direction through Greenwater river drainage area to the west portal of the tunnel under Pyramid Park; thence to the east portal; thence following the north fork of the Little Naches river to the Little Naches river; thence down to its junction with the Bumping river at state highway 5.

There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1963 the sum of fifty thousand dollars to carry out the provisions of this section. [1961 ex.s. c 21 § 18.]

**47.56.640 Bridging lower Columbia river in vicinity of Astoria-Megler.** The Washington state highway commission is hereby authorized in conjunction with the Oregon state highway commission to erect a bridge or so much thereof as may be agreed upon with the Oregon state highway commission, including approaches thereto, across the Columbia river in the vicinity of Astoria, Oregon and Megler, Washington. Such bridge shall be an integral part of U. S. highway No. 101 and to the Oregon boundary shall be a part of primary state highway No. 12. All acts necessary to the design and construction of said new bridge and approaches thereto may be done and performed by either the Oregon state highway commission or the Washington state highway commission with the approval of the other or by both of them jointly. [1961 c 209 § 1.]

**47.56.643 Bridging lower Columbia river in vicinity of Astoria-Megler—Agreements with United States—Acceptance of public or private funds.** In order to carry out the provisions of RCW 47.56.640 through 47.56.667 the Washington state highway commission may consult, cooperate and enter into agreements with the government of the United States or any of its agencies and accept and expend moneys from any public or private source, including the government of the United States or any political subdivision, which is now or may be made available for carrying out the purposes



contained in RCW 47.56.640 through 47.56.667. [1961 c 209 § 2.]

**47.56.646 Bridging lower Columbia river in vicinity of Astoria—Megler—Agreements with Oregon—Provisions for Oregon bond issue, powers and duties of both states, tolls, apportionment of costs, etc.** Subject to the conditions stated in RCW 47.56.658, the Washington state highway commission is hereby authorized to enter into such agreements with the Oregon state highway commission as it shall find necessary or convenient to carry out the purposes of RCW 47.56.640 through 47.56.667.

Any such agreements shall include, but shall not be limited to, the following:

(1) A provision that the state of Oregon or the Oregon state highway commission shall issue general obligation bonds in the aggregate principal sum of not to exceed twenty-four million dollars par value or so much thereof as shall be required to pay all costs of location and construction of said bridge, but excluding costs of location, relocation, improvement, construction or reconstruction of approaches as the same are shown and described in "A Report On a Proposed Bridge Across the Columbia River," prepared by the Oregon and Washington state highway commissions, dated January, 1959. In determining the amount of money required for construction, there shall be taken into account all available financial contributions for such construction costs, of whatever description and from whatever source.

(2) A provision that to the extent that revenues derived from the imposition and collection of tolls and franchise fees for the use of the bridge in any year are insufficient to provide for the payment of principal, interest and other charges incidental to the issuance, sale and retirement of the bonds issued by Oregon or any subsequent refunding bond issues, the state of Oregon will pay the first one hundred thousand dollars of such deficit and the state of Washington is bound to pay, when due, forty percent of the balance of such deficit for such year from any moneys in the motor vehicle fund not otherwise pledged or from any other source available to the Washington state highway commission for said purpose: *Provided*, That in no case shall the portion of such deficit paid by the state of Washington exceed two hundred thousand dollars in any such year.

(3) A provision that the Oregon state highway commission shall assume and have complete responsibility for the operation of the bridge as a toll facility and each portion thereof, whether within or without the borders of Washington and with full power in the Oregon state highway commission to impose and collect all toll charges and franchise fees from the users of said bridge and to disburse the revenue derived therefrom for the following purposes in the following order:

(a) Payment of all costs of toll collection and insurance in the event the bridge is insured.

(b) Payment of the principal, interest and other charges incidental to the issuance, sale and retirement of the bonds herein provided for including any subsequent refunding bonds.

(4) A provision that the Oregon state highway commission, after consultation with the Washington state highway commission shall fix the classifications and amounts of tolls to be charged and collected from users of said toll facility with power after consultation with the Washington state highway commission to revise the same if deemed necessary, and the time or times when such tolls shall first be imposed.

(5) A provision that all acts pertaining to the design and construction of said bridge may be done and performed by the Oregon state highway commission or the Washington state highway commission with the approval of the other, or by both, and that any and all contracts for the construction of the bridge shall be awarded in the name of the state of Oregon by and through its state highway commission or the state of Washington by and through its state highway commission, or both: *Provided, however*, That there shall be a further provision that each state shall have full power to design and construct approaches to the bridge within the respective boundaries of each state. Such approaches shall constitute a part of the state highways system of each state and the cost of design, right of way and construction thereof shall be borne by the respective states from any funds available for such purposes. In the event design or construction of approaches is included in any contract for the construction of the bridge, the cost of such approaches within the respective boundaries of each state shall be segregated and paid for by the respective states.

Any such agreements may include, but shall not be limited to the following:

(1) A provision that the state of Oregon, the Oregon state highway commission, and any other duly constituted agency of the state of Oregon, the state of Washington, the Washington toll bridge authority, the Washington state highway commission, and any other duly constituted agency of the state of Washington shall be reimbursed out of the proceeds of the sale of such bonds for any advances they may have made or expenses they may have incurred subsequent to March 1, 1961 for any of the purposes for which said bonds may be issued by the state of Oregon, after duly verified, itemized statements of such advances and expenses have been submitted to and jointly approved by the Oregon state highway commission and Washington state highway commission.

(2) A provision that during the period of operation of said bridge as a toll facility all or any part of the maintenance and repair work may be performed by either the Oregon state highway commission or by the Washington state highway commission with a provision for payment of the costs of such maintenance and repair one-half from the Oregon state highway commission and one-half from the Washington state highway commission. [1961 c 209 § 3.]

**47.56.649 Bridging lower Columbia river in vicinity of Astoria—Megler—Use of Washington motor vehicle fuel taxes, motor vehicle fund to pay Oregon bonds if tolls and fees insufficient.** To the extent that all revenues from the imposition and collection of tolls and franchise

fees for use of the bridge are insufficient to provide for the payment of principal, interest and other charges incidental to the issuance, sale and retirement of the bonds issued by the state of Oregon in connection with this project, or on any subsequent refunding bond issues, there is hereby imposed, to the extent provided in first subsection (2) of RCW 47.56.646, a first and prior charge against all revenues hereafter derived from the proceeds of state excise taxes on motor vehicle fuels now directed by law to be deposited in the motor vehicle fund available for state highway commission purposes.

To the extent that revenues of the project are insufficient to meet required payments of principal, interest and other charges incidental to the issuance, sale and retirement of bonds, the Washington state highway commission shall use moneys in the motor vehicle fund to pay its share of such deficits. [1961 c 209 § 4.]

**47.56.652 Bridging lower Columbia river in vicinity of Astoria-Megler—Procedure for this state paying deficiency in tolls and fees for Oregon bond issue.** The payments provided for in RCW 47.56.649, as they come due, shall be authorized by the Washington state highway commission and paid by warrants signed by the state treasurer, upon the duly verified itemized statements of the Oregon state highway commission showing the amount due from the state of Washington required to meet its share of any deficit computed as provided in subsection (2) of RCW 47.56.646. [1961 c 209 § 5.]

**47.56.655 Bridging lower Columbia river in vicinity of Astoria-Megler—Washington liability for costs—Maintenance and repair—Approaches.** The Washington state highway commission shall pay one-half of all costs of maintenance and repair of said bridge from funds appropriated for the use of the Washington state highway commission for construction and maintenance of the primary state highways. The Washington state highway commission shall pay for the costs of design, right of way and construction of approaches to said bridge within the boundaries of the state of Washington from funds appropriated for the use of the Washington state highway commission for construction and maintenance of the primary state highways or from any other funds available for said purpose. [1961 c 209 § 6.]

**47.56.658 Bridging lower Columbia river in vicinity of Astoria-Megler—Financial responsibility of Pacific county—Prior commitment required.** The Washington state highway commission shall not enter into agreements with the Oregon state highway commission for the construction of the toll bridge over the lower Columbia river as authorized by RCW 47.56.646 unless and until:

Pacific county has, at the request of the state highway commission, contributed or properly authorized the contribution of money or bonds in the sum of one hundred eighty-five thousand dollars or so much thereof as may be necessary to reimburse the Washington state highway commission for costs of design and construction of the approaches to said bridge within the boundaries of the state of Washington, such contribution to be made by

any of the methods authorized in RCW 47.56.250. [1969 ex.s. c 281 § 52; 1961 c 209 § 7.]

**47.56.659 Bridging lower Columbia river in vicinity of Astoria-Megler—Contractual obligations of Pacific county terminated.** All accrued and unaccrued obligations of Pacific county created by that certain contract between the Washington state highway commission and Pacific county dated June 20, 1961, entered into pursuant to subsection (2) of RCW 47.56.658 are hereby terminated. [1969 ex.s. c 281 § 53.]

**47.56.661 Bridging lower Columbia river in vicinity of Astoria-Megler—Deposit of contribution of Pacific county in motor vehicle fund—Use.** In the event Pacific county makes the contribution authorized in subsection (1) of RCW 47.56.658, such contribution shall be placed in the motor vehicle fund and shall be available for state highway purposes. [1961 c 209 § 8.]

**47.56.667 Bridging lower Columbia river in vicinity of Astoria-Megler—When toll free.** The bridge herein provided for shall be operated as a toll-free bridge whenever the bonds to be issued by the state of Oregon together with interest thereon have been fully paid, unless the state of Washington and the state of Oregon hereafter agree through their highway commissions that tolls shall be retained on the bridge to repay in whole or in part the respective states for moneys advanced to pay principal or interest on the bonds issued by the state of Oregon. [1961 c 209 § 10.]

**47.56.700 Columbia river, Vernita bridge and highway approach from Richland—Authorized.** If the Washington toll bridge authority shall conclude that the construction of a toll bridge across the Columbia river in the vicinity of Vernita, including approaches, and a highway approach from the vicinity of Richland to said toll bridge, are feasible, the authority is hereby authorized to make all surveys, design and construct said toll bridge and approaches. [1963 c 197 § 1.]

**47.56.701 Columbia river, Vernita bridge and highway approach from Richland—Revenue bonds—Tolls and charges.** The Washington toll bridge authority is hereby authorized by resolution to issue and sell its revenue bonds in an amount sufficient to provide funds to pay all the costs of construction of such bridge and approaches thereto, and the highway approach from the vicinity of Richland to said bridge, including but not limited to all costs of survey, acquisition of rights of way, design, engineering, all expenses of issuance and sale of such bonds, and to pay interest on said bonds during construction and for six months after tolls are first imposed.

Except as may be otherwise specifically provided in RCW 47.20.410, 47.20.415, and 47.56.700 through 47.56.706, the provisions of RCW 47.56.130 through 47.56.245 shall govern the issuance and sale of said revenue bonds, the execution thereof, the disbursement of the proceeds of sale thereof, the interest rate or rates

thereon, their form, terms, conditions, covenants, negotiability, denomination, maturity date or dates, the creation of special funds or accounts safeguarding and providing for the payment of the principal therefor and interest thereon, and their manner of redemption and retirement.

Said revenue bonds shall constitute obligations only of the Washington toll bridge authority and shall be payable both principal and interest from the tolls and revenues derived from the operation of said toll bridge and from that portion of the motor vehicle fund as provided in RCW 47.56.702. Said bonds shall not constitute an indebtedness of the state of Washington and shall contain a recital on the face thereof to that effect, and shall be negotiable instruments under the law merchant. Such bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on all of the tolls and other revenues received from the operation of said toll bridge and from any interest which may be earned from the deposit or investment of any such revenues and such sums as are pledged from the motor vehicle fund as provided in RCW 47.56.702, except for payment of costs of operation, maintenance and necessary repairs of said facility. The tolls and charges to be imposed shall be fixed in such amounts so that when collected they, together with said pledge from the motor vehicle fund, will produce revenues that shall be at least equal to expenses of operating, maintaining and repairing said toll facility, including all insurance costs, amounts for adequate reserves and coverage of annual debt service on said bonds, and all payments necessary to pay the principal thereof and interest thereon.

Until all of said bonds are fully paid and until the motor vehicle fund is fully reimbursed for all sums advanced therefrom to pay principal and interest on said bonds or any subsequent refunding bond issue, the tolls charged for the use of said facility shall never be reduced below the sums specified in the following schedule:

For every combination of vehicles and for buses having a seating capacity for over fifteen persons . . . . .	\$0.75
For all trucks licensed for a maximum gross load of over 8,000 lbs. other than a combination of vehicles and all buses having a seating capacity for less than sixteen persons . . . . .	\$0.50
For all other motor vehicles not specified above and for motorcycles . . . . .	\$0.25

[1963 c 197 § 2.]

**47.56.702 Columbia river, Vernita bridge and highway approach from Richland—Pledge of excise taxes imposed on motor vehicle fuels.** The state highway commission may, at the request of the toll bridge authority, pledge the proceeds of all excise taxes imposed on motor vehicle fuels now directed by law to be deposited in the motor vehicle fund and which are available for appropriation to the state highway commission for state highway purposes in the sum of one hundred thousand

dollars per year for the purpose of guaranteeing the payment of principal and interest on bonds issued by the authority as authorized in RCW 47.56.701 or for sinking fund requirements or reserves established by the authority with respect thereto or for guaranteeing the payment of principal and interest on any subsequent refunding bond issues. To the extent of any such pledge the state highway commission shall use such moneys to meet such obligations as they arise but only to the extent that net revenues of the project are insufficient therefor. [1963 c 197 § 3.]

**47.56.703 Columbia river, Vernita bridge and highway approach from Richland—Continued imposition of such taxes.** Whenever the state highway commission shall have made a pledge of motor vehicle funds as authorized in RCW 47.56.702 the legislature agrees to continue to impose excise taxes on motor vehicle fuels, and there is imposed a first and prior charge thereon, in amounts sufficient to provide the state highway commission with funds necessary to enable it to comply with such pledge. [1963 c 197 § 4.]

**47.56.704 Columbia river, Vernita bridge and highway approach from Richland—Repayment of motor vehicle fund money—Continuation of tolls.** Any money from the motor vehicle fund used by the state highway commission for payment of expenses of location, maintenance, repair and operation of said bridge and approaches and highway approach, and principal or interest on any bonds issued pursuant to RCW 47.56.701 or any subsequent refunding bond issue shall be repaid to the motor vehicle fund to be used for state highway purposes from revenues of such project and tolls shall be continued for any additional length of time necessary for this purpose. [1963 c 197 § 5.]

**Appropriation, repayment to motor vehicle fund:** "There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1965, the sum of one hundred seventy-five thousand dollars, or so much thereof as may be necessary for the purpose of location, design, and all other things preliminary to the construction of the toll bridge and highway approach provided for in this amendatory act. This appropriation shall be considered a loan and repaid to the motor vehicle fund by the authority upon the sale of bonds as provided for under section 2 of this amendatory act [or] at the discretion of the toll bridge authority from tolls on the Vernita toll bridge." [1963 c 197 § 10.] "This amendatory act" is codified as RCW 47.20.410, 47.20.415 and 47.56.700 through 47.56.706. "Section 2 of this amendatory act" is codified as RCW 47.56.701.

**47.56.705 Columbia river, Vernita bridge and highway approach from Richland—Facility to be part of highway system—Operation, collection of tolls.** The toll facility, when completed, shall become a part of the state highway system and the Washington state highway commission is hereby authorized to operate and to assume the full control of said toll bridge with full power to collect tolls from the users of such bridge as established by the toll bridge authority for the purpose of providing revenue which, with the pledge from the motor vehicle fund provided for in RCW 47.56.702, shall be sufficient to pay all costs and incidental expenses of location, construction, maintenance, repair and operation

of said bridge and approaches and highway approach from the vicinity of Vernita to said bridge, for the repayment of the principal and interest on its revenue bonds, and reimbursement to the motor vehicle fund of all sums expended therefrom under \*RCW 47.20.410, 47.20.415, and 47.56.700 through 47.56.706. [1963 c 197 § 6.]

**\*Reviser's note:** "RCW 47.20.410" was repealed by 1970 ex.s. c 51 § 178; RCW "47.20.415" was repealed by 1967 ex.s. c 145 § 8.

**47.56.706 Columbia river, Vernita bridge and highway approach from Richland—Laws applicable—Construction of 1963 statute.** Except as specifically provided in \*RCW 47.20.410, 47.20.415 and 47.56.700 through 47.56.706, the provisions of RCW 47.56.010 through 47.56.257 shall govern and be controlling in all matters and things necessary to carry out the purposes of \*RCW 47.20.410, 47.20.415 and 47.56.700 through 47.56.706. Nothing in \*RCW 47.20.410, 47.20.415 and 47.56.700 through 47.56.706 is intended to amend, alter, modify or repeal any of the provisions of any statute relating to the powers and duties of the Washington toll bridge authority except as such powers and duties are amplified or modified by the special provisions of \*RCW 47.20.410, 47.20.415 and 47.56.700 through 47.56.706 for the uses and purposes herein set forth, and the provisions of \*RCW 47.20.410, 47.20.415 and 47.56.700 through 47.56.706 shall be additional to such existing statutes and concurrent therewith. [1963 c 197 § 7.]

**\*Reviser's note:** See note following RCW 47.56.705.

**47.56.710 Spokane river toll bridge—Contracts with bondholders authorized—Additional bridges.** The highway commission is hereby authorized to contract with the bondholders of the Spokane river toll bridge to fulfill the purposes, terms, and conditions of such contracts as are hereinafter provided for in this section. Notwithstanding the provisions of RCW 47.56.220, the highway commission is authorized to design and construct additional bridges across the Spokane river within ten miles of the existing Spokane river toll bridge: *Provided*, That the highway commission has executed contracts with the bondholders of the existing Spokane river toll bridge providing that to the extent that revenues from the imposition of tolls and franchise fees for use of the Spokane river toll bridge are insufficient to meet costs of maintenance and operation and required payments of principal, interest, and other charges incidental to the issuance, sale, and retirement of the bonds or any subsequent refunding bond issues, the Washington state highway commission shall use moneys in the motor vehicle fund to pay such deficits. [1969 ex.s. c 117 § 1.]

**47.56.720 Puget Island–Westport ferry—Payments for operation and maintenance to Wahkiakum county.** (1) The legislature finds that the ferry operated by Wahkiakum county between Puget Island and Westport on the Columbia river provides service which is primarily local in nature with secondary benefits to the state highway system in providing a bypass for state route 4 and providing the only crossing of the Columbia

river between the Astoria–Megler bridge and the Longview bridge.

(2) The Washington state highway commission is hereby authorized to enter into a continuing agreement with Wahkiakum county pursuant to which the state highway commission shall pay to Wahkiakum county from moneys appropriated for such purpose the sum of one thousand dollars per month to be used in the operation and maintenance of the Puget Island ferry, commencing July 1, 1971: *Provided*, That from October 1, 1973 through June 30, 1975 the state highway commission shall pay Wahkiakum county one thousand one hundred forty-two dollars and eighty-six cents per month.

Additionally, the Washington state highway commission is authorized to include in the continuing agreement a provision to reimburse Wahkiakum county for sixty percent of the deficit incurred during each previous fiscal year in the operation and maintenance of the ferry, commencing with the fiscal year ending June 30, 1972. The state's sixty percent share of the annual operating and maintenance deficit shall include the one thousand dollars per month authorized in this subsection and the one thousand one hundred forty-two dollars and eighty-six cents per month authorized to be paid from October 1, 1973 through June 30, 1975.

(3) The annual deficit, if any, incurred in the operation and maintenance of the ferry shall be determined by Wahkiakum county subject to the approval of the Washington state highway commission. If sixty percent of the deficit for the preceding fiscal year exceeds the total amount paid to the county for that year, the additional amount shall be paid to the county by the Washington state highway commission upon the receipt of a properly executed voucher: *Provided*, That the total of all payments to the county in any biennium shall not exceed the amount appropriated for that biennium. [1973 2nd ex.s. c 26 § 1; 1971 ex.s. c 254 § 1.]

**Effective date—1973 2nd ex.s. c 26:** "This 1973 amendatory 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 October 1, 1973." [1973 2nd ex.s. c 26 § 3.]

**47.56.725 Ferry systems operated by Pierce, Skagit, and Whatcom counties—Deficit reimbursements.** (1) The Washington state highway commission is hereby authorized to enter into a continuing agreement with Pierce, Skagit, and Whatcom counties pursuant to which the state highway commission shall pay to each of the counties from moneys appropriated for such purpose the amounts authorized in subsection (2) of this section.

(2) The Washington state highway commission is authorized to include in each such continuing agreement a provision to reimburse the county for fifty percent of the deficit incurred during each previous fiscal year in the operation and maintenance of the ferry system owned and operated by such county, commencing with the fiscal year ending June 30, 1976: *Provided*, That each county agreement shall contain a requirement that the county shall maintain tolls on its ferries at levels sufficient to produce aggregate annual revenues at least

equal to the annual revenue of the county's ferry system in calendar year 1975.

(3) The annual fiscal year deficit, if any, shall be determined by Pierce, Skagit, and Whatcom counties subject to review and approval of the Washington state highway commission. The annual fiscal year deficit is defined as the total of operations and maintenance expenditures less the sum of ferry toll revenues and that portion of fuel tax revenue distributions which are attributable to the county ferry as determined by the Washington state highway commission. Payments of the amounts authorized by subsection (2) of this section shall be made by the Washington state highway commission upon the receipt of properly executed vouchers from each county. [1975-'76 2nd ex.s. c 57 § 2; 1975 1st ex.s. c 21 § 1.]

**Appropriation**—1975 1st ex.s. c 21: "There is hereby appropriated from the counties share of the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1977, the sum of one hundred twenty thousand dollars or so much thereof as may be necessary to carry out the provisions of \*section 1 of this 1975 amendatory act." [1975 1st ex.s. c 21 § 5.]

\*Reviser's note: "section 1 of this 1975 amendatory act" [1975 1st ex.s. c 21] is RCW 47.56.725.

**47.56.730 "No Smoking" areas on ferries**—**Establishment authorized.** The legislature finds that the public health, safety, and welfare requires that "No Smoking" areas be established on all state ferries since there is a significant number of our citizens who are nonsmokers. The state highway commission is hereby authorized and directed to promulgate rules and regulations pursuant to the administrative procedure act, chapter 34.04 RCW, to establish and clearly designate areas on all state operated ferries which are expressly reserved for use by nonsmokers. [1974 ex.s. c 10 § 1.]

## Chapter 47.58

### EXISTING AND ADDITIONAL BRIDGES

#### Sections

- 47.58.010 Improvement of existing bridge and construction of new bridge as single project—Agreement—Tolls.
- 47.58.020 Examinations and surveys—Preliminary expenses—Financing.
- 47.58.030 Construction, operation of bridges—Collection of tolls—Schedule of charges.
- 47.58.040 Revenue bonds—Form—Sale—Interim bonds—Deposit of proceeds.
- 47.58.050 Revenue bonds—Expenses includable—Conditions—Remedies of bondholders.
- 47.58.060 Bond resolution—Disposition of income and revenues.
- 47.58.070 Bonds legal investment for state moneys.
- 47.58.080 Eminent domain.
- 47.58.090 Study of projects—Construction, finance, requires specific authorization.
- 47.58.500 Manette bridge—Port Washington Narrows project.
- 47.58.900 Chapter provides additional method.

*Bridges over navigable waters: RCW 79.01.368–79.01.380.*

**47.58.010 Improvement of existing bridge and construction of new bridge as single project**—**Agreement**—**Tolls.** Whenever the legislature shall specifically authorize, as a single project, the construction of an additional toll bridge, including approaches, and the reconstruction of an existing adjacent bridge,

including approaches, and the imposition of tolls on both bridges, the state highway commission and the Washington toll bridge authority are each hereby authorized to enter into appropriate agreements whereunder the existing bridge or its approaches will be reconstructed and improved and an additional bridge, including approaches and connecting highways will be constructed as a part of the same project to be located adjacent to or within two miles of such existing bridge and will be financed through the issuance of revenue bonds of the same series. The authority shall have the right to impose tolls for traffic over the existing bridge as well as the additional bridge for the purpose of paying the cost of operation and maintenance of said bridge or bridges and the interest on and creating a sinking fund for retirement of revenue bonds issued for account of such project, all in the manner permitted and provided by this chapter. [1961 c 13 § 47.58.010. Prior: 1955 c 208 § 1.]

**47.58.020 Examinations and surveys**—**Preliminary expenses**—**Financing.** For the purpose of obtaining information as to the necessity of the reconstruction or improvement of any such bridge and the expediency of constructing any such additional bridge it shall be the duty of the director of highways upon request of the state highway commission or the authority to make any examination, investigation, survey or reconnaissance pertaining thereto and the cost of any such examination, investigation, survey or reconnaissance, and all preliminary expenses in the issuance of any revenue bonds, making surveys and appraisals and drafting, printing, issuance and sale of bonds under this chapter, shall be advanced by any interested municipality, agency or department of the state of Washington and all such advancements shall be reimbursed out of any proceeds derived from the sale of bonds or out of tolls and revenues to be derived by the authority through its operations hereunder for account of the project, as may be agreed upon between the authority and such municipality, agency or department. [1961 c 13 § 47.58.020. Prior: 1955 c 208 § 2.]

**47.58.030 Construction, operation of bridges**—**Collection of tolls**—**Schedule of charges.** The director of highways shall have full charge of the construction of all such improvements and reconstruction work and the construction of any additional bridge, including approaches and connecting highways, that may be authorized by the authority under this chapter and the operation of such bridge or bridges, as well as the collection of tolls and other charges for services and facilities thereby afforded. The schedule of charges for such services and facilities shall be fixed and revised from time to time by the authority so that the tolls and revenues collected will yield annual revenue and income sufficient, after payment or allowance for all operating, maintenance and repair expenses, to pay the interest on all revenue bonds outstanding under the provisions of this chapter for account of the project and to create a sinking fund for the retirement of such revenue bonds at or prior to maturity, and such charges shall be continued

until all such bonds and interest thereon and unpaid advancements, if any, shall have been paid. [1961 c 13 § 47.58.030. Prior: 1955 c 208 § 3.]

**47.58.040 Revenue bonds—Form—Sale—Interim bonds—Deposit of proceeds.** For the purpose of paying the cost of all or any part of such improvement and reconstruction work and the construction of any such additional bridge, approaches thereto and connecting highways, the authority is hereby authorized by resolution to issue its revenue bonds which shall constitute obligations only of the authority and shall be payable from any funds available, except that portion of the motor vehicle fund allocated by law to the Washington state highway commission, and except revenue from the general fund, including but not limited to the revenues and income from the operation of the bridge or bridges constituting the project as may be provided in and by such resolution. Each such revenue bond shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by a direct charge and lien upon the tolls and revenues pledged for that purpose and that such bond does not constitute an indebtedness of the state of Washington. Such revenue bonds may bear such date or dates, may mature at such time or times as the authority shall determine, may bear interest at such rate or rates, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this chapter as may be provided in such resolution. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond is nonnegotiable each such revenue bond shall at all times be and shall be treated as a negotiable instrument for all purposes. All such bonds shall be signed by the state treasurer and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state treasurer: *Provided*, That the countersignature of the governor on such bonds and the signature of the state treasurer on such coupons may be their printed or lithographed facsimile signatures. Pending the issuance of definitive bonds, temporary or interim bonds, certificates or receipts of any denomination and with or without coupons attached may be issued as may be provided by said resolution. All bonds issued under or by authority of this chapter shall be sold to the highest and best bidder at such price or prices, at such rate or rates of interest and after such advertising for bids as the authority may deem proper: *Provided*, That the authority may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as the authority may deem advantageous. The purchase price of all bonds issued hereunder shall be paid to the state treasurer consistent with the provisions of the resolution pursuant to which such bonds have been issued or to the trustee designated in the bond resolution and held as a separate trust fund to be disbursed on the orders of the authority. [1973 c 106

§ 27; 1970 ex.s. c 56 § 64; 1969 ex.s. c 232 § 78; 1961 c 102 § 1; 1961 c 13 § 47.58.040. Prior: 1955 c 208 § 4.]

**Purpose—Effective date—**1970 ex.s. c 56: See notes following RCW 39.44.030.

**Validation—Saving—Severability—**1969 ex.s. c 232: See notes following RCW 39.44.030.

**47.58.050 Revenue bonds—Expenses includable—Conditions—Remedies of bondholders.** In determining the amount of bonds required to be issued there may be included any expenses incurred by the authority, or approved by the authority, in connection with and incidental to the issuance and sale of bonds and for the preparation of surveys and estimates and making inspections and examinations, required reserves, if any, interest during the estimated construction period, and for six months thereafter, and a reasonable amount for initial operating expenses and prepaid insurance. The authority is hereby empowered to include in any resolution authorizing the issuance of the bonds such covenants, stipulations and conditions as may be deemed necessary with respect to the continued use and application of the revenues and income from the bridge or bridges. The holder of any bond or the trustee for any bonds designated by resolution may by mandamus or other appropriate proceeding require and compel performance of any duties imposed upon any state department, official or employee, including any duties imposed upon or undertaken by the authority or its officers, agents and employees in connection with any improvement or reconstruction work on any such existing bridge, the construction of any such additional bridge, including approaches and connecting highways, provided to be so constructed, the maintenance and operation of the bridge or bridges and in connection with the collection, deposit, investment, application and disbursement of the proceeds of the bonds and the revenues and income derived from the operation of the bridge or bridges. [1961 c 13 § 47.58.050. Prior: 1955 c 208 § 5.]

**47.58.060 Bond resolution—Disposition of income and revenues.** Each resolution providing for the issuance of revenue bonds shall provide for setting aside the necessary amounts for the reasonable and proper operation, maintenance and repair expenses, and shall fix and determine the amounts to be set apart and applied to the payment of the interest on and retirement of the revenue bonds. All income and revenues as collected shall be paid to the state treasurer for the account of the authority as a separate trust fund and to be segregated and set apart for the payment of the revenue bonds or may be remitted to and held by a designated trustee in such manner and with such collateral as may be provided in the resolution authorizing the issuance of said bonds. [1961 c 13 § 47.58.060. Prior: 1955 c 208 § 6.]

**47.58.070 Bonds legal investment for state moneys.** Notwithstanding any other provision of the law, bonds issued under this chapter shall be legal investments by the state finance committee of any state moneys in its hands, except permanent school funds. [1961 c 13 § 47.58.070. Prior: 1955 c 208 § 7.]

**47.58.080 Eminent domain.** The authority is hereby authorized and empowered to acquire in the name of the state by the exercise of the power of eminent domain any lands, property, rights, rights of way, franchises, easements and other property of any person, firm or corporation, political subdivision or other owner, deemed necessary or convenient for the construction, reconstruction, improvement and operation of any project initiated and carried on by the authority under this chapter. Such proceedings shall be in accordance with and subject to the provisions of any and all laws applicable to the exercise of the power of eminent domain by the state. [1961 c 13 § 47.58.080. Prior: 1955 c 208 § 8.]

**47.58.090 Study of projects—Construction, finance, requires specific authorization.** Under the provisions of this chapter projects other than those specifically authorized herein involving existing bridges may be studied and analyzed by the authority and the commission, and recommendations therefor may be submitted to the legislature, but such other projects shall not be financed or constructed by the said authority under the provisions hereof until further specific authorization therefor has been provided by the legislature. [1961 c 13 § 47.58.090. Prior: 1955 c 208 § 11.]

**47.58.500 Manette bridge—Port Washington Narrows project.** (1) The authority is especially authorized under the provisions of this chapter to reconstruct and improve the existing approaches and construct new approaches to the Manette bridge on secondary state highway 21-B in the city of Bremerton, and to construct an additional bridge, including approaches, over Port Washington Narrows in the vicinity of the said Manette bridge, at such exact location as may be selected by the director of highways, the state highway commission and the authority. Such project shall be known and designated as the Port Washington Narrows project and such new bridge and approaches when constructed shall be and become an integral part of the state highway system to be connected with and be a part of secondary state highway 21-B.

(2) The authority shall have the right to impose tolls for pedestrian and vehicular traffic over the existing Manette bridge, as well as such new bridge when constructed, for the purpose of paying the costs of reconstructing and improving approaches and constructing new approaches to the existing Manette bridge, constructing the new bridge in the vicinity thereof, to pay interest on and create a sinking fund for the retirement of revenue bonds issued for account of such project, and to pay any and all costs and expenses incurred by the authority in connection with and incidental to the issuance and sale of bonds, and for the preparation of surveys and estimates and to establish the required interest reserves for and during the estimated construction period and for six months thereafter. [1961 c 13 § 47.58.500. Prior: 1955 c 208 § 10.]

**47.58.900 Chapter provides additional method.** This chapter shall be deemed to provide an additional and alternative method for the doing of the things authorized

thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers existing on June 8, 1955. [1961 c 13 § 47.58.900. Prior: 1955 c 208 § 9.]

## Chapter 47.60 PUGET SOUND FERRY AND TOLL BRIDGE SYSTEM

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- 47.60.510 Evaluation of alternative methods of providing ferry transportation service across Puget Sound and adjacent waters.
- 47.60.520 Evaluation of alternative methods of providing ferry transportation service across Puget Sound and adjacent waters—Cross sound transportation plan—Progress reports.
- 47.60.530 Puget Sound ferry operations account—Created—Use.
- 47.60.540 Puget Sound ferry operations account—Transfer of excess funds.
- 47.60.550 Parking or holding area for ferry patrons in conjunction with municipal off-street parking facilities.

*Bridges across navigable waters: RCW 79.01.368–79.01.380.*

*Credit permits for vehicular passage: RCW 47.56.247, 47.56.248.*

*Sale, lease of unneeded toll facility, ferry system property—Franchises for utility, railway purposes: RCW 47.56.252 through 47.56.257.*

*Study of alternative methods of financing cross sound transportation facilities: RCW 44.40.026.*

*Traffic violations and unlawful acts on toll facility or ferry: RCW 46.61.690.*

**47.60.010 Ferry system, toll bridges, and facilities authorized—Power to contract.** The Washington toll bridge authority hereinafter referred to as the authority is hereby authorized to acquire by lease, charter, contract, purchase, condemnation or construction, and

partly by any or all of such means, and to thereafter operate, improve and extend, a system of ferries on and crossing Puget Sound and any of its tributary waters and connections thereof and connecting with the public streets and highways in the state, such system of ferries to include such boats, vessels, wharves, docks, approaches, landings, franchises, licenses, and appurtenances, as shall be determined by the authority to be necessary or desirable for efficient operation of the ferry system and best serve the public. The authority may in like manner acquire by purchase, condemnation or construction and include in such ferry system such toll bridges, approaches and connecting roadways as may be deemed by the authority advantageous in channeling traffic to points served by the ferry system. In addition to the powers of acquisition herein granted the authority is hereby empowered to enter into any contracts, agreements or leases with any person, firm or corporation and to thereby provide, on such terms and conditions as it shall determine, for the operation of any ferry or ferries or system thereof, whether acquired by the authority or not. [1961 c 13 § 47.60.010. Prior: 1949 c 179 § 1; Rem. Supp. 1949 § 6584–30.]

**47.60.015 "Washington State Ferries"—Name authorized.** The Washington toll bridge authority is hereby authorized to operate its ferry system under the name: "Washington State Ferries." [1961 c 13 § 47.60.015. Prior: 1953 c 33 § 1.]

**47.60.017 State ferry system declared to be a public mass transportation system.** The legislature finds and declares that the state ferry system is a public mass transportation system. [1974 ex.s. c 105 § 1.]

**47.60.020 Eminent domain—Condemnation proceedings.** For the purpose of carrying out any or all of the powers herein granted the authority shall have the power of eminent domain for the acquisition of either real or personal property, used or useful for such Puget Sound ferry system. Condemnation pursuant to this chapter shall be the procedure set out in chapter 8.04 RCW: *Provided*, That the authority may institute condemnation proceedings in the superior court of any county or other court of competent jurisdiction in which any of the property sought to be condemned is located or in which the owner of any thereof does business, and the court in any such action shall have jurisdiction to condemn property wherever located within the state: *Provided further*, That it shall not be necessary to allege or prove any offer to purchase or inability to agree with the owners thereof for the purchase of any such property in said proceedings. It is the intention of this section to permit the consolidation in one action of all condemnation proceedings necessary to acquire a ferry system, and every type of property incident thereto, irrespective of its location within the state or diversity of ownership. Upon the filing of a petition for condemnation as provided in this section the court may issue an order restraining the removal from the jurisdiction of the state of any personal property sought to be acquired by the proceeding during the pendency thereof. The court shall further



have the power to issue such orders or process as shall be necessary to place the authority into possession of any property condemned. [1961 c 13 § 47.60.020. Prior: 1949 c 179 § 2; Rem. Supp. 1949 § 6584-31.]

**47.60.030 Existing contracts—Prior negotiations and bids validated.** In any case where the authority shall take over any property or properties which are under lease, contract or concession, or where the authority has heretofore entered into any contract or negotiation or received any bid for any of the purposes set forth in this chapter, the authority is hereby authorized to continue in effect and carry out any such contract, lease or concession or complete any such negotiation or accept any such bid or any modification of any of them which shall appear advantageous to the authority without regard to any limitations or directions as to the manner thereof contained in this chapter: *Provided*, That this section shall not be construed as requiring the authority so to act, but this section shall be permissive only and then only in respect to contracts, leases, concessions, negotiations or bids existing, entered into or received prior to April 1, 1949. [1961 c 13 § 47.60.030. Prior: 1949 c 179 § 7; Rem. Supp. 1949 § 6584-36.]

**47.60.040 Survey by highway commission.** For the purpose of obtaining information for the consideration of the authority upon the acquisition of any ferries or ferry facilities or the construction of any toll bridge under this chapter, it shall be the duty of the highway commission, upon request of the authority, to make any examination, investigation, survey or reconnaissance for the determination of material facts pertaining thereto and report the same to the authority.

The cost of any such examination, investigation, survey or reconnaissance and all preliminary expenses leading up to and resulting in the issuance of any revenue bonds including, but not being limited to expenses in making surveys and appraisals and the drafting, printing, issuance and sale of bonds under this chapter shall be borne by the highway commission out of the motor vehicle fund. All such costs and expenses as well as any thereof heretofore incurred shall be reimbursed to said motor vehicle fund out of any proceeds derived from the sale of bonds or out of tolls and revenues to be derived by the authority through its operations hereunder. [1961 c 13 § 47.60.040. Prior: 1949 c 179 § 4, part; Rem. Supp. 1949 § 6584-33, part.]

**47.60.045 Comprehensive long range plan for cross sound transportation.** The Washington state highway commission, in cooperation with the legislative transportation committee, is authorized and directed to prepare a comprehensive long range plan for cross sound transportation concerning the proper location of bridges and ferry routes, possible use of hovercraft or other forms of water transportation, together with necessary connecting roads and terminals for the facilities of transportation across Puget Sound. The committee and commission shall utilize all current and prior surveys and reports heretofore made concerning cross sound transportation.

The comprehensive plan provided for in this section shall be transmitted with the financing plan provided for in RCW 44.40.026 to the 1973 legislature. [1971 ex.s. c 195 § 17; 1963 ex.s. c 3 § 23.]

**Severability—1971 ex.s. c 195:** See note following RCW 44.40.010.

**47.60.050 Improvement of facilities—Financing.** Any facility which the authority acquires or is authorized to acquire under the provisions of this chapter may be rehabilitated, rebuilt, enlarged or improved, and the cost thereof may be paid from the revenues of the system or through the issuance of bonds as hereinafter provided. [1961 c 13 § 47.60.050. Prior: 1949 c 179 § 3, part; Rem. Supp. 1949 § 6584-32, part.]

**47.60.060 Revenue bonds authorized—Issuance—Conditions—Negotiability—Interim bonds.** For the purpose of paying the cost of acquiring by lease, charter, contract, purchase, condemnation or construction all or any part of such Puget Sound ferry system, including toll bridges, approaches and roadways incidental thereto, and for rehabilitating, rebuilding, enlarging or improving all or any part of said system, the authority is hereby authorized by resolution to issue its revenue bonds which shall constitute obligations only of the authority and shall be payable solely and only from all or such part of the revenues from the operation of the system as may be provided in and by such resolution.

Each such revenue bond shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by a direct charge and lien upon the tolls and revenues pledged for that purpose and that such bond does not constitute an indebtedness of the state of Washington.

The authority is hereby empowered to include in any resolution authorizing the issuance of the bonds such covenants, stipulations and conditions as may be deemed necessary with respect to the continued use and application of the income and revenues from the undertaking.

Such revenue bonds may bear such date or dates, may mature at such time or times as the authority shall determine, may bear interest at such rate or rates, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this chapter as may be provided in such resolution. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond is nonnegotiable each such revenue bond shall at all times be and shall be treated as a negotiable instrument for all purposes. All such bonds shall be signed by the state treasurer and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state treasurer: *Provided*, That the countersignature of the governor on such bonds and the signature of the state treasurer on such coupons may be their printed or lithographed facsimile signatures.

Pending the issuance of definitive bonds, temporary or interim bonds, certificates or receipts of any denomination and with or without coupons attached may be issued as may be provided by said resolution. [1973 c 106 § 28; 1970 ex.s. c 56 § 65; 1969 ex.s. c 232 § 34; 1961 c 13 § 47.60.060. Prior: 1949 c 179 § 4, part; Rem. Supp. 1949 § 6584-33, part.]

**Purpose**—**Effective date**—1970 ex.s. c 56: See notes following RCW 39.44.030.

**Validation**—**Saving**—**Severability**—1969 ex.s. c 232: See notes following RCW 39.44.030.

**47.60.070 Bond resolution to provide for setting aside funds.** Any resolution of the Washington toll bridge authority providing for the issuance of revenue bonds shall provide for setting aside the necessary amounts for the reasonable and proper operation, maintenance, and repair expenses, and shall fix and determine the amounts to be set apart and applied to the payment of the interest on and retirement of the revenue bonds, and the amounts to be set apart and paid into any special funds for renewals, replacements, rebuilding, enlarging, or improving the system. Each such resolution made hereafter shall provide for proceeds of the sale of revenue bonds to be placed in the "authority revolving fund," as established by RCW 47.60.180 as follows: Three-fourths of one percent on the first five million dollars or part thereof; five-eighths of one percent on the amount over five million dollars to and including ten million dollars; one-half of one percent on the amount over ten million dollars to and including twenty-five million dollars; three-eighths of one percent on the amount over twenty-five million dollars to and including fifty million dollars; one-quarter of one percent on the amount over fifty million dollars to and including seventy-five million dollars; and one-eighth of one percent on all amounts over seventy-five million dollars: *Provided*, That no such payments shall be made to the authority revolving fund from proceeds derived from the sale of bonds for the construction, maintenance, and operation of facilities between the state of Washington and any other state, territory, or province, where such other state, territory, or province, or any political subdivision thereof, joins with the state of Washington in the construction or operation of such facility: *Provided further*, That no such payments shall be made into the authority revolving fund from the proceeds of bonds sold for the purpose of refunding outstanding revenue bonds of the Washington toll bridge authority. [1961 c 13 § 47.60.070. Prior: 1957 c 230 § 1; 1955 c 21 § 1; 1953 c 220 § 4; 1949 c 179 § 5, part; Rem. Supp. 1949 § 6584-34, part.]

**47.60.080 Determining amount of bonds to be issued.** In determining the amount of bonds required to be issued there may be included any expenses incurred by the authority in connection with and incidental to the issuance and sale of bonds and for the preparation of surveys and estimates and making inspections and examinations, interest during the estimated construction period, and for six months thereafter, and a reasonable amount for working capital and prepaid insurance.

[1961 c 13 § 47.60.080. Prior: 1949 c 179 § 4, part; Rem. Supp. 1949 § 6584-33, part.]

**47.60.090 Sale of bonds—Deposit, disbursement of proceeds.** All bonds issued under or by authority of this chapter shall be sold to the highest and best bidder after such advertising for bids as the authority may deem proper: *Provided*, That the authority may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as the authority may deem most advantageous to its own interests. The purchase price of all bonds issued hereunder shall be paid to the state treasurer consistent with the provisions of the resolution pursuant to which such bonds have been issued or to the trustee designated in the bond resolution and held as a separate trust fund to be disbursed on the orders of the authority. [1961 c 13 § 47.60.090. Prior: 1949 c 179 § 4, part; Rem. Supp. 1949 § 6584-33, part.]

**47.60.100 Bonds are legal investment for state moneys.** Notwithstanding any other provision of the law, bonds issued by the authority shall be legal investments by the state finance committee of any state moneys in its hands, except permanent school funds and motor vehicle funds. [1961 c 13 § 47.60.100. Prior: 1953 c 154 § 14; 1951 c 259 § 3; 1951 c 121 § 14; 1949 c 179 § 8; Rem. Supp. 1949 § 6584-37.]

**47.60.110 Bondholders may compel performance.** The holder of any bond or the trustee for any bonds designated by resolution may by mandamus or other appropriate proceeding require and compel performance of any duties imposed upon any state department, official or employee, including any duties imposed upon or undertaken by the authority or its officers, agents and employees in connection with the construction, maintenance and operation of the ferry system and in connection with the collection, deposit, investment, application and disbursement of the proceeds of the bonds and the revenue and income derived from the operation of the system. [1961 c 13 § 47.60.110. Prior: 1949 c 179 § 4, part; Rem. Supp. 1949 § 6584-33, part.]

**47.60.113 Refunding bonds—Authorization—Amount—Interest—Conditions.** The Washington toll bridge authority is hereby authorized to refund, at the maturity thereof, or before the maturity thereof if they are subject to call prior to maturity or if all of the holders thereof consent thereto, upon such terms and conditions as it shall deem best, any or all of its revenue bonds now or hereafter outstanding, issued for the purpose of acquiring, constructing or reconstructing any toll bridge, toll road, toll tunnel, ferry system, or any other toll facility of any sort, or issued for the purpose of refunding such bonds, which revenue bonds are payable out of all or part of the revenues of such toll facility. Refunding bonds may be issued hereunder in a sufficient amount to provide additional funds for acquiring, constructing, reconstructing, rehabilitating, rebuilding, enlarging or improving any toll bridge, toll road, toll tunnel, ferry system, or any other toll facility of any

sort, and to pay all refunding costs and expenses and to provide adequate reserves for said toll facility and for any such refunding bonds. Various issues and series of such outstanding bonds, including refunding bonds, may be combined and refunded by a single issue of refunding bonds. Such refunding bonds shall bear interest at such rates and mature at such times, without limitation by the interest rates or maturity of the bonds being refunded, and shall contain such other covenants and conditions as the Washington toll bridge authority shall determine by resolution. [1961 c 13 § 47.60.113. Prior: 1957 c 152 § 1; 1955 c 17 § 1.]

**47.60.114 Refunding bonds—Payable from revenues.** Any refunding bonds authorized herein shall constitute obligations of the Washington toll bridge authority only and not of the state of Washington. They shall be payable solely out of all or such part of the revenues derived from the operation of the toll bridge, toll road, toll tunnel, ferry system, or any other toll facility, as shall be provided in the resolution authorizing the issuance of such refunding bonds. [1961 c 13 § 47.60.114. Prior: 1957 c 152 § 2; 1955 c 17 § 2.]

**47.60.115 Refunding bonds—Disposition—Laws applicable.** The bonds herein authorized shall, in the discretion of the Washington toll bridge authority, be exchanged at the best possible price for the bonds being refunded or any such bonds not exchanged shall be sold in the manner provided in RCW 47.60.090. The bonds herein authorized shall be issued in accordance with, and shall be subject to, the provisions of RCW 47.60.050, 47.60.060, 47.60.070, 47.60.080, 47.60.100, 47.60.110 and 47.60.120. [1961 c 13 § 47.60.115. Prior: 1957 c 152 § 3; 1955 c 17 § 3.]

**47.60.120 Other crossings—Infringement of existing franchises—Protection of outstanding bonds.** In the event the authority acquires or constructs, maintains and operates any ferry crossings upon or toll bridges over Puget Sound or any of its tributary or connecting waters there shall not be constructed, operated or maintained any other ferry crossing upon or bridge over any such waters within ten miles of any such crossing or bridge operated or maintained by the authority excepting such bridges or ferry crossings in existence, and being operated and maintained under a lawfully issued franchise at the time of the location of the ferry crossing or construction of the toll bridge by the authority. The authority shall not maintain and operate any ferry crossing or toll bridge over Puget Sound or any of its tributary or connecting waters which would infringe upon any franchise lawfully issued by the state and in existence and being exercised at the time of the location of the ferry crossing or toll bridge by the authority, without first acquiring the rights granted to such franchise holder under said franchise.

While any revenue bonds issued by the authority under the provisions of this chapter are outstanding no additional bonds shall be issued for the purposes of acquiring, constructing, operating or maintaining any

ferries or toll bridges within the aforesaid ten mile distance by the authority unless the revenues of any such additional ferries or toll bridges are pledged to the bonds then outstanding to the extent provided by the resolution authorizing the issue of such outstanding bonds. The provisions of this section shall be binding upon the state, and all of its departments, agencies and instrumentalities, as well as any and all private, political, municipal and public corporations and subdivisions, including cities, towns, counties and other political subdivisions, and the prohibitions of this section shall restrict and limit the powers of the legislature of the state in respect to the matters herein mentioned so long as any of such bonds are outstanding and unpaid and shall be deemed to constitute a contract to that effect for the benefit of the holders of all such bonds. [1961 c 13 § 47.60.120. Prior: 1949 c 179 § 6; Rem. Supp. 1949 § 6584–35.]

**47.60.122 Ferries, terminal facilities—Interim revenue warrants authorized.** For the purpose of paying the cost of acquiring, constructing or reconstructing ferries or ferry terminal facilities, and all costs which may be incurred in connection therewith, the Washington toll bridge authority is hereby authorized to issue interim revenue warrants, which shall constitute obligations only of the authority, and which shall not be obligations of the state of Washington. Such warrants shall be payable solely out of part or all of the revenues derived from the operation of the Puget Sound ferry system as shall be provided in the resolution authorizing their issuance, and shall be drawn upon, and the principal thereof and interest thereon shall be payable out of, such fund or funds as shall be created in and provided by such resolution. Such warrants may be interest bearing coupon warrants with a fixed maturity date, or may be interest bearing registered warrants payable in order of their issuance whenever there is sufficient money in the fund upon which they were drawn to redeem any of the same. [1961 c 13 § 47.60.122. Prior: 1953 c 159 § 1.]

**47.60.124 Revenue refunding bonds to redeem interim warrants.** In the event it is deemed advisable or found necessary to redeem any or all of such warrants, the authority is authorized to issue its revenue refunding bonds for such purpose. Said bonds shall constitute obligations only of the authority, and shall not be obligations of the state of Washington. Such refunding bonds shall be payable solely out of part or all of the revenues derived from the operation of the Puget Sound ferry system as shall be provided in the resolution authorizing their issuance. [1961 c 13 § 47.60.124. Prior: 1953 c 159 § 2.]

**47.60.126 Interim warrants and refunding bonds—Laws applicable.** All provisions of chapter 47.60 RCW pertaining and applicable to the revenue bonds of the authority authorized therein are made applicable to the warrants and revenue refunding bonds authorized herein except insofar as otherwise provided by RCW 47.60.122 through 47.60.126. [1961 c 13 § 47.60.126. Prior: 1953 c 159 § 3.]

**47.60.130 Unit or combined operation—Continuous project—Rental, charter, lease, of system property—Sale of unneeded property.** Such ferry system, including any toll bridges, approaches, and roadways incidental thereto, may be financed and operated in combination or separately as one or more units as the authority may determine, and such ferry system together with any toll bridge hereafter constructed by the authority upon or across the waters of Puget Sound or Hood Canal, or any part of either, replacing one or more presently operated ferry routes, is declared to be a continuous project within the meaning of RCW 47.56.070. The authority is empowered to rent, lease, or charter any property acquired under this chapter. If the authority determines that any real property (including lands, improvements thereon, and any interests or estates) held by the authority is no longer required for the purposes of the ferry system, the authority shall offer it for sale in the manner and with the authority authorized to the state highway commission by RCW 47.12.280. The authority may adopt rules further implementing this section as granted to the highway commission by RCW 47.12.280. The proceeds of all such sales shall be paid into the separate trust fund of the state treasury established pursuant to RCW 47.60.150. [1973 1st ex.s. c 177 § 5; 1961 c 13 § 47.60.130. Prior: 1955 c 22 § 1; 1953 c 32 § 1; 1949 c 179 § 3, part; Rem. Supp. 1949 § 6584-32, part.]

**47.60.140 System as self-liquidating undertaking—Powers of highway commission—Concessions.** The authority is empowered to operate such ferry system, including all operations, whether intrastate or international, upon any route or routes, and toll bridges as a revenue producing and self-liquidating undertaking. The highway commission shall have full charge of the construction, rehabilitation, rebuilding, enlarging, improving, operation and maintenance of the ferry system, including toll bridges, approaches and roadways incidental thereto that may be authorized by the authority, including the collection of tolls and other charges for the services and facilities of the undertaking: *Provided*, That the authority shall have the exclusive right to enter into leases and contracts for use and occupancy by other parties of the concessions and space located on the ferries, wharves, docks, approaches and landings, but no such leases or contracts shall be entered into for more than five years, nor without public advertisement for bids as may be prescribed by the authority: *Provided further*, That the Colman Dock facilities may be leased for a period not to exceed ten years: *Provided further*, That the authority may accept and continue leases and contracts for a period of ten years without advertisement or bid, if such leases or contracts were in effect or entered into at the time of the purchase of the Puget Sound ferry system, and any leases or contracts so made are hereby validated. [1965 ex.s. c 170 § 58; 1961 c 13 § 47.60.140. Prior: 1951 c 259 § 1; 1949 c 179 § 5, part; Rem. Supp. 1949 § 6584-34, part.]

**47.60.150 Fixing of charges—Deposit, segregation, and disbursement of revenues.** Subject to the provisions of RCW 47.60.325, the schedule of charges for the services and facilities of the system shall be fixed and revised from time to time by the authority so that the tolls and revenues collected together with any moneys in the Puget Sound ferry operations account appropriated for maintenance and operation, and all moneys in the Puget Sound reserve account available for debt service will yield annual revenue and income sufficient, after allowance for all operating, maintenance and repair expenses to pay the interest and principal and sinking fund charges for all outstanding revenue bonds, and to create and maintain a fund for ordinary renewals and replacements: *Provided*, That if provision is made by any resolution for the issuance of revenue bonds for the creation and maintenance of a special fund for rehabilitating, rebuilding, enlarging or improving all or any part of the ferry system then such schedule of tolls and rates of charges shall be fixed and revised so that the revenue and income will also be sufficient to comply with such provision.

All income and revenues as collected shall be paid to the state treasurer for the account of the authority as a separate trust fund and to be segregated and disbursed upon order of the authority: *Provided*, That the fund so segregated and set apart for the payment of the revenue bonds may be remitted to and held by a designated trustee in such manner and with such collateral as may be provided in the resolution authorizing the issuance of said bonds. [1972 ex.s. c 24 § 5; 1961 c 13 § 47.60.150. Prior: 1949 c 179 § 5, part; Rem. Supp. 1949 § 6584-34, part.]

**47.60.160 Reimbursement of motor vehicle fund.** In the event it be ascertained that any expense to the motor vehicle fund has been incurred in any manner under this chapter through the authority, the highway commission, or otherwise, all such expenses shall be promptly reimbursed to the motor vehicle fund out of tolls and revenues derived by the authority through any or all of its operations hereunder. [1961 c 13 § 47.60.160. Prior: 1949 c 179 § 5, part; Rem. Supp. 1949 § 6584-34, part.]

**47.60.170 Ferries revolving fund authorized—Deposit of excess funds.** Nothing in RCW 47.60.150 shall forbid the establishment by the authority of a Washington state ferries revolving fund of not to exceed six hundred thousand dollars from the proceeds of any bonds sold under the provisions of this chapter. Such fund may be deposited by the authority in such banks or financial institutions as it may select throughout the state. The provisions of RCW 43.01.050 shall not be applicable to such fund or any deposits therein made by the authority under the provisions of this section. The authority may deposit thereafter therein all moneys received under the provisions of this chapter. All expenses whatsoever arising in the operations of the Puget Sound ferry system shall be paid from such fund if established by check or voucher in such manner as may be prescribed by the authority.

All moneys received by the authority or any employee under the foregoing sections of this chapter, except an amount of petty cash for each day's needs as fixed by the regulation of the authority, shall be each day and as often during such day as advisable, deposited in the nearest authorized depository selected by the authority under the terms of this section.

Whenever the fund shall exceed six hundred thousand dollars, the authority shall forthwith transmit such excess to the state treasurer for deposit in the trust fund established by RCW 47.60.150. [1970 ex.s. c 85 § 6; 1961 c 13 § 47.60.170. Prior: 1951 c 259 § 13.]

**Effective date**—1970 ex.s. c 85: See note following RCW 47.60.500.

**47.60.180 "Authority revolving fund" established—**  
**Purposes.** There is hereby established a permanent fund in the state treasury to be known as the "authority revolving fund," which fund shall be available to the Washington toll bridge authority in lieu of any allocation from any other appropriation from the motor vehicle fund. Said authority shall use said fund firstly to pay its investigation, management, maintenance and operation costs, unless otherwise provided for; secondly to reimburse for past and future advances from the motor vehicle fund, at such times and in such amounts as the authority shall in its discretion deem feasible. The projects to be investigated must propose facilities to be financed by revenue bonds of the authority to be repaid by tolls or charges. [1961 c 13 § 47.60.180. Prior: 1953 c 220 § 5; 1951 c 259 § 14.]

**47.60.190 Projects established through authority revolving fund—Repayment of fund.** Any sums expended under the provisions of RCW 47.60.180 as to each projected facility which shall be adopted and constructed by the authority shall be repaid from the revenues of such facility after it becomes operative to the authority revolving fund. The authority shall take into account any such expense in setting up any schedule of tolls or charges for such project. The authority shall make and order an orderly schedule of payments for the recovery of such expenses from any constructed facility within a reasonable time, which schedule shall be so made that it will not interfere with the other necessary expenses to be recovered by tolls or charges but shall operate with such other expense charges. Any sums so recovered shall be paid into the state treasury and by the treasurer deposited in the authority revolving fund. [1961 c 13 § 47.60.190. Prior: 1951 c 259 § 15.]

**47.60.200 Consent to liability not general liability of state.** Any consent to liability given under the provisions of this chapter shall create liability of the authority only and shall not create any general liability of the state. [1961 c 13 § 47.60.200. Prior: 1951 c 259 § 5.]

**47.60.210 Seamen may sue for injuries—Venue.** The state consents to suits against the authority by seamen for injuries occurring upon vessels of the authority in accordance with the provisions of section 688, title 46, of the United States code. The venue of such actions

may be in the superior court for Thurston county or the county where the injury occurred. [1961 c 13 § 47.60.210. Prior: 1951 c 259 § 6.]

**47.60.220 Authority as common carrier—Rights and liabilities.** The authority shall have all the obligations, duties and rights of a common carrier of persons and property in its operation of ferries, terminals or other facilities used in its ferry operations, including the right to participate in joint rates and through routes, agreements, and divisions of through and joint rates with railroads and other common carriers and the right to make any filings with the interstate commerce commission, the United States maritime commission or any other state or federal regulatory or governmental body and to comply with the lawful rules and regulations or requirements of any such body, and shall be subject to laws relating to carrier's liability for loss or damage to property transported, and for personal injury or death of persons transported. [1961 c 13 § 47.60.220. Prior: 1951 c 259 § 7.]

**47.60.230 Liability for damages as to persons or property.** In case of property loss or damage, personal injuries or death resulting from the operation of any ferry or terminal by the authority, any person or the personal representative of any person shall, subject to and to the extent hereinafter provided, have a right of action against the authority for such damage, loss, injury or death. [1961 c 13 § 47.60.230. Prior: 1951 c 259 § 8.]

**47.60.240 Liability to persons other than shippers or passengers—Limitation.** The right of action extended by this chapter shall be applicable to loss or damage of property and/or personal injury or death, resulting from the operation of ferries or terminals by the authority to persons other than shippers or passengers, but any recovery of damages in such cases shall not exceed an amount equal to the limitations of the insurance carried by the authority to insure it against loss for such liability. [1961 c 13 § 47.60.240. Prior: 1951 c 259 § 9.]

**47.60.250 Claim for damages—Filing—Contents—Time limitations.** As a condition to a recovery thereon, a verified claim against the authority growing out of such damages, loss, injuries or death must first be presented to the authority and filed with its secretary within one hundred twenty days after the time when such claim accrued. If the claimant shall be incapacitated from verifying and filing his claim within said one hundred twenty days, or if the claimant be a minor, then the claim may be verified and presented on behalf of said claimant by his relative, attorney or agent. Each such claim must accurately locate and describe the event or defect that caused the damage, loss, injury or death, reasonably describe the damage, loss or injury, and state the time when the same occurred, give the claimant's residence for six months last past and contain the items of damages claimed. No action shall be maintained against the authority upon such claim until the same has been presented to, and filed with, the authority and sixty

days have elapsed after such presentation and filing, nor more than three years after such claim accrued.

With respect to the content of such claims this section shall be liberally construed so that substantial compliance will be deemed satisfactory. [1967 c 164 § 3; 1961 c 13 § 47.60.250. Prior: 1951 c 259 § 10.]

**Purpose—Severability—1967 c 164:** See notes following RCW 4.96.010.

*Claims against the state: Chapter 4.92 RCW.*

**47.60.260 Payment of claims.** The authority may upon such terms and conditions as it may impose and under such rules and regulations as it may adopt, pay claims arising under its operation of ferries or terminals or compromise or settle such claims. No claim shall be paid by the authority or any settlement or compromise hereof be made except from its operating revenues derived from its operation of ferries or terminals or from the proceeds of insurance recoveries. [1961 c 13 § 47.60.260. Prior: 1951 c 259 § 11.]

**47.60.270 Venue of actions—Enforcement of judgment.** Actions for the recovery of damages under RCW 47.60.220 through 47.60.260 may be brought in Thurston county or in the county in which the aggrieved person resides. No execution upon a judgment or attachment shall be levied against the property of the authority, nor does the state consent to any maritime lien against vessels of the authority, but the authority may be required by order of court to pay any judgment. [1961 c 13 § 47.60.270. Prior: 1951 c 259 § 12.]

**47.60.275 Authority and jurisdiction of local law enforcement officers at state ferry terminals and upon ferries.** Law enforcement officers of cities, towns, and counties which are served by state ferries shall have, and are hereby authorized to exercise, concurrent jurisdiction and authority with state law enforcement officers in the enforcement of laws of the state and local governmental divisions at those state ferry terminals located within the respective governmental division served by such local law enforcement officers and on state ferries at the terminals and throughout the ferry runs, notwithstanding that the ferry may not be in the officer's governmental division. [1969 ex.s. c 13 § 1.]

**47.60.277 "No Smoking" areas on state ferries—Establishment authorized.** See RCW 47.56.730.

**47.60.280 Ferry service—Lummi Island to Orcas Island—Limitation on operation.** The Washington toll bridge authority is hereby authorized and directed to establish and operate a ferry service from a suitable point on Lummi Island in Whatcom county to a suitable point on Orcas Island in San Juan county by the most feasible route if and when Whatcom county constructs a bridge from Gooseberry Point on the mainland to Lummi Island. The actual operation of such ferry service shall not begin until Whatcom county has completed the construction of such bridge. [1961 c 13 § 47.60.280. Prior: 1959 c 198 § 1.]

**47.60.282 Ferry service between Port Townsend and Keystone—Operation authorized, when.** The Washington toll bridge authority and the Washington state highway commission are authorized to operate a ferry service between Port Townsend and Keystone on Admiralty Inlet in the event that the certificate of convenience and necessity for the ferry operation is theretofore surrendered, rights thereunder are abandoned, and the ferry service is discontinued. In no event shall the authority and the commission undertake such a ferry service preceding events as set forth herein or before April 1, 1973. [1972 ex.s. c 44 § 1.]

**47.60.283 Ferry service between Port Townsend and Keystone—Purpose.** The purpose of RCW 47.60.282 and 47.60.283 is to provide service on the ferry route between Port Townsend and Keystone to be determined by the toll bridge authority. Operation of this route is necessary for the economic health, safety and welfare of the people of the state. Additionally, state operation of this route will further benefit the people of the state by providing better access to important installations maintained by the United States Navy and the United States Coast Guard. [1972 ex.s. c 44 § 2.]

**47.60.290 State ferries—Review of tariffs and charges.** Subject to the provisions of RCW 47.60.325, the Washington toll bridge authority is hereby authorized and directed to review tariffs and charges as applicable to the operation of the Washington state ferries for the purpose of establishing a more fair and equitable tariff to be charged passengers, vehicles, and commodities on the routes of the Washington state ferries. [1972 ex.s. c 24 § 6; 1961 c 13 § 47.60.290. Prior: 1959 c 199 § 1.]

**47.60.300 State ferries—Scope of review—Periodic reviews required.** The review is to include but shall not be limited to tariffs for automobiles, passengers, trucks, commutation rates, and volume discounts. The review shall give proper consideration to time of travel, distance of travel, operating costs, maintenance and repair expenses, and the resultant effect any change in tariff might have on the debt service requirements of the authority as specifically provided in existing financing programs. The review shall also include the allocation of vessels to particular runs, the scheduling of particular runs, the adequacy and arrangements of docks and dock facilities, and any other subject deemed by the authority to be properly within the scope of the review. The authority is further authorized and directed to make a like review within every three year period. [1961 c 13 § 47.60.300. Prior: 1959 c 199 § 2.]

**47.60.310 State ferries—Local expressions—Local advisory committees.** The authority is further directed to conduct such review by soliciting and obtaining expressions from local community groups in order to be properly informed as to problems being experienced within the area served by the Washington state ferries. In order that local representation may be established, the authority is hereby directed to advise the board of

county commissioners of each county wherein a terminal of the Washington state ferries is located prior to the time that the review is to be commenced, and each board of county commissioners is hereby directed to appoint a committee to consist of no more than five members to serve as an advisory committee to the authority or its designated representative in such review. The committees to be appointed by the boards of county commissioners shall serve without fee or compensation. It is not the intent of RCW 47.60.290 through 47.60.320 that any powers or duties now prescribed and delegated to the authority shall be assumed by any other board or committee. [1961 c 13 § 47.60.310. Prior: 1959 c 199 § 3.]

**47.60.325 State ferries—Tolls—Stabilization—Changes.** (1) So long as moneys in the Puget Sound ferry operations account in the motor vehicle fund are appropriated for maintenance and operation of the Washington state ferries, tolls for use of ferries shall be stabilized at current rates except as otherwise authorized in subsections (2) and (3) of this section.

(2) The Washington toll bridge authority may from time to time pursuant to periodic reviews of its ferry toll schedules, adjust tolls for different classes of users and uses including commutation rates and volume discounts to eliminate inequities, or respond to changing economic factors.

(3) Each year the authority shall review the February consumer price index of the United States department of labor for the city of Seattle, or if the index for Seattle has been discontinued, then for the nearest city to Seattle, to ascertain the amount of any increase or decrease in relation to the same index for the previous February, taking into consideration the provisions of RCW 47.60.530. Changes in tolls if any, shall be adjusted by such increase or decrease and shall be rounded to the nearest multiple of five cents. The adjusted tolls if any, shall become effective on May 1st of the same year. [1972 ex.s. c 24 § 8.]

**47.60.350 Puget Sound reserve account—Created—Use.** There is hereby created in the motor vehicle fund the Puget Sound reserve account to the credit of which shall be deposited all moneys directed by law to be deposited therein. All moneys hereafter deposited in said account shall be used by the Washington toll bridge authority only for the purposes hereinafter set forth. [1961 ex.s. c 7 § 18.]

**47.60.360 Puget Sound reserve account—Excess funds in account to be transferred to Puget Sound capital construction account.** Whenever the total balance in the Puget Sound reserve account shall exceed one million dollars, a sum equal to such excess of one million dollars shall be transferred from the Puget Sound reserve account to the Puget Sound capital construction account of the motor vehicle fund. [1970 ex.s. c 85 § 5; 1961 ex.s. c 7 § 19.]

**Effective date—1970 ex.s. c 85:** See note following RCW 47.60.500.

**Puget Sound capital construction account:** RCW 47.60.500–47.60.505.

**47.60.370 Puget Sound reserve account—Specific uses enumerated.** The Puget Sound reserve account shall be used by the Washington toll bridge authority for the following purposes:

The authority may pledge any moneys in the Puget Sound reserve account or to be deposited in said account to guarantee the payment of principal or interest on (1) bonds issued to refund the outstanding 1955 Washington state ferry system refunding bonds and the 1957 ferry and Hood Canal bridge revenue bonds, or (2) subsequent parity bonds issued to pay costs of improving the Washington state ferry system or constructing additional transportation facilities for the crossing of any part of Puget Sound other than bridging between the east side of Puget Sound to the Kitsap Peninsula, Vashon Island or Bainbridge Island: *Provided*, That the authority shall not pledge any moneys in the Puget Sound reserve account to guarantee interest or principal on such parity bonds without further express authorization by legislative act.

The authority may further pledge moneys in the Puget Sound reserve account to meet any sinking fund requirements or reserves established by the authority with respect to any new bond issues provided for in this section.

To the extent of any pledge herein authorized, the authority shall use the first moneys available in the Puget Sound reserve account to meet such obligations as they arise. [1961 ex.s. c 7 § 20.]

**47.60.380 Puget Sound reserve account—Transfer of moneys to commission secondary to unpaid obligation—Continuing levy and deposit of motor vehicle fuel and use fuel taxes pledged.** Notwithstanding the provisions of RCW 47.60.360 the treasurer shall never transfer any moneys from the Puget Sound reserve account for use by the state highway commission for state highway purposes so long as there is due and unpaid any obligations for payment of principal, interest, sinking funds or reserves as required by any pledge of the Puget Sound reserve account. Whenever the authority shall have pledged any moneys in said account for the purposes authorized in RCW 47.60.370, the state agrees to continue to deposit in the Puget Sound reserve account the motor vehicle fuel taxes and use fuel taxes as provided in RCW 82.36.020 and \*82.40.290, and further agrees that so long as there exists any outstanding obligations pursuant to such pledge, to continue to impose such taxes. [1961 ex.s. c 7 § 21.]

**\*Reviser's note:** Chapter 82.40 RCW, the use fuel tax, was repealed by 1971 ex.s. c 175 § 33; for later enactment see chapter 82.38 RCW, the special fuel tax act.

**47.60.390 Puget Sound reserve account—Investment of funds not required for specified purposes.** Any funds in the Puget Sound reserve account of the motor vehicle fund which are not required by the authority for payment of principal or interest on any bond issues or for any of the other purposes authorized in RCW 47.60.370, may be invested by the authority, subject to the

approval of the highway commission, in bonds and obligations of the nature eligible for the investment of current state funds as provided in RCW 43.84.080. [1961 ex.s. c 7 § 22.]

**47.60.400 Additional revenue bonds, refunding bonds, authorized, 1961 Act.** The Washington toll bridge authority is authorized to issue revenue bonds to refund all or any part of the authority's outstanding 1955 Washington state ferry system refunding revenue bonds and 1957 ferry and Hood Canal bridge revenue bonds, and may issue additional revenue bonds in parity therewith to pay cost of improving the Washington state ferry system or constructing or improving transportation facilities for the crossing of Puget Sound and any of its tributary waters and connections thereof other than bridging from the east side of Puget Sound to the Kitsap Peninsula, Vashon Island or Bainbridge Island: *Provided*, That the toll bridge authority shall not issue any such additional revenue bonds without further express authorization by the legislature. With respect to the issuing of such bonds and the payment of principal and interest thereon, the payment into reserves, sinking funds, and the ferry improvement fund established in connection therewith, and the fixing and revision of charges for services and facilities of the system, and in managing all its fiscal operations, the authority shall have all the powers and shall follow the same procedures established for it under existing laws, except as otherwise provided herein. [1961 ex.s. c 9 § 1.]

**Appropriation—1961 ex.s. c 9:** "There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority, for the biennium ending June 30, 1963, the sum of two million six hundred thousand dollars or so much thereof as may be necessary for the operation and maintenance of the Washington state ferries and the payments of principal and interest on outstanding 1955 Washington state ferry system refunding revenue bonds and 1957 ferry and Hood Canal bridge revenue bonds and payments into reserves thereof as required by resolutions adopted by the authority with respect to such bond issues. Whenever such bond issues shall be refunded, any unexpended part of this appropriation shall lapse." [1961 ex.s. c 9 § 8.]

**47.60.410 Additional revenue bonds, refunding bonds, authorized, 1961 Act—"Ferry improvement fund"—Uses—Composition.** In the event refunding bonds are issued as provided in RCW 47.60.400, the authority is hereby directed to establish a fund to be called the "ferry improvement fund" to be used to pay all or any part of the cost of constructing, purchasing, reconstructing, replacing, extending, bettering, developing or otherwise improving any part of the Washington state ferry system.

Into this fund the authority shall place each year such sums as it finds needed for the aforesaid and available from the revenues of the ferry system and Hood Canal bridge after payment of costs of maintenance and operation, bond interest, bond reserve funds, and payments upon principal required during the year by bond resolutions: *Provided*, That not more than two hundred fifty thousand dollars in any year shall be placed in such fund and the amount accumulated in the fund shall not at any time exceed three million dollars. [1961 ex.s. c 9 § 2.]

**47.60.420 Additional revenue bonds, refunding bonds, authorized, 1961 Act—Prior charge against Puget Sound reserve account if ferry system and Hood Canal bridge revenues insufficient—Repayment.** To the extent that all revenues from Washington state ferry system and the Hood Canal bridge available therefor are insufficient to provide for the payment of principal and interest on the bonds authorized and issued pursuant to RCW 47.60.400 through 47.60.470 and for sinking fund requirements established with respect thereto and for payment into such reserves as the authority shall have established with respect to the securing of such bonds and for payment into the ferry improvement fund, there is hereby imposed a first and prior charge against the Puget Sound reserve account of the motor vehicle fund created by RCW 47.60.350 through 47.60.390 and, to the extent required, against all revenues hereafter derived from the one-quarter cent of motor vehicle fuel tax and one-quarter cent of use fuel tax required by law to be deposited in the Puget Sound reserve account.

To the extent that the revenues from the Washington state ferry system and the Hood Canal bridge available therefor are insufficient to meet required payments of principal and interest on bonds, sinking fund requirements and payments into reserves and the payments into the ferry improvement fund provided in RCW 47.60.410, the authority shall use moneys in the Puget Sound reserve account for such purpose. Any moneys from the Puget Sound reserve account used by the authority to pay such obligations shall be repaid by the authority to the motor vehicle fund from tolls of the Washington state ferry system and the Hood Canal bridge and tolls shall be continued for any required additional length of time necessary for this purpose. [1961 ex.s. c 9 § 3.]

**47.60.430 Additional revenue bonds, refunding bonds, authorized, 1961 Act—Agreement to continue imposition of certain taxes.** So long as any bonds issued as authorized herein are outstanding, the state hereby agrees to continue to impose the one-quarter cent of motor vehicle fuel tax and one-quarter cent of use fuel tax required by law to be deposited in the Puget Sound reserve account of the motor vehicle fund. [1961 ex.s. c 9 § 4.]

**47.60.440 Additional revenue bonds, refunding bonds, authorized, 1961 Act—Ferry system a revenue-producing undertaking—Debt service—Tolls on ferry system and Hood Canal bridge.** The Washington state ferry system shall be efficiently managed, operated and maintained as a revenue-producing undertaking. Subject to the provisions of RCW 47.60.325 the authority shall maintain and revise from time to time as necessary a schedule of tolls and charges on said ferry system and Hood Canal bridge which together with any moneys in the Puget Sound ferry operations account appropriated for maintenance and operation and all moneys in the Puget Sound reserve account available for debt service will produce net revenue available for debt service requirements as used in this section shall include service, in each fiscal year, in an amount at least equal to minimum annual debt service requirements as hereinafter



provided. Minimum annual debt service requirements as used in this section shall include required payments of principal and interest, sinking fund requirements and payments into reserves on all outstanding revenue bonds authorized by RCW 47.60.400 through 47.60.470 and all other outstanding parity bonds hereafter issued in connection with the said ferry system and Hood Canal bridge and any other facility hereafter constructed by the authority to facilitate the crossing of Puget Sound, but shall not include payments into the ferry improvement fund.

The provisions of law relating to the revision of tolls and charges to meet minimum annual debt service requirements from net revenues as required by this section shall be binding upon the authority but shall not be deemed to constitute a contract to that effect for the benefit of the holders of such bonds. [1972 ex.s. c 24 § 7; 1963 ex.s. c 3 § 42; 1961 ex.s. c 9 § 5.]

**47.60.450 Additional revenue bonds, refunding bonds, authorized, 1961 Act—Revision of tolls to meet debt service.** If the net revenue together with all moneys in the Puget Sound reserve account available for debt service in any fiscal year fail to meet minimum annual debt service for the year, as defined in RCW 47.60.440, the tolls and charges shall be promptly revised to produce such coverage: *Provided*, That in such case revision of tolls and charges shall be determined by the authority after considering supporting data and recommendations therefor which shall be furnished by a nationally recognized traffic engineering firm retained by the authority in the manner provided in the bond proceedings.

Tolls and charges shall not be increased in any case when in the opinion of such engineering firm the increase would so reduce traffic that no net gain in revenue would result. The provisions of this section shall be deemed a covenant for the benefit of the holders of such bonds. [1961 ex.s. c 9 § 6.]

**47.60.460 Additional revenue bonds, refunding bonds, authorized, 1961 Act—Repayment of 1961 appropriation for Hood Canal bridge—Continuation of tolls—Obligations subordinate to obligations subsequently incurred for ferry system and bridge.** See RCW 47.56.365.

**47.60.470 Additional revenue bonds, refunding bonds, authorized, 1961 Act—Periodic reports by authority to joint fact-finding committee on highways.** The Washington toll bridge authority shall periodically report to the joint fact-finding committee on highways, streets and bridges its plans and progress relating to the financing and refinancing of the Washington state ferries and Hood Canal bridge, including the issuance of bonds authorized by RCW 47.60.400 through 47.60.470, to the end that the committee may be informed of plans which may affect its recommendations to the legislature. [1961 ex.s. c 9 § 9.]

**47.60.500 Acquisition of additional ferries—Legislative finding—Highway commission authority.** (1) The legislature finds that the state's ferry fleet available

for mass transportation of people within the urban region of Puget Sound is critically deficient and that substantial financial assistance for the acquisition of new ferries is necessary if the Washington state ferries is to continue to fulfill its role in the Puget Sound regional urban transportation system.

(2) The Washington state highway commission is authorized:

(a) To apply to the secretary of transportation for a financial grant to assist the state to acquire urgently needed ferries.

(b) To enter into an agreement with the secretary of transportation or other duly authorized federal officials and to assent to such conditions as may be necessary to obtain financial assistance for the acquisition of additional ferries. In connection with such agreement the Washington state highway commission may pledge any moneys in the Puget Sound capital construction account in the motor vehicle fund or any moneys to be deposited in said account for the purpose of paying the state's share of the cost of acquiring ferries. To the extent of such pledge the commission shall use the moneys available in the Puget Sound capital construction account to meet such obligations as they arise. [1970 ex.s. c 85 § 1.]

**Effective date—1970 ex.s. c 85:** "This 1970 amendatory 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 April 1, 1970." [1970 ex.s. c 85 § 9.] This applies to RCW 47.60.500, 47.60.505, 47.60.170, 47.60.360, 46.68.100 and 82.36.020.

**47.60.505 Puget Sound capital construction account—Created—Use.** There is hereby created in the motor vehicle fund the Puget Sound capital construction account. All moneys hereafter deposited in said account shall be used by the state highway commission exclusively for improving the Washington state ferry system or constructing or improving transportation facilities for the crossing of Puget Sound and any of its tributary waters. [1970 ex.s. c 85 § 2.]

**47.60.510 Evaluation of alternative methods of providing ferry transportation service across Puget Sound and adjacent waters.** The legislature recognizes that transportation across Puget Sound provides a vital geographic link necessary for the welfare of the people as well as the growth and development of the state of Washington. The legislature further recognizes that ferry transportation has become a financial burden to the state and to the users of the ferry system. In order to effect immediate and long-term relief of these financial problems, the Washington state highway commission and the joint committee on highways are hereby authorized and directed to evaluate alternative methods of providing greater efficiencies and economies in ferry transportation service across Puget Sound and adjacent waters. Such evaluation shall include, but not necessarily be limited to the following factors:

(1) A system of roads and bridges connecting Vashon Island and Bainbridge Island with the Kitsap Peninsula mainland.

(2) Relocation of terminals and ferry routes to improve the economics of the ferry system operation.

(3) Supplemental facilities for the movement of foot passengers.

(4) The relative economic benefits to the state, the ferry patrons, and the residents of the areas served by the ferry system.

(5) The cost of construction and a time schedule for implementing a consolidated ferry system.

In making its evaluation, the state highway commission shall solicit and give full consideration to the views of local community groups as provided in RCW 47.60-.300 and 47.60.310.

The highway commission and the joint committee on highways shall also, at the time that such evaluation is made, inquire into the extent to which motor vehicle funds might be made available to offset the operating and maintenance costs of the ferry system and the eligibility of the ferry system for federal money participation on the basis that ferries are extensions of federal aid routes and/or are mass public transportation carriers; such inquiry shall give full consideration to the importance of the Puget Sound Naval Shipyard on a regional and national scope by reason of the vital work done in the defense of the nation and the fact that said shipyard is the second largest employer in the state of Washington. [1971 ex.s. c 149 § 1.]

**47.60.520 Evaluation of alternative methods of providing ferry transportation service across Puget Sound and adjacent waters—Cross sound transportation plan—Progress reports.** The state highway commission and the joint committee on highways shall prepare a cross sound transportation plan which shall include cost estimates and alternative means for financing the entire project. The plan shall specify the portion of the total cost which can be financed by issuance of toll bridge authority revenue bonds and that portion of the total cost which would be contributed from the motor vehicle fund. A preliminary progress report shall be submitted to the next session of the legislature, and a final report incorporating the findings and recommendations of the state highway commission and the joint committee on highways formulated pursuant to the provisions of RCW 47.60.510 and 47.60.520 shall be presented to the 1973 regular session of the legislature. [1971 ex.s. c 149 § 2.]

**47.60.530 Puget Sound ferry operations account—Created—Use.** There is hereby created in the motor vehicle fund the Puget Sound ferry operations account to the credit of which shall be deposited all moneys directed by law to be deposited therein. All moneys deposited in this account shall be expended pursuant to appropriations only for maintenance and operation of the Washington state ferries supplementing as required the revenues available from the Washington state ferry system. [1972 ex.s. c 24 § 3.]

**47.60.540 Puget Sound ferry operations account—Transfer of excess funds.** (1) Whenever in any biennium there has been paid into the Puget Sound ferry operations account sums equal to the appropriations from the

account for the biennium, all additional sums accruing to the account shall forthwith be transferred from the account and shall be expended by the state highway commission pursuant to proper appropriations for state highway purposes.

(2) One month after the end of each biennium any sums which were paid into the Puget Sound ferry operations account during the biennium just ended which remain unexpended shall be transferred from the account and shall be expended by the state highway commission pursuant to proper appropriation for state highway purposes. [1972 ex.s. c 24 § 4.]

**47.60.550 Parking or holding area for ferry patrons in conjunction with municipal off-street parking facilities.** (1) Whenever any county, city or other municipal corporation acquires or constructs any facility to be used in whole or in part for off-street parking of motor vehicles which is in the immediate vicinity of an existing or planned ferry terminal, the Washington toll bridge authority may enter into an agreement with such local governmental body providing for the use in part or at specified times of such facility as a holding area for traffic waiting to board a ferry or for parking by ferry patrons.

(2) As a part of an agreement authorized by subsection (1) of this section, the authority, subject to the limitations contained in RCW 47.60.380, may pledge any moneys in the Puget Sound capital construction account in the motor vehicle fund, or to be deposited in said account, to guarantee the payment of principal and interest on bonds issued by a county, city or other municipal corporation to finance the acquisition or construction of such a parking facility. In making any such pledge, the authority shall reserve the right to issue its own bonds for the purpose of paying the costs of acquiring ferry vessels with the provision that such bonds shall rank on parity with the bonds authorized by this section as a lien upon moneys in or to be deposited in the Puget Sound capital construction account.

The authority shall also reserve the right to pledge moneys in the Puget Sound capital construction account to guarantee subsequent bonds issued by any county, city or other municipal corporation to finance parking facilities as authorized in subsection (1) of this section with the provision that such subsequent bonds shall rank on parity with prior bonds guaranteed pursuant to this section as a lien upon moneys in or to be deposited in the Puget Sound capital construction account. To the extent of any pledge herein authorized, the authority shall use the first moneys available in the Puget Sound capital construction account to meet such obligations as they arise. [1975-'76 2nd ex.s. c 69 § 1.]

**Chapter 47.61  
ACQUISITION OF NEW FERRY VESSELS  
PURSUANT TO URBAN MASS TRANSPORTATION  
ACT OF 1964**

Sections

- 47.61.010 Highway commission may enter agreement and apply for financial assistance.  
47.61.020 Bonds to provide matching funds—Issuance and sale.

- 47.61.030 Bonds to provide matching funds—Term—Terms and conditions.
- 47.61.040 Bonds to provide matching funds—Signatures—Registration—Where payable—Negotiable instruments.
- 47.61.050 Bonds to provide matching funds—Denominations—Manner and terms of sale—Legal investment for state funds.
- 47.61.060 Bonds to provide matching funds—Bond proceeds—Deposit and use.
- 47.61.070 Bonds to provide matching funds—Statement describing nature of obligation—Pledge of excise taxes.
- 47.61.080 Bonds to provide matching funds—Bonds to reflect terms and conditions of grant agreement.
- 47.61.090 Bonds to provide matching funds—Designation of funds to repay bonds and interest.
- 47.61.100 Bonds to provide matching funds—Repayment procedure—Highway bond retirement fund.
- 47.61.110 Bonds to provide matching funds—Sums in excess of retirement requirements—Use.
- 47.61.120 Bonds to provide matching funds—Appropriation from motor vehicle fund.

**47.61.010 Highway commission may enter agreement and apply for financial assistance.** Recognizing that the Washington state ferries system is an integral part of the state highway system, the Washington state highway commission is authorized to enter into an agreement with the administrator of the housing and home finance agency and to make application for a grant for financial assistance for the acquisition by construction or purchase of new vessels pursuant to the provisions of the Urban Mass Transportation Act of 1964. [1965 ex.s. c 56 § 1.]

**47.61.020 Bonds to provide matching funds—Issuance and sale.** In order to provide necessary state matching funds as required by the Urban Mass Transportation Act of 1964, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of eleven million dollars, or such amount thereof and at such times as determined to be necessary by the state highway commission. No bonds shall be issued under the provisions of this chapter until the administrator of the housing and home finance agency has approved a grant to the Washington state highway commission of not less than fifty percent of the cost of acquisition of vessels referred to in RCW 47.61.010. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the Washington state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as may be necessary for the orderly progress of said project. [1965 ex.s. c 56 § 2.]

**47.61.030 Bonds to provide matching funds—Term—Terms and conditions.** Each of such bonds shall be made payable at any time not exceeding twenty-five years from the time of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. [1965 ex.s. c 56 § 3.]

**47.61.040 Bonds to provide matching funds—Signatures—Registration—Where payable—Negotiable instruments.** The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments. [1965 ex.s. c 56 § 4.]

**47.61.050 Bonds to provide matching funds—Denominations—Manner and terms of sale—Legal investment for state funds.** The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of this chapter shall be legal investment for any of the funds of the state, except the permanent school fund. [1965 ex.s. c 56 § 5.]

**47.61.060 Bonds to provide matching funds—Bond proceeds—Deposit and use.** The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the acquisition by construction or purchase of new ferry vessels and for the payment of all expense incurred in the drafting, printing, issuance, and sale of any such bonds. [1965 ex.s. c 56 § 6.]

**47.61.070 Bonds to provide matching funds—Statement describing nature of obligation—Pledge of excise taxes.** Bonds issued under the provisions of this chapter shall distinctly state that they are not a general obligation of the state but are payable in the manner provided in this chapter from the proceeds of state excise taxes on motor vehicle fuels imposed by chapters 82.36 and 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of this chapter, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of this chapter. [1965 ex.s. c 56 § 7.]

**47.61.080 Bonds to provide matching funds—Bonds to reflect terms and conditions of grant agreement.**

Bonds issued under the provisions of RCW 47.61.020 shall fully reflect the terms and conditions of the grant agreement to be executed pursuant to the provisions of RCW 47.61.010. [1965 ex.s. c 56 § 8.]

**47.61.090 Bonds to provide matching funds—**  
**Designation of funds to repay bonds and interest.** Any funds required to repay such bonds, or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is, or may be appropriated to the highway department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds. [1965 ex.s. c 56 § 9.]

**47.61.100 Bonds to provide matching funds—**  
**Repayment procedure—Highway bond retirement fund.** At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments under the provisions of this chapter when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times. [1965 ex.s. c 56 § 10.]

**47.61.110 Bonds to provide matching funds—Sums in excess of retirement requirements—Use.** Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, or in the event there is appropriated from time to time additional amounts to be placed in the said bond retirement fund, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period. [1965 ex.s. c 56 § 11.]

**47.61.120 Bonds to provide matching funds—**  
**Appropriation from motor vehicle fund.** There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1967, the sum of eleven million dollars, or so much thereof as may be necessary to carry out the provisions of this chapter, but no money shall be available under this appropriation from said fund unless a like amount of bonds provided for herein are sold and the moneys derived therefrom are deposited to the credit of such funds. [1965 ex.s. c 56 § 12.]

**Chapter 47.64**  
**MARINE EMPLOYEES—PUBLIC**  
**EMPLOYMENT RELATIONS**  
**(Formerly: Marine employee commission)**

Sections	
47.64.005	Declaration of policy.
47.64.010	Definitions.
47.64.030	Duties of commission in general.
47.64.040	Adjudication of labor disputes—Hearings— Subpoenas.
47.64.060	Federal social security—State employees' retirement.
47.64.070	Employees subject to industrial insurance laws.
47.64.080	Employee seniority rights.
47.64.090	Other party operating ferry by rent, lease or charter to be subject to chapter—Working conditions— Adjudication of labor disputes.

**47.64.005 Declaration of policy.** The state of Washington, as a public policy, declares that sound labor relations are essential to the development of a ferry and bridge system which will best serve the interests of the people of the state. [1961 c 13 § 47.64.005. Prior: 1949 c 148 § 1; Rem. Supp. 1949 § 6524-22.]

**47.64.010 Definitions.** Words and phrases used in this chapter shall have the meaning in this chapter ascribed to them except where, from the context thereof, they shall clearly have a contrary meaning:

(1) "Washington toll bridge authority" and "authority," "toll bridge authority" shall be used herein interchangeably and shall mean the Washington toll bridge authority as now, or as hereafter constituted by law, or such board, commission, authority, or officers as shall succeed to its duties;

(2) "Commission" means public employment relations commission;

(3) "Ferry" shall mean any ferry, ferry system, wharves, terminals constructed or acquired under the authority of the Washington toll bridge authority;

(4) "Employee" shall mean any person employed aboard ferries, wharves, or terminals acquired or constructed under the authority of the Washington toll bridge authority. [1975 1st ex.s. c 296 § 33; 1961 c 13 § 47.64.010. Prior: 1949 c 148 § 2; Rem. Supp. 1949 § 6524-23.]

**Effective date—**1975 2nd ex.s. c 5: See RCW 41.58.901.  
*For powers and duties of commission, see chapter 41.58 RCW.*

**47.64.030 Duties of commission in general.** The authority is empowered to negotiate and to enter into

labor agreements with its employees or their representatives, including provisions for health and welfare benefits for its employees to be financed either wholly or in part by contributions from the operating fund. The commission shall have the authority to administer labor relations and to adjudicate all labor disputes on the best interests of the efficient operation of any ferry or ferry system. In adjudicating disputes, the commission shall take into consideration that though an individual employee shall be free to decline to associate with his fellow employees, it is necessary that he have full freedom of association, self-organization and designation of representatives of his own choosing who shall represent him in all respects before the authority to negotiate the terms and conditions of his employment and before the commission for the settlement of his labor disputes. The commission shall make such surveys of wages, hours and working conditions as it deems necessary, shall consider the prevailing practices for similarly skilled trades in the area in which the employee is employed. The commission shall adjust complaints, grievances and disputes concerning labor arising out of the operation of the ferry or ferry system. [1975 1st ex.s. c 296 § 34; 1961 c 13 § 47.64.030. Prior: 1953 c 211 § 2; 1949 c 148 § 3, part; Rem. Supp. 1949 § 6524-24, part.]

**Effective date**—1975 2nd ex.s. c 5: See RCW 41.58.901.

**47.64.040 Adjudication of labor disputes—Hearings—Subpoenas.** Any employee, employee's representative, or Washington toll bridge authority claiming labor disputes shall in writing notify the commission who shall make careful inquiry into the cause thereof and issue an order in writing advising the employee, or his representative, and the authority as to the decision of the commission.

The parties shall be entitled to offer evidence relating to disputes at all hearings conducted by the commission. All evidence, statements and testimony in any commission hearing under this chapter shall be transcribed and preserved by the commission and be available as a public record. The orders and awards of the commission shall be final and binding upon any employee or employees or their representatives affected thereby and upon the Washington toll bridge authority.

The commission shall by regulation prescribe its rules of procedure.

The commission shall have the authority to subpoena any employee or employees, or their representatives, and any member or representative of the Washington toll bridge authority, and any witnesses. The commission shall have power to require attendance of witnesses and the production of all pertinent records at any hearings held by the commission. The subpoenas of the commission shall be enforceable by order of any superior court in the state of Washington for the county within which such proceedings may be pending. [1975 1st ex.s. c 296 § 35; 1961 c 13 § 47.64.040. Prior: 1949 c 148 § 3, part; Rem. Supp. 1949 § 6524-24, part.]

**Effective date**—1975 2nd ex.s. c 5: See RCW 41.58.901.

**47.64.060 Federal social security—State employees' retirement.** All employees engaged in the operation of ferries acquired by the authority shall remain subject to the federal social security act and shall be under the state employees' retirement act. The authority shall make such deductions from salaries of employees and contributions from revenues of the authority as shall be necessary to qualify such employees for benefits under the federal social security act; and the appropriate officials are authorized to contract with the secretary of health, education and welfare to effect such coverage. [1961 c 13 § 47.64.060. Prior: 1957 c 271 § 7; 1951 c 82 § 2; 1949 c 148 § 5; Rem. Supp. 1949 § 6524-26.]

**47.64.070 Employees subject to industrial insurance laws.** Employees, except the masters and members of the crews of vessels, shall be subject to and entitled to the benefits of the industrial insurance laws of the state, and are hereby declared to be in extrahazardous employment within the meaning of such laws. [1961 c 13 § 47.64.070. Prior: 1951 c 259 § 2; 1949 c 148 § 6; Rem. Supp. 1949 § 6524-27.]

**47.64.080 Employee seniority rights.** All employees employed at the time of the acquisition of any ferry or ferry system by the toll bridge authority shall have seniority rights to the position they occupy aboard said ferries or ferry system. In the event of curtailment of ferry operations for any reason, employees shall be relieved of service on the basis of their duration of employment in any ferry or ferry system acquired by the toll bridge authority. [1961 c 13 § 47.64.080. Prior: 1949 c 148 § 7; Rem. Supp. 1949 § 6524-28.]

**47.64.090 Other party operating ferry by rent, lease or charter to be subject to chapter—Working conditions—Adjudication of labor disputes.** Should any party assume the operation and maintenance of any ferry or ferry system by rent, lease or charter from the Washington toll bridge authority, such party shall assume and be bound by all the provisions herein and any agreement or contract for such operation of any ferry or ferry system entered into by the Washington toll bridge authority shall provide that the wages to be paid, hours of employment, working conditions and seniority rights of employees will be established by the marine employees commission in accordance with the terms and provisions of this chapter and it shall further provide that all labor disputes shall be adjudicated by the marine employees commission. [1961 c 13 § 47.64.090. Prior: 1949 c 148 § 8; Rem. Supp. 1949 § 6524-29.]

### Chapter 47.65

#### PUGET SOUND TRANSPORTATION SYSTEM— EMPLOYEES' RETIREMENT

##### Sections

47.65.060	Employees to be members of state employees' retirement system—Employer's contribution—Former service credit.
47.65.070	Federal social security.
47.65.080	Employer's contribution for former service.
47.65.091	Appropriation—1959 ex.s. c 4.

**47.65.060 Employees to be members of state employees' retirement system—Employer's contribution—Former service credit.** Subject to the provisions of chapter 41.40 RCW every employee of the Washington toll bridge authority shall become a member of the state employees' retirement system. The Washington toll bridge authority shall pay into the state retirement system the required employer's contributions for each employee for the period beginning April 1, 1949 or from the time he became eligible for membership. Each eligible member shall receive credit for all of his former service from the beginning of his employment on ferries, wharves, or terminals acquired, leased or constructed by or for the Washington toll bridge authority. Satisfactory proof of service with previous employer shall be furnished the state employees' retirement board by employee. [1961 c 13 § 47.65.060. Prior: 1957 c 271 § 6.]

**47.65.070 Federal social security.** See RCW 47.64.060.

**47.65.080 Employer's contribution for former service.** Any employer's contribution required to establish employees' credit for former service under RCW 47.65.060, shall be paid by the Washington toll bridge authority in such amount as will entitle the employee to all rights, benefits and privileges that he would have been entitled to had he been a member of the state employees' retirement system from the beginning of his employment with the authority on or after June 1, 1951. Such contributions for former service shall be payable at the rate of seventy-five thousand dollars in each calendar year and shall continue at such rate until such payments are equal to the then outstanding liability for former service credits. [1961 c 13 § 47.65.080. Prior: 1957 c 271 § 8.]

**47.65.091 Appropriation—1959 ex.s. c 4.** There is appropriated from the Puget Sound transportation stabilization fund to the Washington toll bridge authority for the biennium beginning July 1, 1959, and ending June 30, 1961, the sum of five hundred thousand dollars or so much thereof as is necessary to carry out the provisions of chapter 47.65 RCW. [1961 c 13 § 47.65.091. Prior: 1959 ex.s. c 4 § 3.]

### Chapter 47.98 CONSTRUCTION

#### Sections

47.98.010	Continuation of existing law.
47.98.020	Provisions to be construed in <i>pari materia</i> .
47.98.030	Title, chapter, section headings not part of law.
47.98.040	Invalidity of part of title not to affect remainder.
47.98.041	Severability—1963 ex.s. c 3.
47.98.042	Severability—1965 ex.s. c 170.
47.98.043	Severability—1967 ex.s. c 145.
47.98.044	Severability—1967 c 108.
47.98.045	Severability—1969 ex.s. c 281.
47.98.050	Repeals and saving.
47.98.060	Emergency—1961 c 13.

**47.98.010 Continuation of existing law.** The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments. Nothing in this 1961 reenactment of this title shall be construed as authorizing any new bond issues or new or additional appropriations of moneys but the bond issue authorizations herein contained shall be construed only as continuations of bond issues authorized by prior laws herein repealed and reenacted, and the appropriations of moneys herein contained are continued herein for historical purposes only and this act shall not be construed as a reappropriation thereof and no appropriation contained herein shall be deemed to be extended or revived hereby and such appropriation shall lapse or shall have lapsed in accordance with the original enactment: *Provided*, That this act shall not operate to terminate, extend, or otherwise affect any appropriation for the biennium commencing July 1, 1959 and ending June 30, 1961. [1961 c 13 § 47.98.010.]

**47.98.020 Provisions to be construed in *pari materia*.** The provisions of this title shall be construed in *pari materia* even though as a matter of prior legislative history they were not originally enacted in the same statute. The provisions of this title shall also be construed in *pari materia* with the provisions of Title 46 RCW, and with other laws relating to highways, roads, streets, bridges, ferries and vehicles. This section shall not operate retroactively. [1961 c 13 § 47.98.020.]

**47.98.030 Title, chapter, section headings not part of law.** Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law. [1961 c 13 § 47.98.030.]

**47.98.040 Invalidity of part of title not to affect remainder.** If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected. [1961 c 13 § 47.98.040.]

**Severability—1961 ex.s. c 7:** For severability applying to RCW 47.60.350–47.60.390, see note following RCW 82.98.030.

**47.98.041 Severability—1963 ex.s. c 3.** If any phrase, clause, subsection or section of this act shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the legislature would have enacted this act without the phrase, clause, subsection or section so held unconstitutional or invalid and the remainder of the act shall not be affected as a result of said part being held unconstitutional or invalid. [1963 ex.s. c 3 § 57.]

**47.98.042 Severability—1965 ex.s. c 170.** 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. [1965 ex.s. c 170 § 70.]

**47.98.043 Severability—1967 ex.s. c 145.** If any provision of this 1967 amendatory 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. [1967 ex.s. c 145 § 73.]

**47.98.044 Severability—1967 c 108.** 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. [1967 c 108 § 14.]

**47.98.045 Severability—1969 ex.s. c 281.** 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. [1969 ex.s. c 281 § 64.]

**47.98.050 Repeals and saving.** The following acts or parts of acts are repealed:

- (1) Chapter 56, Laws of 1913;
- (2) Chapter 65, Laws of 1913;
- (3) Chapter 29, Laws of 1915;
- (4) Chapter 164, Laws of 1915;
- (5) Chapter 76, Laws of 1917;
- (6) Chapter 77, Laws of 1917;
- (7) Chapter 78, Laws of 1917;
- (8) Chapter 118, Laws of 1917;
- (9) Chapter 56, Laws of 1919;
- (10) Chapter 146, Laws of 1919;
- (11) Chapter 21, Laws of 1921;
- (12) Chapter 89, Laws of 1921;
- (13) Chapter 95, Laws of 1921;
- (14) Chapter 41, Laws of 1923;
- (15) Chapter 102, Laws of 1923;
- (16) Chapter 129, Laws of 1923;
- (17) Chapter 185, Laws of 1923;
- (18) Chapter 4, Laws of 1925;
- (19) Chapter 24, Laws of 1925;
- (20) Chapter 26, Laws of 1925;
- (21) Chapter 59, Laws of 1925 extraordinary session;
- (22) Chapter 131, Laws of 1925 extraordinary session;
- (23) Chapter 214, Laws of 1927;
- (24) Chapter 232, Laws of 1927;
- (25) Chapter 242, Laws of 1927;
- (26) Chapter 88, Laws of 1929;
- (27) Chapter 116, Laws of 1929;
- (28) Chapter 146, Laws of 1929;
- (29) Chapter 171, Laws of 1929;
- (30) Chapter 214, Laws of 1929;
- (31) Chapter 29, Laws of 1931;
- (32) Chapter 30, Laws of 1931;
- (33) Chapter 31, Laws of 1931;
- (34) Chapter 36, Laws of 1931;
- (35) Chapter 37, Laws of 1931;
- (36) Chapter 38, Laws of 1931;
- (37) Chapter 117, Laws of 1931;
- (38) Chapter 118, Laws of 1931;
- (39) Chapter 129, Laws of 1931;
- (40) Chapter 133, Laws of 1933;

- (41) Chapter 144, Laws of 1935;
- (42) Sections 1 through 3, and 5 through 107, chapter 53, Laws of 1937;
- (43) Chapter 113, Laws of 1937;
- (44) Chapter 173, Laws of 1937;
- (45) Chapter 185, Laws of 1937;
- (46) Sections 59, 60, 61, 63 and 65, chapter 187, Laws of 1937;
- (47) Chapter 190, Laws of 1937;
- (48) Chapter 207, Laws of 1937;
- (49) Chapter 5, Laws of 1939;
- (50) Chapter 81, Laws of 1939;
- (51) Sections 7 and 8, chapter 181, Laws of 1939;
- (52) Chapter 9, Laws of 1941;
- (53) Chapter 136, Laws of 1941;
- (54) Sections 9 through 11, chapter 82, Laws of 1943;
- (55) Chapter 132, Laws of 1943;
- (56) Chapter 135, Laws of 1943;
- (57) Chapter 147, Laws of 1943;
- (58) Chapter 212, Laws of 1943;
- (59) Chapter 239, Laws of 1943;
- (60) Chapter 253, Laws of 1943;
- (61) Chapter 265, Laws of 1943;
- (62) Chapter 266, Laws of 1943;
- (63) Chapter 27, Laws of 1945;
- (64) Chapter 127, Laws of 1945;
- (65) Chapter 146, Laws of 1945;
- (66) Chapter 176, Laws of 1945;
- (67) Chapter 178, Laws of 1945;
- (68) Chapter 248, Laws of 1945;
- (69) Chapter 250, Laws of 1945;
- (70) Chapter 266, Laws of 1945;
- (71) Chapter 4, Laws of 1947;
- (72) Chapter 96, Laws of 1947;
- (73) Chapter 201, Laws of 1947;
- (74) Chapter 202, Laws of 1947;
- (75) Chapter 206, Laws of 1947;
- (76) Chapter 232, Laws of 1947;
- (77) Chapter 64, Laws of 1949;
- (78) Chapter 70, Laws of 1949;
- (79) Section 1, chapter 75, Laws of 1949;
- (80) Chapter 148, Laws of 1949;
- (81) Chapter 162, Laws of 1949;
- (82) Chapter 179, Laws of 1949;
- (83) Section 13, chapter 196, Laws of 1949;
- (84) Sections 1 through 6, 14 and 15, chapter 220, Laws of 1949;
- (85) Chapter 225, Laws of 1949;
- (86) Chapter 8, Laws of 1951;
- (87) Chapter 54, Laws of 1951;
- (88) Chapter 82, Laws of 1951;
- (89) Chapter 121, Laws of 1951;
- (90) Chapter 167, Laws of 1951;
- (91) Chapter 188, Laws of 1951;
- (92) Chapter 199, Laws of 1951;
- (93) Sections 1 through 15, chapter 247, Laws of 1951;
- (94) Chapter 259, Laws of 1951;
- (95) Sections 1 through 23, 25 through 28, and 30, chapter 273, Laws of 1951;
- (96) Chapter 28, Laws of 1953;
- (97) Chapter 29, Laws of 1953;

- (98) Chapter 30, Laws of 1953;
- (99) Chapter 32, Laws of 1953;
- (100) Chapter 33, Laws of 1953;
- (101) Chapter 42, Laws of 1953;
- (102) Chapter 53, Laws of 1953;
- (103) Chapter 54, Laws of 1953;
- (104) Chapter 55, Laws of 1953;
- (105) Chapter 59, Laws of 1953;
- (106) Chapter 78, Laws of 1953;
- (107) Chapter 79, Laws of 1953;
- (108) Chapter 82, Laws of 1953;
- (109) Chapter 100, Laws of 1953;
- (110) Chapter 131, Laws of 1953;
- (111) Chapter 132, Laws of 1953;
- (112) Chapter 154, Laws of 1953;
- (113) Chapter 159, Laws of 1953;
- (114) Chapter 183, Laws of 1953;
- (115) Chapter 192, Laws of 1953;
- (116) Chapter 193, Laws of 1953;
- (117) Chapter 211, Laws of 1953;
- (118) Chapter 220, Laws of 1953;
- (119) Section 1, chapter 254, Laws of 1953;
- (120) Sections 1 through 28 and 30, chapter 280, Laws of 1953;
- (121) Chapter 285, Laws of 1953;
- (122) Chapter 17, Laws of 1955;
- (123) Chapter 21, Laws of 1955;
- (124) Chapter 22, Laws of 1955;
- (125) Chapter 49, Laws of 1955;
- (126) Chapter 54, Laws of 1955;
- (127) Chapter 63, Laws of 1955;
- (128) Chapter 75, Laws of 1955;
- (129) Chapter 83, Laws of 1955;
- (130) Chapter 84, Laws of 1955;
- (131) Chapter 117, Laws of 1955;
- (132) Section 6, chapter 146, Laws of 1955;
- (133) Chapter 147, Laws of 1955;
- (134) Chapter 152, Laws of 1955;
- (135) Chapter 161, Laws of 1955;
- (136) Chapter 166, Laws of 1955;
- (137) Chapter 178, Laws of 1955;
- (138) Chapter 179, Laws of 1955;
- (139) Chapter 203, Laws of 1955;
- (140) Chapter 208, Laws of 1955;
- (141) Section 20, chapter 285, Laws of 1955;
- (142) Sections 7 and 8, chapter 310, Laws of 1955;
- (143) Chapter 311, Laws of 1955;
- (144) Chapter 383, Laws of 1955;
- (145) Sections 8 and 12 through 14, chapter 384, Laws of 1955;
- (146) Chapter 83, Laws of 1957;
- (147) Chapter 95, Laws of 1957;
- (148) Chapter 141, Laws of 1957;
- (149) Chapter 142, Laws of 1957;
- (150) Chapter 152, Laws of 1957;
- (151) Sections 1 through 36 and 38 through 60, chapter 172, Laws of 1957;
- (152) Chapter 189, Laws of 1957;
- (153) Chapter 204, Laws of 1957;
- (154) Chapter 206, Laws of 1957;
- (155) Chapter 230, Laws of 1957;
- (156) Chapter 235, Laws of 1957;

- (157) Chapter 266, Laws of 1957;
- (158) Chapter 270, Laws of 1957;
- (159) Sections 1 and 2 and 5 through 12, chapter 271, Laws of 1957;
- (160) Chapter 144, Laws of 1959;
- (161) Chapter 160, Laws of 1959;
- (162) Chapter 162, Laws of 1959;
- (163) Chapter 167, Laws of 1959;
- (164) Chapter 184, Laws of 1959;
- (165) Chapter 198, Laws of 1959;
- (166) Chapter 199, Laws of 1959;
- (167) Chapter 242, Laws of 1959;
- (168) Sections 1 through 5 and 7, chapter 292, Laws of 1959;
- (169) Sections 1 through 19, and 33 through 35, chapter 319, Laws of 1959;
- (170) Section 3, chapter 326, Laws of 1959;
- (171) Chapter 330, Laws of 1959;
- (172) Section 2, chapter 4, Laws of 1959 first extraordinary session; and
- (173) RCW 43.27.020 through 43.27.200 (recodified herein as chapter 47.01).

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office or appointment or employment of any person appointed or employed thereunder.

Such repeals shall not affect the adoption by reference in sections 47.16.140, 47.16.190 and 47.20.380 of the highway routes established respectively by sections 5, 4, and 38, chapter 383, Laws of 1955. [1961 c 13 § 47.98.050.]

**47.98.060 Emergency—1961 c 13.** This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing institutions and shall take effect immediately: *Provided*, That the effective date of sections 47.16.160, 47.20.110, and 47.20.380 shall be July 1, 1961. [1961 c 13 § 47.98.060.]



# **REVISED CODE OF WASHINGTON**

1976 Edition

## **CERTIFICATE**

The 1976 edition of the Revised Code of Washington, published officially by the Statute Law Committee, is, in accordance with the provisions of RCW 1.08.037, certified to comply with the current specifications of the committee.

(signed)

**Robert L. Charette, Chairman,  
STATUTE LAW COMMITTEE**

## NOTES